United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, THURSDAY, APRIL 14, 2011 No. 55

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Let us pray.

Almighty God, accept with favor this, our sacrifice of praise, which we present. We offer You ourselves, thanking You for calling us to serve freedom's cause on Capitol Hill. Lord, You provide us with the opportunity to make a positive impact on the lives of millions. We are honored to serve You by serving our country. Use our lawmakers who are people of faith to do everything with decency, precision, and integrity. Remove the barriers that divide us, replacing them with such a passionate love for You and country that we will continue to find the common ground of progress.

We pray in Your sacred Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL 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. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, April 14, 2011.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mr. UDALL of New Mexico 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 any leader remarks, the Senate will be in morning business until we receive the continuing resolution papers from the House of Representatives; therefore, the time until 2 p.m. will be equally divided and controlled between the two parties. Once the resolution arrives, there will be three rollcall votes in relation to the two correcting resolutions regarding health care reform and Planned Parenthood and passage of the long-term continuing resolution. It looks as though the House will vote around 4 p.m. We thought it would be earlier, but that time has slipped. Senators will be notified when we schedule the votes.

People can come and talk all they want. I am very appreciative of everybody in the Senate—Democrats, Republicans—that we were able to get the consent agreement to move forward after we get the papers from the House. If there were ever an issue that has been talked to death, it is this resolution. I think everyone realizes we have talked about this long enough. If anyone has anything to say before 2 o'clock about this or anything else, you are welcome to come to the Senate floor. There will be no debate. These papers will arrive, and we will vote on them as quickly as we can.

Would the Chair announce morning business, please.

## RESERVATION OF LEADER TIME

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

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with the time until 2 p.m. equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

Mr. President, I ask that the time be equally divided during the time of morning business and that if there are quorum calls, they be equally divided.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

## RECOGNITION OF THE MINORITY LEADER

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

## PRESIDENT OBAMA JOINS THE DEBATE

Mr. MCCONNELL. Mr. President, yesterday, President Obama outlined what he is describing as a ''responsible'' approach to our Nation's fiscal problems. And my initial response to that characterization is that, with all due respect,

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



Printed on recycled paper.

the American people are not inclined to take advice on fiscal responsibility from an administration whose unprecedented borrowing and spending has done so much to create the mess we are in.

After 2 years of adding trillions to the debt and ignoring our Nation's looming fiscal nightmare, the President may be right in thinking that the politically expedient thing to do is point the finger at others. But the truly responsible thing would be to admit that his own 2-year experiment in big government has been a disaster for the economy and itself a major driver of our debt; and that his inaction on the latter is the primary reason others have been forced to step forward and offer meaningful solutions of their own.

That is what most people already believe anyway. So the President's attempt to stake out the high ground in this debate was, I suspect, hard for many Americans to swallow.

Despite the President's imaginative account of how we arrived at the situation we are in, the American people are well past the point of believing that Washington will be able to make good on all its promises if only we let the President and Democrats in Congress raise taxes.

Americans know that we face a fiscal crisis not because we tax too little but because we spend too much. They do not support the reckless Washington spending that has left us with record deficits and debt, and they will not support raising taxes to preserve an unsustainable status quo. Besides, lawmakers on both sides of the aisle have already rejected the kind of tax hike on small business that President Obama endorsed again yesterday. So it was counterproductive of him to revive it.

As for entitlements, the President rightly acknowledged that before we know it, the government will spend every dime it takes in just to cover the cost of Medicare, Medicaid, Social Security, and the interest on our debt. What he did not say is that the health care bill he signed last year takes more than half a trillion dollars out of Medicare to pay for an entirely new entitlement that could be just as unsustainable as Medicare itself; and which forces nearly 20 million more Americans into a Medicaid Program which, as currently arranged, is bankrupting our States.

So the President can claim to be a great defender of the social safety net. He may claim to stand for a nobler vision of America than those who disagree with him. But the facts speak for themselves. And when it comes to preserving the social safety net, the President's proposals simply do not address the things that have caused our most cherished entitlement programs to be unsustainable in the first place.

Instead, the President would simply tinker around the edges and leave the hard work for others, passing the buck to future Presidents. And that just won't cut it anymore.

Americans are paying attention. They know the fiscal problems we face will not be solved by continuing the job-destroying policies that got us here. What is more, the centerpiece of the President's proposal, tax hike on top earners, may sound appealing to those whose primary goal in this debate is to protect big government. But looking at the most recent data, the Wall Street Journal points out this morning that even if we were to lay claim to every taxable dollar of every single American who earns more than $100,000 a year, we still wouldn't raise enough to cover the $1.6 trillion deficit the President's budget gives us this year.

The best way to bring down the debt and to create the climate that will lead to good private-sector jobs and prosperity is not to repeat the policies of the past but to change them. And that means cutting Washington spending, not squeezing family budgets even more.

Throughout the day today, Senators will have an opportunity to debate a down payment on those cuts for the rest of the current fiscal year. So I invite them to come to the floor to discuss that proposal. After that, we will move onto an even more far-reaching debate not about billions but about trillions. That is the debate that will show Americans exactly where their elected representatives stand on facing up to the fiscal challenges we face. Republicans look forward to that debate.

That brings me to a final point.

Yesterday, the President said that the debate we have been having in Washington about the size and scope of government is not about numbers on a page. It is about the kind of country we believe in. But he left out an important point. And that is, that there are a great many people in Washington and beyond who agree with him, but who also believe in their core that the approach he has taken over the past 2 years represents the greatest single threat to the very future he envisions. America will not continue to be the great Nation it is unless we are able to keep our promises to the current and future generations, and stop spending money we do not have. But the greatest obstacle to that future is not the everyday American who wants Washington to balance its checkbook, or those who look at where the President's policies have gotten us and map out a different path to the future than he would. The greatest obstacle we face is the crushing burden of our debt, as the President now admits.

Unfortunately, the plan he outlined yesterday does not seriously address it. Americans know the stakes in this debate. They know the reason we are in this situation. It is time the President and Democrats in Congress acknowledge it as well. The debate has shifted. And while the President does not seem to see that yet, we will not solve our problems until he stops campaigning and joins us in a serious, bipartisan effort to change not only his tone but his direction. That is how we will ensure that the future that he—and we—envision and want actually comes about. That is the only chance we have.

I yield the floor, and 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. DURBIN. 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.

## CONTINUING RESOLUTION

Mr. DURBIN. Mr. President, a little later today we are going to receive from the House of Representatives a spending bill which, if passed, will fund the government for the remainer of this fiscal year, which ends on September 30. Included in that vote today are two other votes, separate votes, which were insisted on by the House Republicans. One of the votes will defund Planned Parenthood across the United States.

Under title X, a law which was proposed by President Nixon and passed by Congress—and supported for over 40 years since—we have provided money across America to clinics that take care of women, children, and families who otherwise would have no place to turn.

One of the recipients of those funds is Planned Parenthood. They do not receive all the funds or even a majority of the funds. But they do receive support through title X. In my State of Illinois, Planned Parenthood has clinics in many down-State communities, as well as in the Chicagoland area. In my hometown of Springfield, there is a Planned Parenthood clinic. It provides valuable services for many women in my community and State—services which otherwise they could not find or afford: basic examinations by doctors who can screen for forms of cancer, for infectious disease. These are things which many women rely on, and they are valuable services. Yet the House Republicans are determined to take the funding away from Planned Parenthood.

The amendment on the floor addresses that issue. I will vote against that amendment, and I will vote against it because I understand closing down Planned Parenthood as one of the recipients of title X funds will mean that literally 69,000 women in the State of Illinois who rely on Planned Parenthood clinics will then have to struggle to find another source of medical care, and it is not always easy to do it. Many of these women—most of them—are uninsured and very few of them have the economic wherewithal to pay for these services.

For over 90 years, Planned Parenthood has provided comprehensive preventive and primary health care to people, primarily the low-income, uninsured, and Medicaid recipients. Last year, 3 million people across America—that is 1 percent of our population—relied on Planned Parenthood's 800 health centers for cancer screenings, family planning, and annual exams.

Now the House Republicans are arguing we have to stop funding Planned Parenthood because that is a way to prevent abortion. Well, let me say, we have to understand that the law for over 30 years in America has made it clear—an amendment offered by a Congressman from Illinois, Henry Hyde, made it clear—that no Federal funds can be used for abortion services except in the most extreme and restricted cases: rape, incest, or where the mother's life is at stake. That has been the law. It has not been changed. It was not changed under this President or previous Presidents. That has been, since the time of Henry Hyde, the guiding policy of this land and there is no one to suggest that it be changed. Every dollar received by Planned Parenthood from the Federal Government is carefully restricted so that it cannot be used for abortion services.

Planned Parenthood does provide abortion counseling but only for 3 percent of their activities. Ninety-seven percent of their activities have nothing to do with it, and not a penny of the abortion counseling services can come from Federal funds except in the most restricted circumstances under the Hyde amendment. Ninety percent of Planned Parenthood's activities are basically preventive.

Let me tell my colleagues, if we don't allow women of limited means and with no insurance access to family planning counseling and services, it means there will be more unintended pregnancies and, sadly, more abortions. It is estimated that if we did not have title X funding in Illinois, if we didn't provide this kind of assistance for women in lower income categories, we would have 24 percent more abortions because of unintended pregnancies. So if what the House Republicans are seeking to do is to reduce the number of abortions, they are doing it exactly the wrong way. Providing information and counseling to women so they can plan their families and not end up with unintended pregnancies is a good way to reduce the number of abortions. That, to me, is as clear as possible. Yet they seem to be tied in knots when it comes to this and don't understand this basic causal connection.

Last year, with the help of Federal dollars, Planned Parenthood health centers performed 1 million cervical exams, 800,000 breast exams, and 4 million tests and treatments for sexually transmitted infections such as HIV. If Planned Parenthood is prohibited from receiving Federal funding, which is the issue that will be on the floor, most of their health centers would be forced to close. Then what happens to the millions of women and others across America who rely on their services?

Let me tell my colleagues one story that I think demonstrates why this is a critical vote. It comes from a Planned Parenthood clinic in Aurora, IL. A woman in her early forties was uninsured because she lost her job. Her daughter suggested she go to Planned Parenthood for her annual checkup. During the woman's routine breast exam, a 4 centimeter by 4 centimeter lump was found in her breast. That is a sizable lump. The providers at Planned Parenthood helped the woman get a mammogram and connected her with an oncologist. Thankfully, the cancerous lump was removed, and the woman recovered completely. That woman went back to the Aurora Planned Parenthood to thank them and to let them know that without that care, she could have died. So when it gets down to this vote, it literally is a matter of life and death.

I hope those who feel strongly about one issue or the other will also feel strongly about the right of every person to have access to quality care whether they are rich or poor. Planned Parenthood provides that care in my State and across the Nation.

The other amendment is also going to relate to health care. I find it hard to believe that at this moment in time the Republicans are suggesting we should repeal health care reform. This morning, we had a town meeting, and in our town meeting was a group of young people who came from Illinois and who are recovering or in treatment for cancer. These are brave young children and young adults who are battling this disease. I asked them, when someone suggested repealing health care reform, what they would think about a provision in health care reform, which we insisted on, which said that no health insurance company can discriminate against an American under the age of 18 for a preexisting condition. Well, they all cheered because they know, having had cancer in their lives, if they go out on the open market, the cost of their health care and health insurance, if they can buy it, would be prohibitively expensive.

The health care reform we passed here prohibits health insurance companies from discriminating against those children under the age of 18 for preexisting conditions. Those who want to repeal it basically want to take away that protection.

We also know many families raising children of college age get worried because the kids may not have health insurance while they are looking for jobs. We extend the family coverage of people up to the age of 27 so they can stay under their family policy when they get out of college. That gives peace of mind to a lot of families that as their young son or daughter is out taking a part-time job or internship or a trip around the world, they are going to have health insurance until the age of 27. Repealing the law, which is what we will vote on here on the floor, will remove that protection.

Also, when it comes to Medicare, the prescription drug program has a gap in it called the doughnut hole. A lot of seniors with the need for expensive prescription drugs find, after a few months, no coverage from the government. They have to turn around and reach in their savings account and pay out thousands of dollars before that protection coverage resumes. That doughnut hole—the gap—is being closed by this bill. Those who want to repeal health care reform will repeal our efforts to make sure people have this access to the kind of health care and prescription drugs they need to survive and be strong and independent.

I think it is a very clear vote. I have said before that I am open to revisiting health care reform, reforming health care reform, making sure it works the way we intended it to work. As I have said before, the only perfect law I am aware of was written on stone tablets and carried down a mountain by Senator Moses. Every other effort since has been a human effort full of frailties and flaws, and we should always try to make it better. But the notion of wiping the slate clean and repealing health care reform would be a step backward for America. It would acknowledge that the 60 million uninsured Americans will have their ranks swell from others who can't afford to pay for health insurance and certainly can't buy good-quality health insurance today.

I encourage my colleagues to vote no on this amendment to repeal health care reform. We don't need to leave so many American families vulnerable, but we do need to have protections against health insurance companies which too often discriminate against those who need protection the most.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

## HONORING BOB DOLE

Mr. MORAN. Mr. President, I am a firm believer in the view that an individual can make a difference. I am a firm believer that what happens in Washington, DC, is important in our Nation's history and what goes on in our country, but the reality is we change the world one person at a time. That individual is how we make life better.

Earlier this week, on Tuesday morning, I was on the National Mall near the World War II Memorial, and I was there for the dedication of a plaque honoring an individual who made a tremendous difference in the lives of many and made a tremendous difference in the life of our Nation. It was the moment in which a plaque was unveiled recognizing Senator Bob Dole for his contribution—in fact, his efforts and leadership—in seeing that the World War II Memorial was built. Clear

from those who spoke and from what I know of the subject, the World War II Memorial would not be available for us as a nation today in the absence of that individual, Bob Dole, who led the efforts.

There is much in Bob Dole's career here in Washington, DC, as a Member of this body, of the U.S. Senate, that we can heap accolades upon him for, but certainly one of them I know he is most proud of and certainly one of them I and the American people are most grateful for is his efforts to recognize the 16 million Americans who served their country in World War II. There are only about 2.5 million Americans who served in World War II now living, and we lose hundreds of them every day.

Last week, I was at the World War II Memorial with Kansas World War II veterans welcoming an honor flight and thanking World War II veterans from my home State for their service to our country. The World War II Memorial is a magnificent tribute to the sacrifice many have made before us.

I saw the World War II Memorial. It serves its purpose. I saw the World War II Memorial before it was ever dedicated. I put my walking shoes on and walked down to the World War II Memorial a few days before the official ceremony back in 2004, and I saw the place that says ''Kansas,'' and I thought about Kansans.

I thought of my own dad, who is a World War II veteran who served in northern Africa and up the boothill of Italy. I tell this story because the World War II Memorial served its purpose. I walked away from the memorial and used my cell phone to call my dad back home in Plainville, KS. Unfortunately, I got the answering machine at my parents' home, but from a son's point of view, I conveyed the message to my dad: Dad, I am at the World War II Memorial. I respect you, I thank you for your service, and I love you. It is something that sons don't often say to their parents, but it is something that we as Americans—something that the World War II Memorial brings out in us not just to our parents but to all World War II veterans: We respect you, we thank you for your service, and we love you.

We had the opportunity on Tuesday to pay tribute to a special World War II veteran, Bob Dole. One of the aspects of Bob Dole's service to his country certainly in the military as well as here in the Senate, here as an American, was to take care of those who served with him, and not only in World War II. He has been the caring and compassionate guide for all of us as we try to make certain that no military service goes unrewarded and that no commitment that was made to those who serve our country is forgotten.

So I am here today to pay tribute really to all World War II veterans, to all our military men and women now serving, and to those veterans of other wars, but to especially pay tribute to Bob Dole, who recognized and continues to recognize throughout his life the value of service to country and the value of service to other veterans. That plaque is a special reminder that Bob Dole made it possible for all of us as Americans to pay tribute to that generation and is a loving reminder for those who served that we are a grateful nation. It is important that we never forget those who gave us the opportunities to live the lives we live today.

While there are, again, much for which we could congratulate him and express our gratitude to him, I hold him in the highest esteem for his military service.

Sixty-six years ago today, April 14, 1945, young Bob Dole was wounded in northern Italy. He lay on the field in blood and mud for 9 hours. He was rescued. He was returned to home. The people of his hometown raised money. I still remember the photograph of a cigar box in the drugstore into which people back in those difficult times put their dollars and their quarters and their pennies to raise money for Bob Dole's rehabilitation. He was able to access the services in Battle Creek, MI, of a VA hospital.

Amazingly to me, three future Senators who served in World War II ended up in that hospital at the same time. Our own colleague Senator INOUYE, our previous colleague Senator Hart, and our previous colleague Bob Dole were all at the hospital at the same time recovering from their wounds in service to their country.

So it is today that I recognize an aspect of Bob Dole's life—most important, his willingness to sacrifice his life and his service to his country as a member of the 10th Mountain Division; his courage and dedication to his ability to reteach himself, to relearn to write, to bathe, to eat, to become a productive member of our society, and to lead our country in so many ways. I was honored to be present on Tuesday, 2 days ago, in which a grateful nation said: We thank you for your efforts in recognizing other veterans, in the creation and development of the efforts to see that the World War II Memorial, so long in waiting, is now on the National Mall.

Tom Brokaw, the author of the book ''The Greatest Generation,'' was the master of ceremonies on Tuesday, and he concluded his remarks on Tuesday morning by telling the story of Bob Dole raising money for the World War II Memorial. There are no public funds, no Treasury funds in the building of that memorial. Senator Dole and others raised the dollars from private sources to build the memorial. He tells the story of Bob Dole going to California and meeting with a wealthy Hollywood mogul asking for money to build the World War II Memorial. According to Tom Brokaw, the mogul said, ''I am not interested. I have other priorities.'' Bob Dole's response to the mogul, to the noncontributor, was, ''When I was 22, I had other priorities too. I went to war.'' Bob Dole went to war and served his country every day thereafter.

Senator Dole in his remarks concluded by saying, ''I am the most optimistic man in America today.'' We ought to be optimistic because we have individuals such as Bob Dole who have served our country. Today we recognize that service, 66 years ago, April 14, 1945, in northern Italy.

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

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

The legislative clerk proceeded to call the roll.

Mr. WARNER. 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.

## HONORING KEITH PREWITT

Mr. WARNER. Mr. President, I rise, once again, to continue the tradition started in the last Congress by my friend and colleague, the Senator from Delaware, Senator Kaufman, to recognize another great Federal employee.

I think this particular recognition is critically important, since last week this Congress came to the brink, unfortunately, of shutting down the Federal Government, which would have had a dramatic effect upon literally 800,000 Federal employees, many of whom toil tirelessly, oftentimes in the proverbial vineyards, trying to serve the American people. It is my hope that later today the House, and we in the Senate, will pass what perhaps is an imperfect compromise—and every compromise is a bit imperfect—that will continue the operations of this Federal Government through the balance of the fiscal year. It is appropriate that today we continue this tradition, where we single out for recognition on the floor of this Senate one of the Federal employees who continues to provide service to Americans.

The exemplary Federal worker I am referring to this week is Keith Prewitt, the Deputy Director and 27-year veteran of the U.S. Secret Service. Mr. Prewitt is responsible for overseeing the day-to-day operations of the Secret Service, including its 6,700 employees, with a budget of about $1.5 billion.

Mr. Prewitt also oversees protection of the President and the Vice President of the United States, as well as visiting heads of State. He has an impressive resume that includes handling security during three Presidential campaigns, two White House details, and overseeing trips protecting American officials in more than 110 countries.

Mr. Prewitt was first drawn to a life of public service when he was in high school in the 1960s in Memphis, TN. He met a local Memphis police officer who had encouraged him to obey the city curfew, stay safe and out of trouble. Mr. Prewitt said this police officer inspired him to enter public service. Coincidentally, he went on to become a

Memphis police officer following his graduation from college.

In 1983, the Secret Service recruited Mr. Prewitt to serve as a special agent in the Memphis field office. Over the years, he rose through the ranks of the Service. He has served both on the frontlines and in supervisory positions, which have led him to his leadership role today.

Mr. Prewitt is regarded by his peers as one of the best in the field. He has been described as a man of high value and honor who views each day as a training day and is extremely dedicated to his work and loyal to the people who work with him.

One of his peers at the National Association of Black Law Enforcement Officers stated that Mr. Prewitt ''identifies challenges for the organization and seeks to change the status quo to make things better.'' His tireless efforts to improve the performance of the Secret Service have made him a true asset to the agency, the President, the Vice President, and to our country.

I hope my colleagues will join me in honoring Keith Prewitt, a truly great civil servant, and all those in the U.S. Secret Service for their hard work and dedication to our Nation.

It is also my hope that we can conclude the budget for the balance of this fiscal year so we can give Mr. Prewitt, countless other Federal employees, and literally millions of Americans who depend upon the ongoing workings of the Federal Government, the confidence and respect they need by passing the balance of the continuing resolution for this year before we break for the Passover-Easter recess.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

## CONTINUING RESOLUTION

Mr. VITTER. Mr. President, I rise today to explain why I am voting no on the budget deal later this afternoon.

First and foremost, I am voting no because I do not think this is a meaningful, substantial start to getting our hands around what is the biggest threat and potential crisis we face as a nation—out-of-control spending and debt. I suppose $38 billion is more of a cut than we have ever done. But if we put it in any other context, it is very modest indeed.

Take a look at the 8 days leading up to the announcement of this deal and those 8 days alone—barely more than a week. We as a nation racked up $54 billion of brandnew debt, way more than the $38 billion of cuts in just 8 days. That gives some perspective on exactly how modest and how limited in meaning this is.

When you dig a little deeper to look at the details of the cuts, I am afraid the picture gets even worse. A lot of these cuts are paper cuts only—only cuts on paper that do not have a meaningful impact in the real world. There has been significant reporting about this. The Justice Department fund and other examples—that probably accounts for $12 billion or $13 billion of the cuts.

In addition, yesterday the CBO issued a report that said only 1 percent of those cuts—$350 million or so—would have an impact this fiscal year. All the rest is pushed off well into the future. Because of that, I am voting no. I think we need a much stronger start to getting our fiscal house in order.

In addition, I am very concerned about what this budget deal continues to fund in terms of policy, in terms of impact on Americans' lives. The clearest example of that for me is the continuing funding of Planned Parenthood. I believe it is morally wrong to end an innocent human life. I also believe it is morally reprehensible to take tax dollars of millions of pro-life Americans in order to fund organizations that do just that. Americans should not be forced to subsidize abortions, much less fund our Nation's largest abortion provider. That is what Planned Parenthood is, pure and simple.

Opponents of defunding Planned Parenthood have argued in the news and even on the Senate floor that the organization provides many other health care services other than abortions, such as mammograms. We have seen recently that is a big fiction. Planned Parenthood's CEO repeated this assertion recently on news shows. She claimed:

If this bill ever becomes law—

Meaning the defunding of Planned Parenthood—

millions of women in this country are going to lose their healthcare access—not to abortion services—to basic family planning, you know, mammograms.

As I said, in recent days, this has been shown to be a huge fiction. Live Action, which is a pro-life group, recorded calls in the last several days to 30 Planned Parenthood clinics in 27 States. In each conversation, a woman calls in and asks if she can schedule an appointment for a mammogram. And in each conversation, without exception, the Planned Parenthood representative tells her they do not provide mammograms. Period. One staffer admits:

We do not provide those services whatsoever.

Another explains:

We actually don't have a mammogram machine at our clinics.

The staffer at Planned Parenthood in DC was perhaps clearest. She said:

We do not provide mammograms . . . we don't deal with the health side of it so much. We're mostly a surgical facility.

By the way, surgery means one thing: abortion.

This Planned Parenthood staffer is exactly right: 98 percent of their services to pregnant women constitute abortions—98 percent.

This chart lays this out very clearly. This pie chart represents 2009 Planned Parenthood services to pregnant women. The universe of services to pregnant women, abortions is in dark red, 98 percent. Adoption referrals is in blue. I apologize if you cannot see that. The sliver is that tiny. You have to be up close. And all other prenatal care is in green. That is the reality of Planned Parenthood.

We have also seen a recent onslaught of ads that claim Planned Parenthood is simply a leading provider of women health services, but abortion accounts for roughly one-third of the $1 billion generated by its clinics. In fact, Planned Parenthood's annual report acknowledges it provides primary care to 19,700 of its 3 million clients. Number of clients: 3 million; those to whom it provided primary health care: 19,700.

The provision to cut title X funding for health services, such as breast cancer screenings, HIV testing, counseling, and other valuable family planning services, would not block funding for those services at nonabortion providers. It would simply block funds from subsidizing America's largest abortion provider, and abortion is almost everything Planned Parenthood does.

Furthermore, Medicaid spends $1.4 billion on family planning each year. Not $1 of those funds would be affected by this resolution and this proposal. The question we face today is not if family planning and women's health services will be provided but, instead, if we are going to use that as an excuse to fund the biggest abortion provider in the country which does little else.

Although I personally believe abortion is not a right guaranteed by the Constitution, I recognize the sad reality that abortion on demand is legal in this country. Again, this debate is not about that. It is not about whether Planned Parenthood has the right to perform abortions, and it is not about funding true health care services. The question before us is whether millions of pro-life taxpayers have to fund this entity.

Every year since 2000, the government has increased its funding of Planned Parenthood on average $22.2 million per year. As a direct reflection of that, the number of abortions they perform has dramatically increased, even though the overall abortion rate, thank God, in the United States has declined until 2008.

This chart lays out the situation clearly. What is in green represents government grants and contracts to Planned Parenthood. It has consistently gone up and up, a significant increase virtually every year. What is in red represents abortions by Planned Parenthood. Very interesting. There is

virtually the same slope of an increase, while at the same time for this entire period until 2008 abortions nationwide were actually going down.

I do not understand how anyone can look at this and say there is not a connection, say we are not using taxpayer dollars to promote and fund abortion. This notion that it is not used directly for abortion services is a convenient fiction because it is a shell game, because it, in fact, funds Planned Parenthood, and 98 percent of what they do is about abortion.

According to their latest annual report, Planned Parenthood boasted more than $363 million in taxpayer funding, the same year it performed an unprecedented 324,000 abortions.

Planned Parenthood's abortion rate massively outpaces its adoption referrals in particular. In 2008, a woman entering a Planned Parenthood clinic was 134 times more likely to have an abortion than to be referred for an adoption.

In fact, this final chart shows that as Planned Parenthood's abortion rate steadily increased to that staggering number of 332,000 in 2009, its adoption referrals actually decreased to 977 that same year. So again, abortions are in deep red, adoption referrals are in blue, and all other prenatal care is in green. What is the reality, what is the history, what are the facts? Abortions go up dramatically in Planned Parenthood, prenatal services go down, and adoption services go down as abortions go up.

Planned Parenthood has made a profit every year since 1987, including a $63.4 million return in 2009. There is no justification for subsidizing Planned Parenthood's profitable venture with taxpayer dollars, particularly when roughly half or more of those taxpayers deeply disagree with abortion. The sanctity of human life is a principle Congress should proclaim at every opportunity, and the time has come to respect the wishes of so many millions of Americans who have adamantly opposed using taxpayer dollars for abortions by denying all Federal funding to this abortion machine.

This is a social issue, of course. It is also a fiscal issue. Our Federal budget is out of control. We are facing unsustainable debt. So given that, in particular, isn't it time to stop funding an organization that millions of Americans have fundamental problems with? If our Federal Government has any hope of regaining fiscal restraint, we have to make significant cuts—more significant than are being proposed in the deal before us today.

I refuse to believe that Planned Parenthood is the one sacred cow that should stand untouched and be untouchable. The time has come to change this situation and to respect the wishes of the huge majority of Americans who, whether they are prolife or prochoice, think taxpayer dollars should not subsidize abortion. And that is clearly what is going on with Planned Parenthood.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I am so amazed that the lies that have been stated about Planned Parenthood on this floor have been repeated again and again. You know, it gets pretty bad when you are so outrageous that Stephen Colbert and Jon Stewart start to look at what you are saying on the Senate floor. That is a rarity.

This all started when Senator KYL took to the floor and said that 90 percent of what Planned Parenthood does is abortions. Well, that was a little bit wrong. Ninety percent of what Planned Parenthood does is health care—no abortions. As a matter of fact, it is 97 percent. And every dollar of Federal funds that goes to health care may not, since the 1970s—not one slim dime—go toward abortion.

Senator VITTER upped that just now and says that 98 percent of what Planned Parenthood does is abortion. I don't know what he is thinking. But let me reiterate, Planned Parenthood is a nonprofit organization. He says they make a profit. You could say anything, but that doesn't make it true.

I think it is interesting that in the 1960s and 1970s Planned Parenthood, which has become the prime target of the rightwing of Republicans, drew the support of prominent members of the GOP. Richard Nixon signed family planning legislation that authorized Federal funding for groups such as Planned Parenthood. Former Senator Barry Goldwater's wife Peggy was a founding member of Planned Parenthood in Arizona, and former President George Herbert Walker Bush, as a Republican Congressman from Houston, spoke frequently on the House floor about the issue. So it is astounding how the rightwing of the Republican Party has walked so far away from their most revered leaders. That is their choice. But it is also our choice as to whether we are going to stand here and take it or come here and rebut what they are saying.

So count me in and count the Democratic women and many men on this side of the aisle who have stood sentry on this and told the truth about this. And the truth is we are in a budget debate. Everything the Republicans have said is that we have to close the deficit gap, we have to cut spending, cut spending, cut spending. And we said: Okay, we will join you, but where were you during George Bush's day? You never said a word. But putting that aside, we will meet you. When we had the majority and Bill Clinton was the President, we were the only ones who did get a balanced budget and 23 million jobs. So we know how to do it, and of course we are going to work with our colleagues. We met them over 70 percent of the way on spending cuts. But guess what. They are so ideological and so extreme that what we heard from Senator VITTER today is not a discussion about the budget deficit and the fact that we have to get on top of it and get that budget balanced, as we did under the Clinton administration. We heard about abortion, abortion, abortion, which has nothing to do with the issue at hand. Because, as I said, not one slim dime of Federal money has been able to be used for abortion since the 1970s, and 97 percent of what Planned Parenthood does is health care, not abortion.

We know the real priority of these Republicans in Congress. We know the real priority. We know what it is. It is an ideological agenda that, frankly, puts women's health and women's lives at risk. Here we had this huge debate over the budget—tough, getting down where we were all sweating it out to within an hour of the moment the government would shut down—and the two things the Republicans insisted on voting on, on a budget bill, have nothing to do with the budget.

For every dollar that Planned Parenthood gets to help them do cancer screenings for women, Pap smears, breast cancer screenings, STDs—and they do for men as well—HIV testing, blood pressure checks, diabetes checks, they charge a sliding scale. You walk in there, you have no insurance, you have no money, you get the services for free. If you have some, you pay some.

The bottom line is, this is what they are holding up this agreement over, and they are forcing us to vote on Planned Parenthood and repealing health care reform. I say that is extraordinary, because we met them on the numbers. But in order to appease their rightwing agenda, they are forcing these votes. If these bills were to pass, who gets hurt? Women and their families.

I have some letters I have received from Californians, because 750,000 women are served by Planned Parenthood clinics in California—750,000 women. That is actually more than some States have. I am going to share a letter. I have shared a few of them, but I got this one today.

Dear Senator BOXER, I don't write to you often because you already stand up and fight for everything I believe in. I heard you on NPR this morning talking about women's health and the cuts the Republicans want to make to Planned Parenthood.

I'm a 42 year old married professional. My husband and I aren't in the highest bracket, but our combined income puts us in the $170,000 year range. Frankly, we're happy, more than happy to pay our fair share of taxes for the things that will help our society as a whole.

We are appalled by the budget discussions. If you really want to cut spending, do so where it is really outrageous . . . defense and military. There's 60 percent right there. However, what has me outraged right now is . . .

The Republican Party is.

. . . willing to shut down the government over a few dollars for Planned Parenthood.

If you really cared about limiting abortion funding, family planning is the first step. When I was 20 years old, I was working my way through school. I was a sophomore in college with limited income, no parental support, no health insurance. The one thing I did have access to medically was Planned Parenthood. The services were on a sliding scale, so at my income of $850 a month, a gynecological exam was $10. This meant that I went.

. . . I also got birth control pills there . . . However, probably the most significant cross road in my life came about because of Planned Parenthood. My family has a history of female cancers. I had a Pap smear come back abnormal when I was 21.

1). Had it not been for Planned Parenthood, I would not have been able to afford the annual Pap smear.

2). Planned Parenthood did a biopsy on the ''abnormality.'' Again, it was a sliding scale and while I can't recall exactly how much this was, it was something I could manage . . .

3). Biopsy showed that it was a potentially very dangerous pre-cancerous growth that needed to be removed.

4). I did eat beans and rice for the next 2 months to pay my share to Planned Parenthood for removing this growth.

5). I had to have Paps 2 times a year for the next several years . . . Again, all I could afford was Planned Parenthood.

Frankly, if it wasn't for Planned Parenthood, there's a pretty good chance I wouldn't be here today. It's not about abortion, it's about women's health.

I have to say, these are the letters I have been getting day after day after day, and I am very proud of the people who have stood up and told the truth to counter the lies I have heard, frankly from Members of Congress. This woman's name is Heather Jones from Costa Mesa.

The bottom line is, if you turn and look at the two votes we are going to have today, they both hurt women disproportionately. This isn't about the budget. If it were about a budget, they would give more money to the Title X program because for every dollar we invest, we save $4 on the other side. What would have happened if Heather hadn't found out she had a dangerous precancerous growth? That would have gone forward, she would have gotten cancer, and Lord knows what it would have cost. She didn't make any money at that time, so she would have had to have help from her county. It would have cost taxpayers. She would have been ill and gone through hell and back fighting this, and who knows if she would have made it.

The second vote we are having has to do with rolling back health care reform—another attack on women. It is an attack on everyone, but I want to look at what it does to women. I know the Presiding Officer knows this, because he has been a leader on this issue, but before we passed our health reform law, being a woman was a preexisting condition.

If you were the victim of domestic violence and you were a woman, they wouldn't insure you. They would say: You have a preexisting condition. What is that? Well, your husband beat you. And guess what. He could do it again, so you are a high risk. Goodbye. We said no. No, that can't happen. If you had a cesarean section and you tried to get insurance, they would say: No, no. Since you had a cesarean section, you could have another one. It is too expensive. Bye.

We said, no; you can't do that. You can't turn away people simply because they were the victim of domestic violence or had a Caesarean. You cannot turn away a person because she is a woman. In 2014, insurance companies will not be able to deny anyone coverage because of a preexisting condition.

Another issue my colleague fought hard on, along with all of us, is gender rating. Insurance companies charge women in California nearly 40 percent more than men for similar coverage. Can you imagine? So when they say let's repeal health reform, who are they hurting? Disproportionately women. When they say no more funding for Planned Parenthood to continue their great work on basic health care, who are they hurting disproportionately? Women.

Preventive care was a key in that health reform. I thank the Presiding Officer. He served on the appropriate committee that made that decision. I will tell you, right now women delay or avoid getting preventive care, but once health reform goes into place we know there will be preventive health care services such as mammograms without a copay or a deductible. So when you repeal the health reform and everything we did for the people, who do you hurt? Women. Who is going to get sick more than any other group? Women.

Maternity care is not covered by many insurance companies. We changed all that. By 2014 insurance will be required to cover maternity care services.

Let's look at Medicare. We made many reforms in health care dealing with Medicare. More than half of the people who depend on Medicare are women; 56 percent of Medicare recipients are women. When you end Medicare, as Mr. RYAN does in his so-called Ryan budget where he ends Medicare—let's call it what it is—you are throwing women under the bus. This time it is elderly women. How proud are you of that, Mr. RYAN? I am not proud that kind of proposal would come out, and it is starting here today, when we vote to repeal health care reform.

Health care reform extended the life of the Medicare trust fund by 12 years, to 2037. Why on Earth would the Republicans want to repeal a law that strengthens Medicare and makes it viable until 2037?

Let me tell you what else would be repealed if they have their way today. Every senior on Medicare is going to get a free annual wellness exam. Let me repeat that. Every person on Medicare is going to get a free annual wellness exam. It will get them access to preventive health services such as vaccinations and cancer screenings with no copay and no deductible. Why did we do that? First and foremost, we did it because it is the right thing to do, but it saves money at the end of the day when we invest up front in prevention.

That is why the Congressional Budget Office said our bill saves billions of dollars over time. Investing in prevention—just like Planned Parenthood did with my constituent, Heather, where a cancer was discovered early—means that an individual will get the care early, will get on top of this and will not have to spend a lot of money on it and will be spared the pain and suffering and all the rest that goes with cancer.

There is one more thing that they repeal. I didn't see this one. If they get their way today, seniors are not going to see that infamous doughnut hole that they fall into on their prescription drugs closed. They are not going to see that closed. Right now it happens after they pay a certain amount of money for their prescription drugs, a couple of thousand dollars. Then they say Medicare prescription drug coverage is not going to cover them. So they fall into that doughnut hole. We close that forever by 2020. They want to cancel that so seniors are going to have to pay more for their prescription drugs.

We live in the greatest country in the world, and we have access to so many wonderful health advances—be they medical devices, be they prescription drugs. But what good does it do if we cannot get those things?

By repealing health care reform—which our Republican friends want to do, and today we have a vote to do it—seniors, women, and their families will lose access to lifesaving drugs. They will lose access to preventive care. They will lose access to fair insurance coverage. Again, disproportionately it impacts women. That is just the way the demographics are because 56 percent of Medicare recipients are women.

Let's be very clear. Let's send a strong message tonight, or whatever time it is that we vote on these two amendments, that we are standing strong—if we vote them down—we are standing strong for women, we are standing strong for their families, we are standing strong for Americans. Anyone who would take these important reforms away, anyone who would say we do not care about the 3 million people who get their health care from Planned Parenthood, are saying they do not care much about those people.

By the way, there was some news program that said: What do you need Planned Parenthood for? You can go to Walgreens and get all those services? Somebody said. I never heard of getting a Pap smear at Walgreens or a breast cancer screening, that doesn't come to mind. So Walgreens actually had to put out a press release stating they do not do those things.

Let's start talking the truth on the floor of the Senate. The truth is, there is an ideological agenda around this place, and it is crystallizing. My Republican friends have gone a bridge too far. People are catching on because now it is starting to affect them. They are Republicans, they are Independents, they are Democrats. This is not about party. I can assure you, the people who are writing me who go to Planned Parenthood to get their health care, their preventive care, their blood pressure checked, their diabetes checked, they come from every political party.

The Title X program, in the beginning, and when it was formed, had the strongest support from Republicans. That is how it was. But these Republicans today have walked so far away from their own party that they are looking at a bill signed by Richard Nixon, voted for by George Herbert Walker Bush, and saying: No, we are not interested in family planning. They are distorting the debate.

If people want fewer abortions there is one place we can all walk together; that is, prevention of unwanted pregnancies, birth control, contraception. They do not even want that. They do not even want that. They have just overreached.

I am a person who says I respect you know matter what your views are. I would stand in front of a truck to protect your right to state your views, whatever they are. I do not tell people what to think about issues. I think they should be respected for what they decide. But big government should not be telling people what to think about the most personal decisions. That is not what America is about.

We have, over the years, crafted some good compromises in the area of reproductive health care. We have said people have a right to choose in the early stages of a pregnancy. That is what the Supreme Court has said. It has been upheld since the 1970s. In the beginning of a pregnancy, a woman and her family and her doctor and her God, that is who will be consulted. It is up to her to make that decision, early in the pregnancy.

As the pregnancy moves on, the State has an interest in the decision on this issue. As the pregnancy moves on—but always her life and health must be protected. That is the law. Not one penny of Federal funds can be used for abortion except in the case of rape, incest, life of the mother.

I happen to be the one who carried that amendment on rape and incest because before that, we did not have that amendment. That was over on the House side many years ago. We have a compromise. I would say to my friends, if you do not like that compromise then come on the Senate floor and make a woman a criminal and make a doctor a criminal—introduce your legislation. We will fight it out and the people will weigh in. What the people will say is: Compromise. Compromise is fair. It is not perfect, but it is fair. But, no, that is not what they will do because they know if they say a woman is a criminal, it is a bridge too far.

So what they try to do is vilify an organization that has been in place for 95 years, Planned Parenthood. They will vilify an organization when 97 percent of their work goes to basic health care and family planning. It is really sad. It is wrong. I am here to say every time it comes up—the women Democrats, we have been on the Senate floor already. We are going to continue this battle with our male friends because nobody can tell me they care about women when they are about to vote to deny women basic health care. No one can tell me they care about families when they are about to deny families basic health care. No one can tell me they care about families when they want to repeal a law that outlaws gender discrimination, that outlaws the ability of an insurance company to turn you away if you were the victim of domestic violence or had a Cesarean section.

Nobody can tell me you care about seniors when you embrace the Ryan budget that ends Medicare. No one can tell me you care about seniors when, today, you are going to have a vote to repeal health care reform that gives them more funding for their prescription drugs, that gives them free wellness checks without a copay or deductible.

We always say around here: Whose side are you on? Are you on the side of the people, or are you on the side of the insurance companies? Are you on the side of the people, or are you more interested in scoring political, ideological points with the extreme wing of your party? Those are the questions. I think the answer is going to come back tonight. I think we are going to defeat these two radical amendments. I hope it will send a message to our House friends who are going to have a radical budget that the experts tell us is going to lose hundreds of thousands of jobs—I correct myself, the experts tell us the Ryan budget would lead to the loss of 2.2 million jobs. Can you imagine?

The only beneficiary of that budget is billionaires and multimillionaires. I am happy to be in the Senate at this moment in history because, to me, these are the issues. I have to say, these are the issues I had in my campaign, and they were very direct.

I thank the people of California for sending me back here. We have 38 million people, the largest State in the Union. Every time you take away something from a Planned Parenthood or another health care center, you hurt more of my people than anybody else because we are such a large State. Today we start the votes, and I am grateful I could stand up and speak out against both of these radical amendments—one to defund an organization that is helping 3 million people a year in America, and, second, repeal of health care reform that does so much good. I think we are going to win those votes, and I certainly hope so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, we as a country are in a very serious financial situation. We all know we have to reduce spending. This year we will spend $3.7 trillion but take in only $2.2 trillion—40 cents of every $1 is borrowed.

The President has acknowledged a stunning revelation, that under his budget he submitted 2 months ago, something I repeatedly have talked about—in the 10th year, the amount of interest on our debt will be almost $1 trillion. This is fact.

We are on an unsustainable course. As every witness to come before the Budget Committee has told us: You have to do better. You cannot continue in this fashion any longer. The President's debt commission Chairmen, Mr. Erskine Bowles and former Senator Alan Simpson, told us we are facing the most predictable debt crisis in our history if we do not change.

They did not say it could happen to our children and grandchildren, they said it could happen in 2 years. Mr. Bowles said maybe earlier than 2 years, maybe some time after that. Senator Simpson said, I think we can have a debt crisis in 1 year. Hopefully, this will not happen.

But we have to get spending under control. There are two ways to do it. One is to work hard, do what we are paid to do as legislators and identify the less-productive, less-defensible spending programs and eliminate them and try to protect as much as we can the programs that are more productive and doing good for America.

Another way to do it is reduce everything across the board and just cut it all by a certain percentage, and reduce spending that way. You could do either. I think most people would say, we should eliminate the programs that are least defensible first, before we have to reduce spending in programs that are more justified.

So, regardless, how do we make the decision?

I have heard the debate about Planned Parenthood and the money they get. I have not been particularly knowledgeable about it until recently. I serve as ranking member of the Budget Committee, so I know something about the debt crisis we are in. So the question is, Is Planned Parenthood a program that is less defensible and ought to have its funding eliminated or reduced significantly so other programs that are more defensible do not have to be cut?

Looking at the facts, I find that Planned Parenthood has far more difficulty defending its legitimacy as a Federal recipient of millions of dollars than other institutions. This is a private group that sets about to do all kinds of things. One of the largest things it does is provide abortions. They have a very strong ideological agenda that a lot of the American people do not agree with. Why should we

fund it? There are many other organizations out there, all over America, that do what they think to be good things and are not funded by the U.S. Government.

So let's just look at it a little bit. I was sort of surprised actually. In 2009, the last year we have gotten a report, Planned Parenthood reported providing 332,278 abortions in the United States. I didn't know that—332,000. This is the highest total ever recorded, and the 15th consecutive year that the number of abortions they have provided has increased.

Overall, though, abortions in the United States are going down. You see that sonogram and you see that unborn child and the American people are getting a lot more uneasy about this idea taking an unborn life.

Overall, abortions have decreased by almost 25 percent in the past two decades nationwide, voluntarily reduced by individual decisions by Americans. Yet during that same time, Planned Parenthood abortions have doubled.

Planned Parenthood consistently claims that abortions account for only 3 percent of their services; 97 percent is spent on other projects, they say. But yet in that same fact sheet on which they make that assertion, they state that 12 percent—that is more than in 1 in 10—of their health care patients receive an abortion.

That is a surprise to me. Think about that. They state that 12 percent—that is more than the 1 in 10—of their health care patients who come in to Planned Parenthood receive an abortion. So what about the other solutions? Are there not other solutions to pregnancies other than abortion?

In 2009, their report indicates that Planned Parenthood made 1 adoption referral for every 340 abortions performed. They made a scant 977 adoption referrals compared to over 330,000 abortions. That is a decline of almost 60 percent from 2008. In 2008, they did 60 percent more referrals when it made 2,400 adoption referrals. So this is a major change in what is going on at Planned Parenthood.

It appears this is an advocacy organization that is committed to one solution for people struggling with pregnancies. I tell you, I have a letter here, I will not quote it, but I have a letter from a woman in Alabama who had an abortion who still feels pain about that and wrote me saying not to fund this. I just say that because my colleague suggested only men would favor reducing this funding.

I tell you another thing that I did not know and was very surprised about: the amount of Federal money that they receive. No wonder there is a big brouhaha here, because this is a lot of money. Congress is providing $363 million a year to Planned Parenthood. That is a lot. Over 10 years—as we have been scoring everything here over a 10-year budget—that is $4 billion—quite a lot of money.

Many people in the country feel strongly that, OK, they say the Supreme Court has ruled on this. They have said that under the Constitution abortions under some circumstances cannot be prohibited. But they are saying the Federal Government does not have to pay for it, does not have to fund it, and should not use taxpayer money to do so.

So my colleagues say: Well, we agree with that principle and Planned Parenthood money does not directly fund abortions. We are giving the money to Planned Parenthood, but they are not able to use it for abortions. But if 12 percent of their patients are obtaining abortions, and they are getting $363 million per year, I think it is a fact that the Federal funding furthers their ability to grow and expand their lead as the No. 1 abortion provider in the country.

I think, all in all, we do not have enough money to do a lot of good things. We have, some people forget, rural health clinics and urban health clinics that are funded and organized by the government to meet health needs of the poor. We do not have to use money to help fund this private entity that has an agenda. I do not believe it is radical to say this is one place we could save money. I do not think it is extreme.

My best judgment tells me that if we do not have enough money, and 40 percent of what we spend is borrowed, we shouldn't borrow $363 million this year to fund a program like Planned Parenthood. This is one program that we could legitimately say does not have to have taxpayers' money and should have its funding terminated.

I also would support the resolution concerning the health care bill. It is clearly a piece of legislation that costs the taxpayers large sums of money. It is not a piece of legislation that adds money to the Treasury, as has been suggested. The Congressional Budget Office has written a letter to me that stated explicitly that the administration is double-counting money to claim savings. If they were not double-counting the money they took from Medicare to fund this new program, then the health care bill would score to be a clear drain on the Treasury.

They have to use a gimmick of double accounting to justify that. It is not the right way to do it and is the reason the country is going broke.

So, while today's vote may largely be symbolic, it is a crucial step in showing the necessity of eliminating this intrusive and costly healthcare law and replacing it with reforms that will provide Americans with access to quality, affordable health care, reduce skyrocketing health care costs and put our Nation on a more sustainable fiscal path.

The Democrats' health legislation was sold as a package that would reduce insurance premiums by $2,500 per family, trim the Federal deficit, and immediately create 400,000 new jobs. Sadly, none of these promises have been met.

Instead, the new health care law will cause health care spending to surge over the next decade, and Americans will see dramatic increases in their premiums, and many of them already have. Half of those recently polled in a Kaiser Family Foundation poll claim that their premiums have gone up recently. The Federal deficit will increase by an additional $700 billion, and the law's expensive mandates, penalties, and tax hikes will lead to job losses and persistent economic uncertainty, as many small business owners have told me.

As our Nation's reckless fiscal policy brings us ever closer to a tipping point, respected economists across the country have stressed the need for Congress to reduce Federal spending and contain our mounting health costs.

Rather than tackle these problems that threaten the long-term stability of our Nation, the new health care law exacerbates our fiscal crisis by creating an open-ended entitlement and introducing $2.6 trillion in new Federal spending.

According to the Congressional Budget Office, the new health care law will cause insurance premiums in the individual market to soar by 10 to 13 percent for American families, translating to a $2,100 increase for families purchasing their own health care coverage by 2016.

Total health care spending in the U.S. already consumes 17.3 percent of GDP, the largest of any industrialized nation. Under the new law, national health care spending will approach 20 percent of GDP by the end of the decade.

Sadly, many supporters of the health care law continue to perpetuate the myth that it will not increase the deficit. A thorough examination of the law pulls back the curtain to expose the deceptive budget gimmicks and reveal its true cost.

When the bill was first introduced, the Democrats sold the plan to Americans by double-counting $398 billion in Medicare cuts and taxes, $29 billion in Social Security taxes, and $70 billion in new long-term care premiums to pay for the new health care spending. This is according to a CBO report I requested. This double accounting was stunning and existed to justify the claim that the law will reduce costs.

Additionally, since CBO reports evaluate legislative proposals over a 10-year budget window, the new law was written to delay most of the new spending until 2014, while immediately implementing the program cuts and tax increases to allow 10 years of offsets to pay for only 6 years of spending. In order to convince Americans of the plan's merits, which they failed to do, they had to use accounting gimmicks that hide the true long-term costs of this monstrous law.

Only in Washington will people claim that spending $2.6 trillion and dramatically expanding the size and scope of the Federal Government is good for our Nation's fiscal health.

Former Director of the Congressional Budget Office Douglas Holz-Eakin, an economist who understands the budget gimmicks used in Washington, cowrote an article in the Wall Street Journal in January that eliminates any confusion about the law's impact. This article titled ''Health Care Repeal Won't Add to the Deficit'' clearly refutes the law's supporters:

Repeal is the logical first step toward restoring fiscal sanity. . . . How, then, does the Affordable Care Act magically convert $1 trillion in new spending into painless deficit reduction? It's all about budget gimmicks, deceptive accounting, and implausible assumptions used to create the false impression of fiscal discipline . . . Repeal isn't a budget buster; keeping the Affordable Care Act is.

A poll by the Kaiser Family Foundation and Harvard University conducted around the same time that this article was written revealed that the American people are seeing through these ploys: 60 percent of the country believes the health care law will increase the deficit over the next 10 years, while only 11 percent thinks it will lower the deficit.

Once again, the America people prove that they are wiser than Washington. The final point I wish to make about the health care law is its debilitating impact on jobs and our economic recovery. In meeting with many small businesses, they are passionate on this point.

The expensive mandates and penalties included in the health care law coupled with the rising costs of insurance facing families and businesses have enveloped our economy in a cloud of uncertainty. Already, over 6,000 pages of new health care regulations have been written by the Obama administration, burdening employers of all sizes as they make strategic decisions about business expansion, hiring additional employees, and long-term investments, three keys to the private sector recovery essential to getting Americans back to work.

Economic estimates indicate that repealing the health care law that threatens our economic recovery would save 700,000 American jobs.

It is imperative that Congress repeal this law that is burdening employers and stifling economic growth, and replace it with solutions that will lower health costs and avert the mounting fiscal crisis facing our Republic.

During the recent election, the American public rebelled against the unchecked spending and unprecedented government expansion that threaten our children's future. Their message to Congress was clear: adopt policies to change our unsustainable trajectory and rein in the cost and size of the government. Congressman PAUL RYAN has submitted a budget for 2012 that is responsible, honest, and straightforward in the way that it deals with the debt problem facing our children and grandchildren. Repealing this flawed and fiscally unsustainable health care law, which is an important part of his plan, would be another step in the right direction and would help to change the devastating trajectory that we are on.

I urge my colleagues to heed the public's call and repeal this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

## SBIR/STTR

Mr. BLUNT. Mr. President, I wish to talk about another topic. Senator KIRK and 36 other Members of the Senate are cosponsoring an amendment we would hope to add to the small business bill if we ever get back to it.

This is an amendment we offered independently as a bill 1 month ago, the Gas Accessibility and Sustainability Act. What this bill does is take further an effort that was put into law in 2005, right before Hurricane Katrina, that allowed the President to suspend the unique boutique fuel standards in the country if there was a natural disaster.

That happened immediately—within a couple weeks, as I recall—after the bill became law. The President used that authority. In the 6 months following Katrina, even though the gulf was obviously disrupted and a couple of refineries were very disrupted, gas prices did not go up because, for the first time since the passage of the Clean Air Act, gasoline was a commodity again.

What this bill would do, as we now see gasoline prices at $4.37 in Hawaii, at $3.88 in St. Louis, and particularly prices that are high in communities that have a unique blend of fuel that is only available in that community, is allow the President to have that authority, if there is any kind of disruption, if the Suez Canal was shut down for some period of time, if a refinery went down, if there was a pipeline disruption that truly made it very difficult for communities to get their unique blend of fuel but was much easier for them to get fuel that met the standard of being ''fuel'' at the gas pump.

Senator KIRK and I introduced this together. He was a great advocate of this bill when it passed the House. I would like to turn to him for a moment and see what he has to say today about this bill that allows us to look at the gas prices that are creating real problems in the country today.

Mr. KIRK. Mr. President, I note that under the Blunt legislation, we would correct a growing problem in the United States with gas prices. Right now, for example, in the Chicagoland area, gas prices total about $4.14 a gallon. I am sure in Missouri it is probably quite high.

Mr. BLUNT. It is $3.88 in St. Louis, which would be the area that we have that uses specialty fuel.

Mr. KIRK. This map shows that by Federal regulation the Federal Government has divided the national gasoline market into 17 separate submarkets. These 17 submarkets all have their unique recipe of gasoline. By Federal regulation, one cannot use gasoline that was sold in Chicagoland, which under this chart is the Chicago and Milwaukee RFG ethanol standard, in the St. Louis area, the SRFG standard with ethanol. By creating small, tiny monopolies, we create higher prices for the American people. I think that is why the Blunt legislation is necessary.

Mr. BLUNT. I thank the Senator for those comments. Using his chart, in Missouri you can buy one blend of gas in St. Louis, another blend of fuel in the Kansas City area, and a third blend yet in between. So, clearly, these areas are not even unique in the fuel that is used there. If you buy fuel driving from one city to the other and use the other half of the tank while you are driving around in St. Louis, you are using fuel that is available generally anyhow.

This does a couple of things. One, it allows, in a time where it is hard to get fuel for any reason, the President to waive those standards. The other thing it does is, it caps these fuels so if the EPA decides under the Clean Air Act that you have a clean air attainment problem in your city, you have to go and look at the existing fuel blends and choose from one of them rather than what had happened in the country up until 2005, which was every city somehow became convinced there was a unique fuel blend for them that only would work there that never would quite work anywhere else. That doesn't make sense. We have headed in the other direction. This legislation heads us a little further and a little faster in a direction to where we don't have these unique blends. We have fuel as fuel again. Whether it is the restaurateurs whom some of us may have seen today or various businesses, if fuel is $4 a gallon, something has to give, and it goes throughout the entire economy. This helps solve that problem.

Hopefully, we can be talking about an energy bill before too long. But, clearly, whether it is a small business bill or any other bill, the cost of fuel makes a real difference in the country today. This amendment that we hope to offer eventually to the small business bill is one of the things that will help solve the problem.

Mr. KIRK. The unhighlighted areas are where regular gasoline is sold. The highlighted areas are where these little gasoline monopolies, by Federal regulation, have been created. What happens if another hurricane hits the gulf? If this area was lacking its specific kind of gasoline under current regulations, it could not borrow gasoline from Missouri or Chicagoland or anywhere else. So we have created an incredible price rigidity in the system. Long term, I think we should move the country to one clean burning fuel. But the one thing we should not do is have 17 different submarkets, all now with the ability to charge the American driving public much higher prices than would otherwise be the case.

I commend the Senator. This is exactly why we need the Blunt legislation. The Blunt amendment should pass to address this problem, one of the reasons gasoline costs too much in the United States.

Mr. BLUNT. I thank my friend from Illinois, a long-term proponent of this concept. We will continue to work for solutions that make gasoline and the fuel system work better and make more sense for people all over America.

Ms. SNOWE. Mr. President, I rise today to discuss two amendments to the SBIR/STTR Reauthorization Act of 2011, S. 493, which would improve our oversight of the critical Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs.

First, I would note that S. 493, which I introduced in March with Senate Small Business Committee Chair MARY LANDRIEU, has broad, bipartisan support, and has the backed of divergent stakeholders who have long been at odds on how to proceed in reauthorizing these successful programs.

Our legislation includes a provision requiring the National Academy of Sciences, NAS, to continue its evaluation of the SBIR program. The NAS has produced a series of informative and groundbreaking reports on the SBIR program which helped inform Chair LANDRIEU and I as we sought to reauthorize this crucial initiative.

That said, the STTR program lacks any significant analysis or evaluation since its inception in 1992. While we can point to annual data provided by the Small Business Administration to demonstrate its effectiveness, it is critical that independent, outside experts explore the STTR program and make recommendations for how to improve it when we next consider reauthorization of these initiatives.

My first amendment would require that the NAS also evaluate the STTR program. Instead of a separate report, the NAS would be required to consider STTR in its ongoing evaluation of the SBIR program, which would be completed four years following enactment of the legislation. This would avoid expending additional resources necessary to produce an independent report on STTR during these difficult economic times.

Additionally, S. 493 incorporates a recommendation from the NAS landmark study to allow agencies to use three percent of their SBIR budgets for administrative, oversight, and contract processing costs. I am concerned, however, that Congress will not have adequate knowledge about how the agencies are utilizing this funding.

As such, my second amendment requires these agencies to submit a report each year to the relevant congressional committees detailing in a specific manner how they are using these administrative funds. These reports will allow us, in our responsibility of oversight, to ensure these taxpayer dollars are being used wisely, and to examine these agencies' spending choices for any waste or abuse. Additionally, it will help inform us of the need, or lack thereof, to continue this pilot initiative in future reauthorizations.

My amendments are simple, straightforward, good government initiatives that allow us to examine the effectiveness of these critical job creation programs, and to keep a watchful eye on how Federal agencies are utilizing taxpayer dollars. I would urge my colleagues to support them.

Mr. INOUYE. Madam President, our Nation continues to struggle out of the economic downturn that swept across the country a few years ago, and today, I am pleased that the Senate is considering S. 493, the reauthorization of the Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs. The Congress has worked toward improving the economic conditions for small businesses to survive these challenging times. It is important for us to sustain this incubator for high-tech innovation, research and development, and the driving force of our economic engine, our entrepreneurs. Today's global economy is only getting more and more competitive, and in order to maintain the United States' edge in science, technology, and engineering, opportunities to encourage small businesses through programs like the SBIR/STTR will benefit all of us.

I wish to highlight some of the successes in my home State, Hawaii, that were assisted by the SBIR/STTR program. Since the program began in 1983, the State of Hawaii has received 313 SBIR grants, for a total of $94.4 million. One of these companies is Referentia Systems Incorporated, an applied research and development company dedicated to providing relevant and innovative cyber security and network enterprise solutions to meet the critical needs of our national security and Federal Government. Referentia was started in 1996 with a staff of 30, and now employs 94 people at military bases throughout the Nation and overseas, with offices in Honolulu, HI; San Diego, CA; Albuquerque, NM; and Sterling, VA. In its earliest years, the fledgling small disadvantaged business secured its first SBIR Phase I award in 2004. Since then, Referentia was awarded 13 more SBIR Phase I and 7 SBIR Phase II grants. Three of Referentia's core building blocks were developed with SBIR grants. These include: LiveAction, for cyber security and network enterprises; Sprocket, for cross-boundary data conditioning and cross-enclave data transfer; and Time Series Rapid Exploration, or T–REX, for data storage and analysis. The result of the opportunities created for Referentia helped to position them in the growing and important cyber security market. These SBIR/STTR grants generated deliverable products that Referentia is working to transition into long-term programs of record with the Navy, Army, Marine Corps, and Joint Operations programs.

The discovery, energy, and motivation of our entrepreneurs also power the inquisitiveness we find in the fields of science, engineering, and high-technology development. Through the SBIR/STTR programs, the sustainability of small companies that benefited from the relationships they have formed doing SBIR/STTR work have encouraged partnering with large systems integrators and the government in an effort to seek solutions that address the evolving challenges we face. Another Hawaii small business that participated in the SBIR program is TeraSys Technologies, LLC. TeraSys Technologies secured a Phase I SBIR from Naval Sea Systems for the development of an interoperable solution for counter remote controlled improvised explosive devices and blue force communications. As a result of TeraSys Technologies' work on the SBIR Phase I, a Phase II award was made from the Joint Tactical Radio System office. I am pleased to report that TeraSys Technologies secured a Phase III award to support a high-priority requirement for our military's current engagement in the Middle East. The ultimate goal for TeraSys Technologies, and all companies that participate in the SBIR/STTR program, is to use their Phase III award toward securing a large production order of their product following the rigorous testing it has undergone, and will undergo in ''real-life'' conditions during the SBIR Phase III. Should TeraSys Technologies be successful in their efforts, it would be a boost to Hawaii's economy, and include final product integration in the State.

A few of the words describing any small business owner include energetic, creative, and highly motivated. Most of us believe that great strides or discoveries are made due to the research and development investments that large science, engineering, and technology companies make within various sectors. The understanding that small businesses drive our Nation's vibrant economy, and that high-tech businesses with less than 500 employees are extremely innovative spurred the SBIR/STTR programs' creation. The drive to grow their enterprises and bring their ideas to the marketplace may not always work out quite as they plan. On occasion, an entrepreneur is awarded an SBIR/STTR grant to solve one particular problem, and it leads to an unexpected opportunity. For example, in Hawaii, Navatek, Ltd., a company founded in 1979, and based in Honolulu, HI, has been producing innovation through research by developing, building, and testing at sea advanced ship hull designs and associated technologies. Navatek, a beneficiary of SBIR Phase I and II awards, originally presented its technology at the Navy Opportunity Forum 2010 for ''Dynamic Compensation for Towed Bodies.'' This particular project's intent was to help the Navy solve the problem of conventional small surface craft unable to

tow AQS–20 and AQS–24 mine hunting submersible sonar bodies. As it turned out, the SBIR Phase II indirectly advanced Navatek's aft lifting body invention, and led to an opportunity with the U.S. Special Warfare Command. Navatek continues to work toward securing a Phase III award, and highlights some of the unreported benefits that come from the SBIR/STTR programs.

I have provided the experiences of three small businesses in my home State. They, and other companies, are examples of the direct and indirect impact the SBIR/STTR programs' mission to foster and encourage innovation and entrepreneurship in the research and development activities of major Federal agencies. We can calculate how much programs cost the U.S. taxpayer, and the companies and jobs that resulted from the competitive nature of the SBIR/STTR programs. What we cannot quantify is the value of ensuring involvement by science, engineering, and technology entrepreneurs in research and development. The people of Hawaii, and all Americans, hope to provide a brighter future for their children. I firmly believe the future success of our children will depend on maintaining our competitive edge in the world. We must continue to uphold and reaffirm our commitment to the innovators and entrepreneurs in this country by completing our work on the SBIR/STTR reauthorization bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Texas.

## CONTINUING RESOLUTION

Mrs. HUTCHISON. Madam President, we are today making a small downpayment toward getting runaway Federal spending under control. The spending bill we will vote on today represents a $78 billion spending cut from that proposed by President Obama for this year. It will be $38 billion from what the Federal Government spent last year. We must address the spending binge our country has been on for the last 2, 4, 6 years.

Spending cuts have been actually ignored. We have increased spending in the name of stimulus. The problem is, that kind of spending didn't stimulate the economy in the private sector where the jobs are permanent.

At the beginning of this year, the President proposed a budget that would spend $3.7 trillion next year, with a $1.6 trillion deficit. The national debt is now $14.29 trillion. Under President Obama's budget plan, the national debt would double since he took office and triple by 2020. We then embarked on a vigorous negotiation on this year's budget. Republicans insisted on cuts beginning now, which is the middle of a fiscal year, which makes it very difficult because the spending levels are already in place for half a year. But we said: No, we need to start right now, even if it is hard, even if it is in the middle of the fiscal year.

There was a hard negotiation. We know that because we had a series of 1-, 2-, and 3-week continuing resolutions that allowed the government to go forward but did not make the final decisions on finishing the fiscal year, September 30, with cuts that were necessary.

Part of the negotiation was to avoid a government shutdown. I did not want a government shutdown. In the end, that costs more. It costs more to do all the changes that are necessary to shut down the government and then to make the changes necessary to come back and put it back online. We did the right thing by making those cuts, by taking that first step, and by not shutting down government so that so many people would have been left in the lurch: Federal employees—most certainly we were going to take care of our military, but they should not have had to worry about it—all of the people who had vacations planned, who had bought airline tickets and who wanted to go to national museums and parks. All people would have experienced some kind of disruption. It wasn't necessary if we did the amount of cutting, and we did.

We cannot rest because the real battle is going to be for cutting trillions, not billions. It is the trillions that are going to start getting the deficits down and bring our debt back into line.

To do as the President suggested earlier this year and freeze spending at this year's levels would have been like someone who was on a diet saying: I am just going to eat what I eat now and no more. But that doesn't mean that person would lose weight. We all know that.

Today the Federal Government is spending $4 billion every day that we don't act. We add $4 billion every day that we don't have, that is debt borrowed from somewhere else. We are borrowing 42 cents on every dollar we spend. Much of that is from the Chinese. And what are we doing? We are giving a bill to our children that is unsupportable. That is not just a problem for our grandchildren in the future; it is a problem for today.

This year our interest payments on this mountain of debt have already cost us $190 billion. By 2020, if we go at this rate, annual interest payments on the national debt will more than double to approximately $778 billion a year. Now we are going to $¾ trillion just for interest payments. We cannot allow that to happen.

The President made a speech yesterday. It was a call for action. Unfortunately, I believe the President called for the wrong action. The President said we have to have taxes go up and we have to have spending that goes down together. He proposed raising $1 trillion in tax increases. That is $1 trillion in higher taxes for small business, $1 trillion in higher taxes for family farmers. That is not going to help the economy come out of the doldrums. Who is going to be able to hire people if they are going to have a tax burden and a regulatory burden that is going to keep them from being able to expand their operations?

Washington has a spending problem, not a taxing problem.

We wasted $1 trillion in failed stimulus spending in the first 2 years of the Obama Presidency. Now he is raising taxes by $1 trillion in the second half of his Presidency to pay for a stimulus package that didn't work? That does not make sense.

The President also believes that a stronger Federal Government, a more powerful Federal Government is the answer to our problems. He proposed yesterday to address Medicare and Medicaid costs by expanding upon the health care reform bill that was pushed through on a completely partisan vote and that already is going to increase government. It is going to increase costs, and cuts to Medicare are going to pay for part of that increase. The President would give more power to the unelected bureaucrats on his new independent payment advisory board that is there to cut Medicare payments and reimbursements to doctors. We do not need a bigger, more powerful Federal Government to address the issues of this mounting debt.

We are going to have a vigorous debate on what is the right answer: more powerful Federal Government and more taxes versus a smaller, more restrained Federal Government that promotes growth in the private sector to make our economy go. We are approaching the limit on the Federal debt ceiling. That is where we must take a stand. That is where we have to draw the line in the sand and say: No more. We cannot raise the limit on the Federal debt without reforms taking place that will show that over the next 10 years we have a plan, and the plan is to cut back on the deficit every year.

I think a total of around $6 trillion in cuts over a 10-year period is a responsible approach. We will debate some of the things in the proposals that have been put forward: what are the priorities in spending, what will promote growth, what will promote jobs. But we must have a plan before we raise the debt ceiling.

Republicans and Democrats can agree on one thing: We do need a combination of spending cuts with revenue increases to get to the trillions that are needed to cut this debt. But the way we define revenue is the answer. The Democrats say revenue means tax increases. The tax increases are on people who would do the hiring to grow the jobs. So we are putting a damper on the ability to reinvigorate the economy.

Republicans are going to argue that the revenue comes from creating jobs, from having more people employed, so they can help with our economy and try to help bring revenue in by being employed in the private sector.

Republicans believe the way to create revenue is by building a vigorous

economy, to have people working so they are contributing to the economy, not having people who are forced to take benefits because they cannot find a job in this stagnant economy that we all have acknowledged is here.

Today, I hope all of us will agree to take the first steps on the responsible spending cuts that will get us through the end of this fiscal year. I hope we will come together on next year's budget. The 2012 budget is what we are having hearings on. I had a hearing this morning with the Secretary of Commerce—the FBI Director earlier this week—to assure that we are spending for 2012 in a limited, responsible way and covering the needs of our country and also making the investments that will spur growth in our economy.

But the big debate we are going to have is on increasing the debt limit. At $14.29 trillion, we must do it with reforms that show the world that is buying our debt that we are going to have a responsible way to pay them back. I do not want the Chinese to raise the interest rates because they are worried about whether we have the political will to pay them back.

We will have the political will to do it if we cut spending, if we increase revenue through job growth, not taxes. We will show the world the debt is good and that interest rates should stay low and that we should work to have good trade agreements so we can build up our jobs and buy things from outside, and those economies will flourish so they can buy our products. That is what would be a win for everyone, and that is what we will be promoting in the next few months in Washington.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

## INTERCHANGE FEES

Mr. TESTER. Madam President, I rise, once again, on behalf of rural America. Many folks do not understand rural America. They often get painted in broad brush strokes in a way that does not reflect the reality we face. The Montanans who elected me sent me to bring common sense to the debate over issues that impact rural America.

One issue where there is not a lot of common sense is the issue of debit interchange. There is also a lot of misinformation out there about this issue.

I have been concerned about the unintended consequences of this proposed rule since the Senate voted on the provision last year. That is why I voted against the amendment when it came to the floor for a vote. Over the past few months, I have been attacked by the big box retailers and called just about every name in the book.

My legislation to study the impact of the Fed's proposed rule has been called a bailout. That is pretty interesting, since I was the only Democrat in the Senate to vote against both bailouts. Only in Washington do people say you are killing a bill by making sure it does what we want it to do.

I certainly do not think the goal of the interchange amendment was to engage in price fixing. I do not think folks were trying to hurt consumers or small community banks and credit unions. But now we know the impact of this provision is far different than the information we had when we passed the amendment.

Now we know that the regulators tasked with implementing this rule think it may not work at all. When we passed the amendment, we were told small banks and credit unions would receive an exemption from the swipe fee rule. Since there has been a lot of misinformation on this issue, let me share these comments directly with my colleagues.

In a Banking Committee hearing in February, Chairman Bernanke referred to the exemption for community banks and credit unions, and he said:

> We are not certain how effective that exemption will be. There is some risk that the exemption will not be effective and that the interchange fees available through smaller institutions will be reduced to the same extent that we would see for larger banks.

That means the Chairman of the Federal Reserve—the guy in charge of implementing the interchange rule—does not think it will work for credit unions or for small mom-and-pop community banks.

This is common sense. When you set a price cap, big box retailers will use their market share to force the little guys to meet the lower fee.

At the same hearing, FDIC Chairwoman Sheila Bair confirmed this, saying:

> It remains to be seen whether they—

These are credit unions and community banks—

> can be protected with this. I think they're going to have to make that up somewhere, probably by raising the fees that they have on transaction accounts.

That means our credit unions and small community banks will be cutting back—cutting back on things such as free checking or ending it altogether, charging more for loans, cutting back on services to low- and moderate-income folks in rural America.

Despite being tasked with the job of implementing the small bank exemption, the Fed cannot guarantee that the exemption will work in practice. Because despite what some may say, the Federal Reserve cannot control markets. It cannot ensure that this provision will work since market forces will drive rates down for the community banks and credit unions.

No one doubts that rural America's small businesses will be significantly affected by regulating debit card interchange fees. Yet the true and full effects of this regulation on small businesses are not being fully discussed or fairly portrayed.

This amendment was an attempt to address a problem. But when you control prices, as this amendment does, you also invite unintended consequences.

At first, it might make sense that if you reduce debit card swipe fees, then small businesses will benefit. But once you take a closer look, you find a host of potential problems for small businesses and no guarantees that consumers will benefit one lick.

For instance, a recent study says that only 10 percent of small businesses are in retail and in a position to accept debit cards. But that same study also says most small businesses have checking accounts and use debit cards to pay for things they need to run their businesses. These businesses will end up paying more for basic services such as checking accounts and they will see more fees and consumers will be no better off. In short, this limit is bad for small businesses, and it is bad for consumers. Which banking services are likely to be more expensive—or disappear entirely—as community banks and credit unions seek to make up lost revenue? Well, free checking, for one. Millions of Americans have had checking accounts and debit cards because they are free. If banks and credit unions are forced to charge for these services, many business owners and consumers would suffer the consequences.

Because the Fed's rules do not allow banks to cover the costs of debit transactions, banks of all sizes are considering limits on credit card purchases. Moms using their debit cards at the grocery store may have to limit their grocery purchases to $50 or $100.

So what is the alternative? Well, put it on a credit card. But that is a tough option for struggling families. Low- and moderate-income families may not have access to credit or may have already maxed out their credit card. Pushing consumers toward credit is not good for small businesses either because the interchange fees on credit card purchases are higher than those on debit cards.

In a recent survey, three-quarters of community banks reported considering imposing annual or monthly debit card fees. Three-fifths of them would consider imposing monthly fees on checking account customers. If they start charging folks for just having an account, you can bet these folks will not be customers for long. In the long run, that will devastate rural America.

What does that mean for small businesses that rely on those community banks and credit unions? Without a doubt, the small businesses and communities across Montana rely on community banks and credit unions to keep their doors open, to grow their businesses, and to create jobs. These Main Street institutions are the backbone of this Nation's small businesses.

In fact, according to a recent National Federation of Independent Business report, most small businesses do their banking with smaller institutions. Community banks provide the bulk of small business lending in rural

communities and small business owners receive better treatment from community banks. That is because in rural America a community bank is part of that community. A handshake still matters, and the folks on both sides of the table can look each other in the eye and be accountable to one another. We are not going to find that on Wall Street.

Community banks do the lion's share of lending with the youngest and smallest of small businesses—those best positioned to create new jobs as we merge from this recession.

Make no mistake about it. The price caps called for by this Durbin amendment will lead to fewer debit cards offered by community banks and credit unions. It will limit the size of debit card transactions, and it will end free checking for small businesses, as they rely on these institutions.

These changes will limit the ability of small businesses to conduct daily business. They will increase banking costs and could limit the lending capability of smaller institutions. These changes come at a time when many small businesses are already fully leveraged and have few other options available.

So what does this mean for small business in Montana?

For a contractor in Kalispell, it means he will not be able to use his debit card to buy lumber. It will mean the end of free checking. I know of too many businesses that do not have the option of increasing their lines of credit with their bank or that have maxed out a credit card weathering this recession. Those are the circumstances folks are forced into, and those are the circumstances that limit our economy.

What will this mean for community banks and credit unions that are competing for the business of these small businesses?

Community banks and credit unions play an instrumental role in our economic recovery by providing loans to small businesses so these businesses can grow and hire new employees.

Smaller banks treat small businesses better. But smaller banks do not have the means to make up for the lost revenue from this Federal mandate, and they do not have the volume to make up this revenue elsewhere such as bigger banks do.

One of the more troubling findings from the NFIB report I referenced earlier is the fact that community banks have been losing market share nationwide. The report found that the percentage of small businesses served by local banks fell from 31 percent to 25 percent between 2009 and 2010. My concern is that this proposed rule will further harm this loss of market share by community banks. It will lead to further consolidation in the banking industry.

Community banks and credit unions simply cannot compete against Wall Street unless they provide products such as debit cards. They simply cannot make up this revenue elsewhere, and they cannot compete unless they provide these services.

This notion that some have raised that these proposed rules are a slam-dunk for small businesses—it is simply false. Unfortunately, this is one of the many misconceptions that have been put out there.

For example, based on statements I have heard, some would have you believe we have been working and analyzing the debit interchange issue for years, talking about all the hearings we have had on this topic.

The truth is, however, quite different. There has been just one Senate hearing on this issue since 2006, and it was regarding the interchange fees paid by the Federal Government. The Judiciary Committee has looked at antitrust issues, but they have never addressed the ramifications of this amendment—never. No one has been able to explain to me why studying the impact of this rule is a bad idea.

Am I suggesting the debit interchange system is without fault? Absolutely not. But we should not move forward with a rule that will create a whole new set of problems and will hurt community banks and credit unions until we have fully studied the impact. If we do not measure twice and cut once, we are bound to create a whole new set of problems that will hurt small businesses and consumers.

I sure would not have stepped into the middle of this fight if I did not think it was critical to the survival of rural America, and to the jobs and livelihoods of the people who live there. I am in this job not because I am known as a guy who stands for big banks or Wall Street—far from it. I am the guy in my party who voted against TARP and against the automaker bailout.

I am in this job because rural America needs a voice at the table. Rural America needs someone on their side, to make sure rural communities and Main Street businesses do not get stuck with the short end of the stick when the Senate makes policies such as this one.

We need to stop. We need to study. We need to make sure we are doing the right thing. Therefore, I ask my colleagues for their bipartisan support on a responsible bipartisan bill to delay this rule so we can have time to study the consequences of this rule—both intended and unintended. Our economy cannot afford to let this go into effect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

## A SECOND OPINION

Mr. BARRASSO. Madam President, I come to the floor as someone who has practiced medicine in Wyoming, taking care of families all across the Cowboy State for almost one-quarter of a century. I come as a doctor giving a second opinion, as I have done week after week about this broken health care law that people all around the country are now very concerned about and the impact it is going to have on their own personal lives.

We started the whole discussion and debate about health care that the American people knew what they wanted: They wanted the care they need, from a doctor they want, at a cost they can afford. What we have gotten is something that does not provide that at all.

I saw today in the Washington Post, under the headline ''Budget Showdown,'' comments about the President's speech yesterday to the Nation. He did talk about Medicare and did talk about Medicaid. I believe that speech was very short, inadequate on the details.

It was interesting to see what the Washington Post said about Medicaid. It said:

> . . . a senior administration official, speaking to reporters on the condition of anonymity, said that . . . ''the details have not been worked out.''

So we have an anonymous source, working in the White House, talking to reporters, admitting that the details have not been worked out.

Yesterday, people heard the President's speech on spending, but it seemed to be higher on political attacks than it was on substantive speech—the things we need to be seriously discussing and debating in this country about a huge debt problem with which we are living. The President did mention one bit of substance, though, that should concern the American people. He said:

> We will slow the growth of Medicare costs by strengthening an independent commission of doctors, nurses, medical experts, and consumers who will look at all the evidence and recommend the best ways to reduce unnecessary spending while protecting access to the services seniors need.

What this is is a Washington commission—a commission created in the health law that many know as IPAB. It may sound harmless. It stands for the Independent Payment Advisory Board. Americans, I believe, need to know more about the details as to how this will actually work.

Many Americans may not remember that the health care law created this unelectable, unaccountable board of Washington bureaucrats who will be appointed by the President, and the sole purpose is to cut Medicare spending based on arbitrary budget targets. These are cuts above and beyond the $500 billion that was taken from a nearly bankrupt Medicare Program, not to save Medicare for our seniors but to create a whole new government entitlement program for someone else. This board empowers 15 unelected Washington bureaucrats to make these Medicare cuts, all without full transparency and accountability to America's seniors and to elected officials.

So, once again, this board proves that the President and the Democrats in Congress who voted for the health

care law simply didn't have the political courage to make the tough spending decisions themselves. Instead, they took the easy road. They pulled the classic Washington maneuver—to create a board and punt the decisions to them.

Congress gave this board its authority to manage Medicare spending. I didn't vote for it. Members of my side of the aisle didn't vote for it. But this is part of the health care law that was crammed down the throats of the American people. Congress abdicated its responsibility to explain to the American people specific payment changes necessary to keep Medicare solvent.

Let's take a look at what happens when this board actually makes a recommendation. The recommendation becomes law. The recommendation becomes law. How can we prevent that from becoming law? The recommendation will become law unless the House and the Senate each adopt—not by simple majority—each adopt by a three-fifths majority a resolution to block them. That is not enough. First, three-fifths of the House, then three-fifths of the Senate, resolutions to block what this board is recommending. Then the House and Senate have to pass legislation to achieve equivalent savings of what this board claims to be saving by the care they deny.

This is an incredible concentration of power that should belong in Congress to a board of unelected—unelected—individuals who are appointed by the President.

Is there concern about this? In the House of Representatives, there is. There has been a repeal provision created that would repeal this board, and I will tell my colleagues it is a bipartisanly cosponsored attempt to repeal this provision.

So that is what we are looking at now. Why? Because the President and the Democrats refused to take a leadership role and chose to punt this down the road. They simply threw up their hands and said let someone else do it. This is not health reform that is good for patients, for the providers, the doctors and nurses who take care of those patients, or for the taxpayers.

Fortunately, Senator CORNYN of Texas has introduced the Health Care Bureaucrats Elimination Act. This bill would repeal this board in order to ensure that the doctor-patient relationship that is important to quality health care for all Americans is maintained. I am happy to cosponsor that with Senator CORNYN. We will continue to fight to repeal and replace this very broken health care law.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, shortly we are going to be having three votes. One vote will be on the budget for our current fiscal year that began on October 1 and ends on September 30 of this year. I think we have talked about that vote at some length. I took the floor yesterday and explained how the negotiated budget for this year is far better than the Republican-passed budget in the House of Representatives, the original H.R. 1. I pointed out how a budget represents the vision for our future, that it is a policy document. I far prefer the agreement that was reached that preserves America's ability to have a competitive workforce.

I pointed out yesterday, and I will repeat again today, that the budget we will vote on will maintain most of the funding for NIH basic research, which is critically important for innovation in America. That is the basic research that is used by our high-tech companies so America can outinnovate our competitors, whereas the House-passed budget would have cut $1.4 billion from NIH research, or how the agreed-to budget will provide for job training and Job Corps pretty much at the current rates, whereas the Republican-passed House budget would have eliminated most of the funds for job training and 40 percent of the funds for the Job Corps; or, for our students and Pell grants, maintaining the funding so students can continue to receive $5,550 maximum under Pell grants. As I pointed out, college education tuition is going up. The House-passed budget would have cut 15 percent off of that program.

I think perhaps the one that really points to the major difference between where the Republicans were on the budget and what we finally ended up with is the Head Start Program. The Head Start Program has worked very effectively in all of our States. Children who participate in Head Start do much better in life. We know that. The House-passed budget would have cut the number of children in Head Start by 218,000, eliminating 55,000 teachers and assistants from the Head Start Program. I am pleased the agreement reached will maintain all services at Head Start so all of our children can continue in that program.

The list goes on and on about the compromises that were reached. I wish to make clear this was a true compromise. It is not what the Democrats wanted or what the Republicans wanted. It is going to be painful. There is a lot I would like to have seen done differently.

I wish to point out that the GSA budget is going to be reduced by $1 billion. At the White Oak facility in Maryland for the FDA, we are doing some critically important construction work to bring together the different participants for the safety of Americans. That program is going to be severely slowed as a result of the cut to the GSA budget.

I pointed out yesterday that on the environmental front regarding the Endangered Species Act, there is a provision that delists the great wolf. That shouldn't be targeted for congressional action. That is a dangerous precedent for us to set.

I pointed out that the Community Development Block Grants are cut. Even though the EPA budget which would have been cut by 30 percent with the House-passed budget—we bring that down by 50 percent, so it is only a 15-percent cut, but a 15-percent cut is too large of a cut for the Environmental Protection Agency. The good news is we were able to remove those policy riders that would have prevented the Environmental Protection Agency from protecting the environment, protecting our public health. Those were eliminated.

I wish to speak for the next few minutes about the other two votes that will be taking place on the floor in a few moments. They are votes on what are called correcting resolutions. Let me explain this, because I think it might surprise some of the people to learn we are not talking about the amount of dollars that is going to be appropriated in this current year's budget. These are restrictions as to how money can be spent, so it deals with a philosophical agenda, not a budget agenda. This is not about reducing the deficit; this is about trying to impose a philosophical position on the budget for this year. Let me talk about the two correcting resolutions which I am going to urge my colleagues to vote against. One would restrict funds going to Planned Parenthood—women's health care issues—which I call the war on women. This deals with title X funding.

Title X funding is used for preventive health services such as cervical cancer screenings, breast cancer screenings, immunizations, diabetes and hypertension testing, sexually transmitted disease testing and treatment, HIV testing and referrals. Not one dime of Federal money can be used for abortions. That is the current law, the current prohibition.

Currently, there are approximately 5 million people who benefit from title X funding with over 4,500 clinics across the Nation. Ninety-one percent of the people who take advantage of these clinics have no health insurance. Less than 25 percent of title X funds go to Planned Parenthood. Planned Parenthood spends approximately 3 percent of its total budget on abortion services, not one dime of which is Federal funds—not one dime of which is Federal funds. So this is not about abortion; this is about whether we are going to be able to provide preventive care to our most vulnerable in America. It is an attack on women, because women are the basic beneficiaries of title X funds. It is going to cost us more money for the use of emergency room services. It makes no sense at all. It is certainly counter to what we all say we want, and that is gender equity in health care in America.

I urge my colleagues to vote no on that correcting resolution.

The second correcting resolution is an attempt to repeal the affordable

care act that we celebrated the anniversary of a few weeks ago. If you are a senior, you should be concerned about this vote, because now you have a wellness exam annually under Medicare that is reimbursed, so you can take care of your own health care needs. That would be put in jeopardy.

If you are one of the 3.2 million Americans who fall within the so-called doughnut hole, or the coverage gap for prescription drug coverage, you should be concerned about the repeal. If you got $250 last year, you are going to get 50 percent of the cost of your brandname prescription drugs covered and, by 2020, we are going to close the doughnut hole altogether. That would be eliminated if this correcting resolution were passed. Seniors should be pleased that at least we were able to extend the solvency of the Medicare Program by 10 years.

Frankly, you should be worried about whatever efforts are being made here to privatize the Medicare system, making seniors pay more for their health care. It starts with this vote later today where we can reject the efforts to turn back the clock on Medicare where seniors would have to pay more.

If you are a small business owner, you should be pleased by the tax credits that are now available and which this correcting resolution would take away, making it more expensive for employers to provide health care for their employees.

If you are a consumer and are now able to cover your child up to age 26—1.2 million Americans—the correcting resolution would turn the clock back on the progress we have made on fighting the abusive practices of private insurance companies in dealing with preexisting conditions. If you have a child with asthma, now you can get full coverage. If we turn the clock back by approving that correcting resolution, you will be at the mercy of private insurance companies to provide coverage, which is very unlikely to happen.

I can talk about emergency room visits where some insurance companies require preauthorization. I don't know how you get preauthorization when you need to go to an emergency room. We corrected that in the affordable care act. Once again, the correcting resolution we are being asked to vote on will turn the clock back on that, putting people at the mercy of private insurance companies as to whether they will cover emergency room visits.

If you are a taxpayer, which is what we are talking about today with the budget, you should be very much concerned about this correcting resolution because by turning back the clock on the affordable care act, it will cost the taxpayers over $1.5 trillion over the next 20 years. So it is tailored to your need. If you have pride, as I do, that America has at long last said that health care is a right, not a privilege, and recognize that we need to do more to improve our health care system, you want us to move forward and talk about the health care issues and try to improve our health care system; you don't want us to turn the clock back.

The large number of people who have no health insurance or have restricted coverage because of the abusive practices of private insurance companies or the inability to cover children after they graduate from college—that has now been corrected. We certainly don't believe a correcting resolution would take that away from us.

We are going to have three votes. I urge my colleagues to vote against both of these correcting resolutions. They are attacks on women's health care issues and attacks on quality health care for all Americans. We need to pass the budget, and these correcting resolutions should be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Madam President, I ask unanimous consent for 5 additional minutes.

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

## WHISTLEBLOWERS

Mr. GRASSLEY. Since January, I have been investigating allegations from whistleblowers at the Bureau of Alcohol, Tobacco, and Firearms. The allegations I have received are shocking, but sadly they appear to be true. Praise the Lord for the whistleblowers in this government because we don't know where the skeletons are buried, and they help us to do our constitutional role of oversight and the checks and balances of government.

The ATF, which is supposed to stop criminals from trafficking guns to Mexican drug cartels, was actually making that trafficking of arms easier for them. That would be bad enough if it happened because of incompetence or turf battles, but it looks as if the agency was doing this on purpose. The government actually encouraged gun dealers to sell multiple firearms to known and suspected traffickers.

Two of those guns ended up at the scene of a murder of a U.S. Border Patrol agent in Arizona. His name was Brian Terry. His family deserves answers from their very own government. I have been fighting for those answers. I have written eight letters to the Justice Department. I have asked for documents. I have asked that specific questions be answered.

At first, the Justice Department simply denied the charges. Then one of the whistleblowers went on television. He risked his career to tell the truth on ''CBS Evening News.'' He had a sense of duty to Agent Terry's family and, in turn, to the entire population of this great country. He could not believe his own government refused to come clean and tell the truth when questioned by this U.S. Senator. He went public to set the record straight.

Other whistleblowers have confirmed what this whistleblower said. In fact, I received internal government documents that confirmed what he said. Anonymous patriots tried to ensure that the truth would come out. You know, that is about the only crime whistleblowers commit—committing truth. Isn't that sad?

I forwarded many of those documents that I received clandestinely to Attorney General Holder and Acting Director Melson. I asked them how to square the denials from that Department with the evidence I have received both orally and on paper.

At Attorney General Holder's confirmation hearing—now 2 years ago—I told him:

> I expect that you will be responsive to my oversight work and that my questions and document requests will be taken seriously. . . . I hope that I have your assurance that if you are confirmed, you will assist me with oversight activities, be responsive to my requests, and help me make the Justice Department accountable.

Now, the Attorney General, who was the nominee at that time, responded:

> I will try to do all that I can to make sure that we respond fully and in a timely fashion to the very legitimate questions that I know you have propounded to the Department.

But now, ironically, I have provided more internal documents to the Justice Department in this investigation than the Justice Department has provided to me. Now, instead of issuing denials, do you know what happened? It happens all the time when you are doing oversight work, with almost any agency. But in this case, the Justice Department has circled the wagon. They have clammed up.

The President of the United States admitted on Spanish language television that ''certain mistakes'' may have been made here in the instance of this investigation. He and Attorney General Holder say they didn't authorize a policy change that allowed criminals to walk away with guns. But there was a change in policy that went tragically wrong. The prophecy of a lot of whistleblowers turned out to be fact, sadly. So Congress needs to find out what did the highest senior officials know and when did they know it.

The purpose of the policy change was to go after leaders high up in the chain of command and bring down a drug cartel. Nobody can find fault with that. But prosecutors didn't want to just go after criminals who just lie on Federal forms to buy guns for trafficking; they wanted to go after the really big fish. The problem is this: They let so many little fish keep operating that between 1,300 and 1,700 guns got away. That is just in this one case in Arizona that I can document. Hundreds of these guns have, in turn, turned up in crimes on both sides of the border—some in Mexico and some in the United States.

Federal agents often have to walk a fine line in trying to catch the bad guys. They sometimes have to allow a crime to progress to make sure everyone involved in the conspiracy gets caught. I understand that. That can be

legitimate, but you have to look at it this way. It is very serious business. It is quite a gamble, you might say. There have to be careful controls in an operation like I just described. Law enforcement should not cross the line into actually assisting criminals just for the simple process of gathering information. Operations should be carefully focused on stopping crime without risking public safety. Seizing contraband and making arrests are the most important goals. Big, headline-grabbing cases to advance some prosecutor's career should take a backseat in any of these gambles.

Yesterday, I sent a letter to Attorney General Holder with some more documents. So I am sending the Department documents I would like to have them send me. These are documents that maybe the Attorney General himself didn't know about.

There are e-mails between a federally licensed firearms dealer and the supervisor in this Arizona case known as ''fast and furious.'' In one e-mail, the dealer raises, for a third time now, his concerns about how the case is being handled. This time, he was prompted by a story on FOX News about the growing firearms problem on our border with Mexico. The dealer wrote—and this is a long quote which I will start now:

The segment is disturbing to me. I shared my concerns with you guys that I wanted to make sure that none of the firearms that were sold per our conversation with you and various ATF agents could, or would ever, end up south of the border and in the hands of the bad guys. I want to help ATF with its investigation, but not at the risk of agents' safety, because I have some very close friends that are U.S. Border Patrol agents in southern Arizona.

Now, maybe one of those friends, for all I know, was Agent Terry, and he got murdered—or at least we think he did—with one of these guns. These guns were at the scene, at least. That e-mail I quoted was sent to the supervisor of the case 6 months before guns from that case were found at the scene of Border Patrol agent Brian Terry's murder.

The government put these firearms dealers in a completely unfair position. Let me explain that. On the one hand, these gun dealers rely upon the Bureau of Alcohol, Tobacco, and Firearms for their license to even be able to be in business. So of course these dealers want to cooperate with the government when they have this big club hanging over their head: Will you be licensed or not? On the other hand, the government asks these gun dealers to keep selling to the bad guys even after the dealers warned it might end in tragedy.

I am going to do whatever it takes to get to the bottom of this. The House Oversight Committee has joined in my effort and issued a subpoena for documents because it might duplicate the process in the House.

I have not sought any subpoenas or hearings in the Senate Judiciary Committee yet. I have not exercised my right to object to any unanimous consent request on nominations because of this issue yet. However, I want my colleagues and officials at the Justice Department to hear this loud and clear: If that is what it takes, then I will take those actions. I hope it doesn't have to come to that. I hope the Justice Department will decide to cooperate and provide the information we need, doing our constitutional responsibility of oversight, to make sure the checks and balances of the system of government under our Constitution is working. It has been nearly 3 months since I first raised this issue. It is past time for the Justice Department to come clean.

I ask unanimous consent to printed in the RECORD a copy of this letter to Attorney General Holder.

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, April 13, 2011.*

Hon. ERIC H. HOLDER, Jr.,
*Attorney General, U.S. Department of Justice, Pennsylvania Avenue, NW., Washington, DC.*

DEAR ATTORNEY GENERAL HOLDER: At approximately 1:30 p.m. yesterday, my staff learned that the Justice Department was making four documents available at 2:00 p.m. for Chairman Darrell Issa's staff to review regarding the controversy over ATF's Project Gunrunner, Operation Fast and Furious, and the death of Border Patrol Agent Brian Terry. These documents are among those I requested in February of this year. Yet, the Justice Department refused to make them available for my staff to review. In fact, the Justice Department has produced not one single page of documents in response to my inquiries.

Thus far, I have not requested that Chairman Leahy join in any document requests, consider any subpoenas, or schedule any hearings into this matter in the Senate Judiciary Committee. Any such request would be unnecessary and duplicative of the process on the House side, so long as any documents provided there are also provided to the Senate Judiciary Committee at the same time.

The Department's failure to cooperate with my requests is especially troubling in light of the February 4, 2011, reply to my initial letter. In that reply, the Justice Department took the position that those allegations were ''false'' and specifically denied ''that ATF 'sanctioned' or otherwise knowingly allowed the sale of assault weapons'' to straw purchasers. The letter further claimed that ''ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.''

I already provided evidence contradicting that denial in my February 9 and March 3 letters. In addition, attached you will find further documentation undermining the Department's assertion. Specifically, the documents are emails between ATF officials and a Federal Firearms Licensee (FFL) in Arizona. These emails demonstrate that ATF instructed gun dealers to engage in suspicious sales despite the dealers' concerns. The emails refer to meetings between the FFL and the U.S. Attorney's office to address the concerns being raised by the FFL. ATF supervisor David Voth wrote on April 13, 2010:

I understand that the frequency with which some individuals under investigation by our office have been purchasing firearms from your business has caused concerns for you. . . . However, if it helps put you at ease we (ATF) are continually monitoring these suspects using a variety of investigative techniques which I cannot go into [in] detail.

In response, the gun dealer expresses concern about potential future liability and sought something in writing to address the issue explicitly:

For us, we were hoping to put together something like a letter of understanding to alleviate concerns of some type of recourse against us down the road for selling these items. We just want to make sure we are cooperating with ATF and that we are not viewed as selling to bad guys.

Following this email, the ATF arranged a meeting between the FFL and the U.S. Attorney's office. According to the FFL, the U.S. Attorney's office scheduled a follow-up meeting with the FFL, but asked that the FFL's attorney not be present.

At the meeting on May 13, 2010, the U.S. Attorney's office declined to provide anything in writing but assured the gun dealer in even stronger terms that there were safeguards in place to prevent further distribution of the weapons after being purchased from his business. As we now know, those assurances proved to be untrue. On June 17, 2010, the gun dealer wrote to the ATF to again express concerns after seeing a report on Fox News about firearms and the border:

The segment, if the information was correct, is disturbing to me. When you, [the Assistant U.S. Attorney], and I met on May 13th, I shared my concerns with you guys that I wanted to make sure that none of the firearms that were sold per our conversation with you and various ATF agents could or would ever end up south of the border or in the hands of the bad guys. . . . I want to help ATF with its investigation but not at the risk of agents' safety because I have some very close friends that are U.S. Border Patrol agents in southern AZ[.]

Incredibly, the FFL sent this email six months before guns from the same ATF operation were found at the scene of Border Patrol Agent Brian Terry's murder. So, not only were the ATF agents who later blew the whistle predicting that this operation would end in tragedy, so were the gun dealers—even as ATF urged them to make the sales.

Furthermore, according to the FFL, there were ''one or two'' occasions on which his employees actually witnessed and recorded with surveillance cameras an exchange of money between the straw purchaser and another individual on the premises. Despite this actual knowledge of a straw purchase, the dealer said ATF officials wanted him to proceed with the transaction. However, his employees refused to process the sale.

In light of this new evidence, the Justice Department's claim that the ATF never knowingly sanctioned or allowed the sale of assault weapons to straw purchasers is simply not credible. As you know, I have multiple document and information requests pending with various components of the Justice Department. Unfortunately, however, it appears that senior Department officials are not allowing the components to respond fully and directly.

Please provide written answers to the following questions by no later than April 20, 2011:

1. Do you stand by the assertion in the Department's reply that the ATF whistleblower allegations are ''false'' and specifically that ATF did not sanction or otherwise knowingly allow the sale of assault weapons to straw purchasers? If so, please explain why in light of the mounting evidence to the contrary.

2. Will you commit to providing the Senate Judiciary Committee with documents, or access to documents, simultaneously with the

House Committee on Oversight and Government Reform? If not, please explain why not.

If you have any questions regarding this request, please have your staff contact Jason Foster at (202) 224–5225. Thank you for your prompt attention these important issues.

Sincerely,

CHARLES E. GRASSLEY,
*Ranking Member.*

Mr. GRASSLEY. How much time do I have?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

## IMMIGRATION

Mr. GRASSLEY. I want to talk about immigration and a part of the immigration issue that concerns me, and, by golly, it has something to do with government oversight as well.

Last August, some lawyers at the U.S. Citizenship and Immigration Service drafted internal memos outlining ways that the administration could get around Congress and grant undocumented aliens in the United States legal status. These amnesty memos outline ways that the executive branch could use discretionary authority to make sure thousands—who knows, maybe millions—of people here illegally could stay here without a vote of Congress.

A number of Republicans sent a letter to President Obama urging him to abandon any such plan. We sent several letters to Homeland Security Secretary Napolitano asking for statistics and a briefing on these memos. We asked for assurances that such plans to bypass Congress—I emphasize ''plans to bypass Congress''—not be implemented. What did we get? All we got was radio silence.

I raise this issue again today because I am bothered by reports that there is another push for this administration to grant amnesty through Executive order, which only should be done by the law of this Congress, to certain groups of undocumented populations. Surprisingly, the push for this is coming from our friends on the other side of the aisle. Yesterday, 22 Democrats sent a letter to President Obama asking him to turn a blind eye to the law. These 22 Senators said they were OK with having an executive branch go ahead and go around Congress and grant amnesty to those who would be eligible under the so-called DREAM Act. These Senators said they didn't have the votes to get the bill through the Senate last year.

Their approach is in a nonconstitutional fashion to ask the President to have his administration use what is referred to legally as prosecutorial discretion to keep these undocumented individuals here. They claim doing so would ''consistent with our strong interest in the rule of law.'' They say doing so would ''help to conserve limited enforcement resources.''

I am appalled, and I hope a lot of my colleagues on both sides of the aisle are appalled, that Members of this body think that an Executive order to grant amnesty behind our backs is not an assault on the democratic process. Congress has the power to change immigration laws and only Congress has the power to change immigration laws. The President has limited authority to grant relief in limited and emergency circumstances. I support the President's power to do that, but it was not meant to be used in a blanket fashion. The request by 22 Members of this body is an affront to our country's longstanding belief in the rule of law, and it is an attack on this body's duty to legislate on behalf of the American people, a power to legislate that the President does not have.

I happen to agree that our immigration policies have to be reformed. I will commit to moving legislation that expands upon or improves the legal avenue we currently have in place. Once again, we have not seen leadership by this President to work on a bill this Congress can support. Until that time comes, it would be foolish and disappointing if this President circumvented the democratic process and did what 22 Members of this body asked him to do in the letter to which I referred.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

## CONTINUING RESOLUTION

Mr. BLUMENTHAL. Madam President, I rise near the end of this very important and profoundly significant budget debate to make some points not only about the dollars and cents in our health care system, but also to speak about a growing and persistent threat—the threat of irresponsible cutbacks to vital health care services for our Nation's most vulnerable—in the name of an ideological war on women's health care.

Our Nation is in the midst of a fiscal crisis. We need to recognize that there is a very immediate and important imperative to cut the costs of health care in this country. The costs of health care are spiraling out of control at a rate five times the rate of inflation.

The President, commendably, is talking about the need for serious measures and sensible conversation about what can be done to control and reduce the costs of health care. Just this week, the administration initiated Partnership for Patients, which is another step in the President's continuing efforts, and I believe this body's continuing efforts, to prevent and reduce needless costs to our health care system. For example, reducing the incidence of readmissions to hospitals and providing for better outpatient treatment after people are out of the hospital; reducing the incidence of hospital inquired infections; to reducing the incidence of overprescription—or misprescribed drugs—these kinds of costs are preventable. We have an obligation to reduce those costs in health care when they are preventable.

Higher quality at lower cost has to be our objective. And, lowering costs also means preventive care for women when they cannot afford it. That is what Planned Parenthood does. The threat of H. Con. Res. 36 is to that profoundly important goal—higher quality health care at lower cost—that we can achieve as a nation if we invest in preventive care.

The threat of H. Con. Res. 36 is, therefore, not only to the 1.4 million Medicaid patients across the country who would be deprived of that preventive care, and not only to the more than 60,000 women in Connecticut who are at risk, but to all of us, to our families, and to our fiscal health. We know Planned Parenthood saves $4 for every $1 invested. Smart investments that go to provide the Pap smears, breast exams, and other kinds of preventive health care that not only save our health care system money, but that are an absolutely critical part of high quality health care in the United States.

But this debate is about more than costs. It is about human beings. It is about those women who need that preventive care for their future and their family's futures and eventually for their children's futures. Every woman across our Nation, including 1.4 million Medicaid patients who consider Planned Parenthood their primary source for preventive health, deserves to visit a health care provider she trusts—a health care provider that many of us have in this body whether we are men or women.

I am talking about women such as Rebecca in Meriden, CT. Rebecca's parents' health coverage did not extend to her, and she made too much money to qualify for Connecticut's Husky Program—too much money meaning $10 an hour and working part time, a total of $10,000—too much money to qualify for Husky. She depended on Planned Parenthood for regular health screenings and contraceptive care. As she said in her own words:

> Planned Parenthood was my saving grace for my reproductive health.

Women such as Maya, a 23-year-old uninsured young woman, a waitress, part time, doing an unpaid internship for a nonprofit organization. She went to Planned Parenthood for her routine Pap smear, and the results showed abnormal cells that required a biopsy and an operation to have the precancerous cells removed. That procedure could have been lifesaving for Maya; as are all of the routine screenings that Planned Parenthood provides for countless women across the country and in Connecticut. All of these procedures take place day in and day out around Connecticut, for a price they can afford. These stories from Rebecca and Maya are heard around our Nation, at least 60,000 strong in Connecticut alone.

As Martin Masselli, Community Health Center advocate and the president of Community Health Care, Inc. in Middletown, recently said:

Defunding Planned Parenthood would be the moral equivalent of turning off the electricity and a whole segment of health care would go dark.

That is what H. Con. Res. 36 means in human terms. In dollars and cents: preventive health care, the kind of work done by St. Vincent's in Bridgeport and Hartford Hospital, and Yale-New Haven hosptial, and countless others around the State and in the country because our hospitals and health care providers are responding responsibly to the need for higher quality and lower costs. We must preserve the momentum to move forward and to make sure the promise, as well as the obligation, the opportunity as well as the mandate, is fulfilled.

I call for my Senate colleagues to stand together for women such as Rebecca and Maya and for clinics and hospitals and providers across the Nation who depend on Planned Parenthood and to reject this resolution, to reject the effort to turn back the clock and to settle this debate once and for all, to end the ideological war which has itself nothing to do with saving money; that in fact, will cost more than it saves. I call for us to turn our attention, as we should and we must, to people who want us to put America back to work to create jobs, to foster economic growth, to fulfill the mandate that was articulated and expressed so eloquently by the people of this country in this last election, which was not to wage war on women's health.

The message was to put Connecticut and put America back to work, create jobs and continue our fragile economic recovery.

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

The PRESIDING OFFICER (Mr. MANCHIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## THE BUDGET

Mr. THUNE. Mr. President, today we are going to vote on last year's unfinished business. We are going to vote on a continuing resolution that will fund the government through this fiscal year, which ends on September 30. The proposal we have before us in order to fund the government through the end of the fiscal year certainly is not perfect. In fact, there are many—myself included—who would like to see it make deeper reductions in spending. That said, we will be voting on a proposal that will cut spending by around $40 billion this year, and when you look at baseline spending over the next decade actually saves over $300 billion over the 10-year period.

What strikes me about that is that it will be the first time in a long time that we have done something about reducing spending. That is not something routinely or traditionally done here. In fact, we are going to reverse a trend that began a long time ago but accelerated a couple years ago when nonnational security discretionary spending increased by almost 25 percent in the last 2 years.

This is an important first step. Granted, it is a first step, and in a minute, I am going to get to the bigger issue, but it is critical that we send a message and signal to the American people that we have heard their voices loudly and clearly and we get what they want us to do; that is, to get spending under control, shrink the size of the Federal Government, to get it to live within its means, and to quit spending money that we do not have in Washington. That is something that has been happening here for a long time. It has taken on a whole new dimension in the last couple of years.

As we talk about the unfinished business of last year, trying to get a measure in place that will fund the government through the end of the year, that will reduce spending by about $40 billion, we are talking about the smaller part of overall spending when we look at the macroeconomic view or pull back to what some would say to the 30,000-ft. view and look at spending over the next decade. In fact, we had someone testify in the Finance Committee yesterday, the former Comptroller General David Walker. He put it well when he said talking about funding in the continuing resolution is like arguing about the bar tab on the Titanic. We are on a sinking ship, and we need to do everything we can in the short term, getting maximum amount of spending reduction, but then we need to pivot and start talking about the next big battle, and that is the battle over the 2012 budget. Ironically, we are just now getting to the 112th Congress's business because we are wrapping up the business of the 111th Congress. The Democratic leadership here didn't pass a budget last year or a single appropriations bill. As a consequence, we are voting here now on a continuing resolution to do last year's business to get us through the end of this fiscal year before we can start the work of the 2012 budget, which is where I think the big debate will begin about how we get this country back on a more reasonable fiscal path.

We have seen a couple of developments here in the last 2 weeks or so that bear on that debate. One is last week, when we had the introduction by the House Republicans of a budget plan, a 10-year budget plan that was very aggressive in trying to take on the issue of spending and debt, very aggressive in trying to put progrowth policies in place that would help grow the economy and create jobs and that gets our economy back on track in this country. That was kind of the big discussion last week.

The President, I believe, felt left out of that discussion, so yesterday he decided to make a speech in which he would lay out his vision for the next decade and how we address the big challenges this country needs to tackle. I would describe that speech as a do-over because the President's first trip to the plate was really his budget, which he submitted a couple of months ago. That budget was conspicuously bereft of any effort to address the really big challenges facing the country. It didn't talk about how we are going to reform entitlements, didn't address tax reform, and it actually increased spending—increased taxes and increased the debt dramatically over the next decade. It nearly doubled the gross debt from $13 trillion or $14 trillion to over $26 trillion, and that is using I think pretty optimistic economic assumptions.

That being said, because the President didn't address any of the big issues in his budget and because the House Republicans put a proposal forward last week which would, I think he felt as if he needed to get in the game. So yesterday he made a stridently partisan speech in which he tried to put forth a plan. I would argue that speech yesterday was very long on politics and very short on substance. There wasn't a lot in there to really sink your teeth into if you are someone who believes seriously that we need to make reforms in entitlement programs. There was the usual prescription for dealing with the deficit and the debt, which consisted of increasing taxes. There are tax increases in here, tax increases in the President's proposal on small businesses—the job creators in our economy.

I would point out to my colleagues that half of all small business income is taxed at the individual level because many small businesses allow the income from that business to flow through to their individual tax return. In fact, the number of small businesses that would be impacted by his proposal employ about 35 million people in our economy. So you are talking about raising taxes on the job creators, on the people who really are employing people across this country, and that was a key element in the President's prescription for dealing with the fiscal crisis this country faces.

Another element of the President's plan was relying on this proposal that was part of the health care reform bill to squeeze provider payments under Medicare to try to wring a little more out of Medicare. He relies on an independent payment advisory board which would be empowered to go ahead and make reductions, to make cuts in provider payments. What is interesting about that is the health care reform bill last year did make some significant cuts to providers, not to reform Medicare but to create the new health care entitlement program, which, when it is fully implemented, will cost $2.5 trillion. So that is what the President used—any savings that were achieved in Medicare last year. So when he talks

about now using this independent payment advisory board to make further reductions in provider payments, it is relying on the same old tried-and-true formula. I say tried and true, but it is actually a tried-and-failed formula that has been in place before.

There is no reform in this proposal. There is nothing new or innovative that says: Let's figure out a way to solve this Nation's fiscal problems, something that actually gets at the heart of the problem and doesn't use the same old failed prescriptions that have been used in the past.

I frankly don't know what is going to happen. If you continue to cut payments to physicians and to hospitals, you will find fewer and fewer medical providers who are going to serve Medicare and Medicaid patients in this country. It is as simple as that. When you lose a little on each transaction, on each customer or each patient you serve, you have to cost shift and make up for it by shifting more of the cost over to private payers, which continues to drive health care costs for everybody who is not receiving their health care from some government program even higher and higher. So there wasn't anything in there that I would suggest really gets at this problem.

Also conspicuously absent from that speech was anything to do with reforming Social Security. We all know Social Security is also a program which ran a deficit last year. It looks as if it will be in the black this year but next year it starts running deficits and runs them well into the future. We have to make that program solvent, not just for the senior citizens who are benefiting from it today, those who are nearing retirement age, but for the next generation. The President decided to punt on that subject as well.

So, as I said, the speech yesterday was long on politics, short on substance, and short on a meaningful discussion about how we get at and address and fix these enormous fiscal challenges we face.

The other thing the President does is he uses a 12-year timeframe. We normally operate here on a 10-year budget window. That is what the House and the Senate do. It is typically what the White House does when it submits a budget to Congress. So he stretched that out to 12 years, perhaps maybe to lessen the impact of some of the few reductions he does make in his budget, but nevertheless it is a very different schedule, in terms of the proposal he makes, relative to the one that came forth last week from the House Republicans.

The reason this whole debate is important is because we continue to spend and spend as if there is no tomorrow, and it is money we just flat don't have. This year, we will take in $2.2 trillion, spend $3.7 or $3.8 trillion, and we are going to run a $1.6 trillion deficit. I have said this before on the floor, but it is now 1:20 in the afternoon today, and by tomorrow, Friday, at 1:20 in the afternoon, we will have added over $4 billion to the Federal debt. That is the rate at which the spending and debt problem is going today. We cannot continue on this path.

Some people would argue—the President and some of our colleagues on the Democratic side—that the way you fix this is ''have a balanced approach'' that raises taxes, that there has to be a tax increase as a part of this. I don't think the American people ought to have their taxes raised until we demonstrate a willingness to get at the heart of the problem.

The problem here in Washington is not a revenue problem, it is a spending problem. The numbers bear that out. If you look at the last 40 years of American history, the average amount we spend on the Federal Government as a percentage of our total economy is 20.6 percent. A little over one-fifth of our entire economic output is spending by the Federal Government. This year we will spend over 25 percent of our total economy on the Federal Government. So we have seen the Federal Government, in relation to our total economy, grow by about 20 percent over the historical average just in the last couple of years. In the last 2 years of this administration, we have added almost $3.5 trillion to the Federal debt.

As I said before, spending increased—non-national security, discretionary spending increased in the last 2 years by almost 25 percent at a time when inflation in the overall economy was only growing at 2 percent. So you have the Federal Government spending at somewhere on the order of 10 times or more than 10 times the rate of inflation. You can't defend or justify that to the American people.

The American people have a right to know we are serious about getting spending under control, as evidenced by the report of the Government Accountability Office a few weeks back where they looked at about one-third of the overall government to determine where there was duplication and where there was wasteful spending. They came up with a number of conclusions in that report, one of which was that there are 82 programs—82 programs—at the Federal Government that deal with teacher training spread across 20 agencies or so of the Federal Government.

Can you believe this—56 programs that teach financial literacy. Imagine Washington, DC, lecturing or instructing anybody around this country about financial literacy, of all things, but there are 56 programs spread across 10 different agencies or departments of government that deal with financial literacy. I mean, the American people have to be thinking, get serious.

This is the kind of thing that outrages and frustrates the American people. That is why I think they want us to singularly focus on reducing spending and getting this debt under control not by raising their taxes in the middle of an economic downturn, particularly taxes on our small businesses that will create the jobs to get the economy back on track but by reducing spending. That is where this debate ought to be centered. Regrettably, as I said, the President, in his speech yesterday, immediately latched on to the idea that we need to raise taxes on our small businesses, on our job creators.

Well, we are going to have the chance, after the vote today on the continuing resolution—assuming that it passes—and then wrapping up last year's unfinished business, to shift to this debate about the debt limit. The debt limit will be the next major issue coming along that will present an opportunity for both Republicans and Democrats to engage in a debate about how to solve this country's fiscal problems, starting with measures we put in place that put caps on spending.

We have to get spending under control, and then we will have a debate about the 2012 budget. It is unclear to me at this point whether the Senate will do a budget at all. The House of Representatives clearly will. They passed it out of their Budget Committee, and they are going to vote on it today. They are going to put forward a plan that does reduce spending by over $6 trillion over the next 10 years, that brings reforms to our Tax Code, that lowers marginal income tax rates on our businesses and our individuals, and that hopefully will create economic growth and development out there and create jobs.

It is a budget that changes the way we look at some of these traditional entitlement programs, insulating and protecting everybody who is over the age of 55. And that is the ironic thing about it, because our colleagues on the other side get up and immediately attack this proposal as cutting benefits to senior citizens. The House plan that was put forward does not impact anybody over the age of 55. So if you are retired today and drawing Medicare benefits or if you are nearing retirement age, under this particular proposal, you are unaffected. It would affect those younger than 55 who are beginning to look at the retirement years and wondering whether any of these programs are even going to be around for them. We can make those programs sustainable and viable for younger Americans who are willing to look at these things in a new way. The House budget does that.

It makes reforms that put the patient back in charge, the consumer back in charge, that I think draws on the great impulses of tradition in this country—competition, choice, allowing people to have more opportunity and more flexibility to choose a plan that works for them.

It seems, at least to me, that we have to get to a new model because the current model clearly doesn't work. It is an example of government spending that, if it perpetuates, has a $38 trillion unfunded liability in Medicare alone and has further unfunded liabilities in Social Security.

We have a major problem in this country, and it needs to be addressed. It starts with the debate on the debt limit and then hopefully on the 2012 budget. I am glad to see the President finally having a proposal out there and engaging in this debate. Unfortunately, his vision is the wrong vision for the future of this country. But it is high time the American people saw us have this debate, take these issues on, and let's hope we can come together behind a proposal that will reduce spending, reduce debt, and put us more on a fiscal footing that is good for future generations and that gets this economy going and creates jobs.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, we are going to be voting sometime today. I am concerned about the tea party Republican assault on the health of American women because that is what we are going to be deciding. The focus on this has little to do with deficit reduction because better health automatically saves money. This assault is an attempt to change individual behavior to a standard that the tea party people see as proper for others exercising their own free will. It contains an element of unfathomable hypocrisy for those voting to kill Planned Parenthood.

As Members of Congress, we all have immediate access to first-class health plans. We never have to think about health coverage for ourselves or our spouses or our children—it is all in the package. There is no decision to make between paying a medical bill or paying the rent; no decision to make between buying medicine and buying groceries; no decision to make between going into a hospital or going into bankruptcy. Yet the Republicans here are trying to take health care away from women, children, and families across America. They want to completely defund Planned Parenthood, an organization that has been serving women and families in America for more than 90 years.

Today Planned Parenthood operates more than 800 centers that serve 3 million women each and every year. For many women, Planned Parenthood is a critical source of medical care. To women who cannot afford coverage, Planned Parenthood says don't worry, your health is more important.

They do not just offer counseling on family planning, they also offer lifesaving breast exams and cervical cancer screenings. Look at this. Eighty centers nationwide serve 3 million patients each year, provide 800,000 breast cancer screenings, provide 1 million cervical cancer screenings. That is so important. Cancer screenings save lives. Since the 1950s, cervical cancer screenings have cut mortality rates by more than 70 percent. Remember, treating cancer and other diseases early enough saves health care dollars in the long run.

But this is not just about sound fiscal policy or better accounting. No. No. They want to tell women, millions of them, if you cannot afford it, tough luck. Tough luck. This is about the tea party Republicans remaking America in their own image. Their real goal is to impose their radical ideology on American women.

They want to come into our homes, tell the women in our families how to live their lives. This issue is deeply personal to me. My wife and I have five daughters and eight granddaughters, and nothing is more important to me than their health, their well being, and their freedom to make choices that suit their needs.

If we kill funding for Planned Parenthood, millions of women will lose access to essential care. Those tea party Republicans claim that will help close our deficit of dollars. But it will leave us with a deficit of decency. It is not just women's health the tea party Republicans are after, it is also health care for middle-class families across America.

They want to stop the landmark health reform law dead in its tracks. This is the law that adds 32 million Americans on the rolls of the insured.

So here is what I say to colleagues on the other side: If you do not want ordinary people to have affordable coverage, then show some sincerity and throw in the coverage you have. Be honest. Vote no, and tell your constituents why you are doing this, and say you mean it when you say no, and I am giving up my coverage to prove it. I am talking to Senators on the side of taking away the funding, and talking to Members of the House of Representatives to say no and mean no.

The health reform law makes health care more affordable, more accessible, and more sustainable, and holds insurers more accountable. It makes medicine more affordable for seniors by closing the doughnut hole in the Medicare prescription drug benefit program.

The new law also allows young adults to stay on their parents' health plans until age 26, and it gives small businesses tax credits to help them provide their employees with medical coverage. Without this law, insurers could once again restrict benefits, rescind coverage when people get sick, and refuse care to children with preexisting conditions. I do not think we want to return to the days when insurers could turn their back and turn away sick children.

Life for me was upfront and personal when it came to my family's health care needs. I grew up in a working-class family in Patterson, NJ. My father worked in the local silk mills, and he died of cancer at age 43, leaving my mother a widow at age 37. Our family struggled in bankruptcy as my father's life ebbed away. My mother owed doctors, hospitals, pharmacies, money we did not have. After my service in Europe in the Army, because there was a government program, I was able to get my education through the GI bill. I joined two friends and built a company so successful that it is hard to imagine. It employs 45,000 people today, operating in more than 20 countries. Three of us from poor families. For me the GI bill made the difference. It is government stepping in when it was needed, and has put 45,000 people across this world to work.

That is what government is about. It is there to be helpful. This is not just an accounting office. It is not just a fiscal policy problem. Because of my success in business, I never had to worry again about whether I could provide health care for my family. I never forgot what it was like to be without health care.

We need the health reform law, because no American should ever have to make sacrifices to afford health care. Americans are beginning to experience the benefits of this law. Why now would we want to put the progress on hold?

I agree, we have serious economic problems in our country. But we are not going to solve them by taking health care away from American women and families. Do not take away this critical assistance for people who cannot afford the care they need. If we have fiscal problems, if we have debt and deficit problems, there are ways to solve them. But one way is not to take health care away from people who need it. It is an injustice, and we should not permit it.

Mr. President, I ask unanimous consent that the time until 4 p.m. be equally divided between the two leaders or their designees, with the other provisions of the previous order remaining in effect.

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

The Senator from Alabama is recognized.

(The remarks of Mr. SHELBY pertaining to the introduction of S. 820 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to be recognized for the next 15 minutes so Senator VITTER and I can introduce a very important piece of legislation.

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

(The remarks of Ms. LANDRIEU and Mr. VITTER pertaining to the introduction of S. 861 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Ms. LANDRIEU. I see other colleagues on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, shortly, we hopefully will be voting on a budget agreement for this fiscal year, and that will start the process of the debate on the next fiscal year. What we are about to do is more than pass a budget agreement; we are about to define a vision of America. We are about to make choices now and in the coming weeks that will reflect our values and our principles as a people and as a nation.

The real question before us, in my mind, is not simply about the numbers, it is about competing visions of America, whether we choose a vision of America where the air and water are clean, where food and prescription drugs are safe, where roads and bridges and transportation systems are modern, well maintained, and fuel prosperity for the future, an America that puts a premium on education and invests in jobs and the middle-class, an America where a mother who wakes up in the middle of the night with a sick child doesn't have to wonder if she can afford to take that child to the doctor or if her insurance will cover the costs, an America in which seniors have a reliable Medicare system they can count on, not just a voucher that doesn't even cover the cost of a plan in the private marketplace. That is an ugly vision of America we have seen before, and it is why we passed Medicare in the first place.

Let's be clear. This is not about the numbers. This is not just simply about the details of deficit reduction. This is about two competing views of this Nation, one in which we embrace the concept of community, each of us working together for the betterment of all of us—all of us sharing in the burden of balancing the budget and reducing the deficit.

The other is a tea party vision, in which no government is good government and the notion of an American community is a myth, and we are simply a nation of competing individuals, each of us working for what we can get on our own. Tea partiers see an America in which the burden of balancing the budget should be borne by senior citizens, students, and middle-class families, while protecting subsidies to big oil companies and giving even more tax breaks to the wealthiest Americans.

We see an America of shared prosperity and shared responsibility that reduces the deficit and balances the budget, knowing that millionaires and billionaires can be just as patriotic and willing to pay their fair share as a soldier in Afghanistan whose family is living on an Army paycheck.

Our friends on the other side tell us tax cuts for millionaires and billionaires create jobs and benefit middle-class families. They told us, when we passed the Bush tax cuts a little over a decade ago, it would create millions of jobs for every American, and what happened? Jobs were eliminated or sent overseas, and the wage gap increased. This tax policy may benefit some, but it doesn't create jobs and it doesn't reduce our deficit.

For some reason, we seem to think the wealthiest Americans are clamoring for more tax cuts, but I find no basis in fact for that. I have spoken to many CEOs and leading corporate executives in my State and around the country, and never have I heard a word about how badly they need another tax cut. I believe the wealthiest Americans are as patriotic as any one of us and are willing to step up to the plate and pay their fair share if we simply ask them to support a rational tax reform program that emphasizes shared fiscal responsibility and shared prosperity.

In my view, tax cuts for millionaires are nothing more than a political sleight of hand, a smoke-and-mirrors vision of America, in which there is no shared responsibility, no sense of community but a misguided belief that only if the rich had more money, the elderly, the sick, the poor, the middle-class families struggling to make ends meet, the disabled child on Medicaid who needs round-the-clock care, we would somehow be better off.

We have been there before, and it hasn't worked. It is a smoke-and-mirror vision of America to believe that if there were no environmental protections, that polluters would protect our air and keep the water clean and safe because it is the right thing to do. Again, we have seen that vision of America, and it came in a poisonous cloud of smog that lingered over America's cities, which is why Richard Nixon, a Republican President, created the Environmental Protection Agency in the first place.

If we are serious about reducing the deficit, we at least should be looking, for example, at subsidies for big oil. The top five oil companies earned nearly $1 trillion—$1 trillion—over the last decade. Passing my bill to repeal oil subsidies would save taxpayers $33 billion over the next 10 years. We can safely assume oil profits will be much greater in the decade to come with higher oil prices, but let's assume that the top five oil companies only get another $1 trillion in profits over the next decade. Taking back $33 billion in government handouts would only shave about 3 percent of those profits. Let's not forget that much of these profits are in Federal waters and on Federal lands, so they are making these profits on America's own soil.

If we were serious about reducing the deficit, we would also be seriously looking, for example, at big oil subsidies and tax breaks. According to the data, the cost of exploration, development, and production of natural oil and gas in the United States averaged about $33.76 per barrel of oil. Oil is trading at $107 a barrel. That means big oil companies are enjoying a profit of over $750 per barrel of oil they extract. Why in the world would they ever need subsidies from the U.S. taxpayer in such conditions?

No, handing out money and reducing regulatory burdens on big oil companies and on the wealthiest Americans is not about balancing the budget or reducing the deficit; it is about a vision of America that favors the rich and would rather dismantle Medicare, cut Social Security, cut Medicaid for seniors, and the poorest among us in nursing homes who have no other place to go, rather than to solve our long-term deficit problems.

I am deeply disturbed at what is being proposed as we move forward in the next debate of the next fiscal year and the so-called push for balancing the budget by shifting $4 trillion from the promise of America to protect this Nation and to create prosperity for its people, to the wealthiest Americans in a tax cut that actually does absolutely nothing to solve the deficit problem. I am disturbed when I see those on the other side lining up to resist any compromise, any effort for a reasonable chance at a workable solution.

Before the President was even done speaking yesterday, the tea party and many Republicans had already made up their minds that there was nothing to talk about, no room for compromise; that there is no other view than their own.

When I first arrived in the other body, we may have had very clear and fundamental differences, but we understood we were there to govern. Now our Republican colleagues seem to have stopped governing in order to score political points and hope they can win an election. The extreme wing of the Republican Party is driving the legislative process and the Republican Party to the darkest reaches of the political spectrum, fundamentally threatening the very notion of democracy. They want what they want, and they want it all. They will accept nothing less than everything. But let's not forget it was Republican policies that got us here in the first place.

It wasn't long ago, not long after the last Republican government shutdown during another Democratic administration, when we had budget surpluses—surpluses—as far as the eye could see. The day Bill Clinton left office, he handed President Bush a $236 billion surplus, with a projected surplus of $5.6 trillion over the next 10 years. When the Bush administration left office and President Obama was sworn in after 8 years of Republican economic policies that they are espousing, again, including tax cuts to the wealthiest, two wars waged unpaid for, turning a blind eye to the excesses of Wall Street—the new President faced an economy that was at the abyss of a new depression. The Republicans had turned a $236 billion budget surplus into a $1.3 trillion budget deficit and projected shortfalls of $8 trillion over the next decade.

Now they want to give more tax cuts to millionaires and billionaires, losing $700 billion on the revenue side over

the next 10 years by extending the Bush tax cuts and trillions more by slashing tax rates for corporations and millionaires without offsetting tax expenditures. Those making more than $1 million a year would see tax cuts of $125,000 each from the tax cuts and tens of thousands of dollars more from the proposed tax cuts, while people in my State would lose $34 billion in health benefits and 400,000 New Jerseyans end up without health coverage at all. They want to shift the balance to millionaires and billionaires while making Draconian cuts to make up for the deficits they create—cuts that do not reflect our values as a people and as a nation.

So let me conclude by saying we all agree we must do more to rein in spending and get back to the kind of surpluses Democrats created in the 1990s, but we can only get there through a reasonable framework that emphasizes shared prosperity and shared fiscal responsibility to achieve our common goal. The way we get there is through negotiation and compromise, not from smoke and mirrors, not through trickle-down theories that have not worked, and strictly adhering to an ideological political agenda that fundamentally starts the clock all over again on the battles for basic American protections that were fought and won in the last century.

Let's not go back. Let's protect American values and keep America moving forward and working. As I have said, you show me your budget and I will show you your values.

The Republican vision of this Nation, as defined in H.R. 1, does not represent this Senator's values. It is not the fulfillment of the American promise, idea and ideal, and I do not believe it is who we are as a people and what we want our Nation to represent.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, it is amazing to me to be lectured to and hear about how awful the tea party is from folks who have never been to a tea party to hear what the tea party represents. Come on down. Bring your Huey Long rhetoric that there will be a chicken in every pot and a windmill in every backyard. Bring it down to the tea party and let's have a discussion. Bring it out to the public.

We hear from those who want to lecture the tea party about cutting spending. Who among these folks has voted against an appropriations bill? We haven't even seen one this year. We didn't see a budget. We are spending $2 trillion that we don't have, and they are here blaming it on the tea party.

Who is in charge here? It is not the tea party. Blame it on us. Give us an appropriations bill. Give us a budget. Do something constructive to fix the fiscal problems we have up here.

They say compromise is the ideal. They tell the tea party: You need to compromise. But do you know what the compromise is? They want to raise taxes. The debt commission wants to raise taxes. The President wants to raise taxes. That is what they are talking about.

Yesterday, the President said he is going to cut $4 trillion. Well, try to read what is going on here. He said he was going to spend $46 trillion a month ago in his budget. Before we even discuss his budget, he is going to cut $4 trillion off the $46 trillion he is going to spend. These are no cuts. We will spend more this year than we spent last year. Forget about all the numbers, all the baselines, and forget about 6, 60, 30, 78, or 0, which is what the CBO scored this yesterday—zero in cuts. Forget about it and ask your Representatives: Are we going to spend more this year than last? If we are, that is not a cut. Ask your Representatives, ask your Senators: Will the deficit be more this year than last year?

The deficit will be bigger this year. We threaten to shut down government over nothing because we are not cutting spending in any serious way. They want to blame it on the tea party because in their secret caucus meetings they have done a poll that says the tea party could be the villain. Call them ''extreme,'' call them all ''tea partiers,'' say the tea party has ''taken over'' the Republican Party.

Do you know what the tea party believes in? Good government. We believe in balancing the budget, in reducing spending. We have plans to fix Social Security. We introduced a plan yesterday. If the other side is serious about fixing entitlements, we have a plan. Come to us and work with us, but don't just come down here and call us names.

Before you send any more money to Washington, ask your representatives whether they are spending your money wisely. Mr. President, $100 billion in the budget last year is unaccounted for. We don't know where it was spent or we think it was improperly spent—$100 billion. In our senatorial offices we get several million dollars. Some of us want to be frugal with that and send some back to the Treasury. We plan on sending several hundred thousand dollars back. We want to know where the money goes. We are still not certain. We have been asking for months.

Some people say that money is kept in some fund for 3 years and may go back. Other people told us that the leadership spends that money. We don't have a definitive answer for even trying to save a couple hundred thousand dollars of your money that we have control of.

The Pentagon spends a lot of money. Are they spending the money wisely? You don't know because we cannot audit them. Why? Because the Pentagon tells us that they are too big to audit. You heard about the companies saying they are too big to fail. The government now tells you they are too big to be audited. We got a partial audit of the Federal Reserve, and we got some information from that.

We are now fighting the war against Qadhafi. Last month, we were giving him money. We gave him some foreign aid, and we helped to bail out his national bank. The national banks in those countries are the leaders' piggy bank. Half of it is probably spirited off to secret accounts in Switzerland. The U.S. taxpayer bailed out Qadhafi's bank, and now we are bombing it.

The budget bill that we are talking about has now been scored by the CBO and will cut almost nothing—maybe a couple hundred million dollars. It will increase defense spending by $8 billion and cut spending by $8 billion. The net is about zero. Our deficit this year will be bigger than last year. Our overall spending will be bigger this year than last year.

We are not yet serious in Washington. We have not yet recognized the severity, the enormity, and the significance of how big this deficit is. This deficit is going to have serious repercussions. The Chinese have bought over $1 trillion of our debt, and the Japanese, nearly a trillion.

The Japanese have suffered an enormous national disaster. The question is, Will they continue to buy our debt or can they?

The other question is, How long can a government continue to exist that spends more than it brings in? On the other side, they want to blame the tea party or the Republicans or the rich people. Do you know what. Both parties are responsible—Republicans, Democrats, Senators, Congressmen, the President—everybody up here is responsible. It is not one party or the other.

When Republicans were in charge, they ran up the deficit. Now the Democrats are in charge, and the main difference is that they are doing it faster. The Republicans weren't doing a good job either during our time in power.

We have to understand that the people can do things; not everything has to be done up here. The States can do things. We have to believe once again in the American dream. Believing in the American dream is not standing on the floor and castigating rich people. What is great about our country is that any among us—any of our kids—can become rich people if they work hard, go to school, and achieve. We live in a mobile society, and that is what the American dream is about. We got away from Europe because all the land was owned and stifled by the nobility. We came here where there was plenty of land and opportunity, and the American dream is believing in that.

The interesting thing is, when they try to soak the rich—this old Huey Long stuff—it is actually failing with the American people because many of us believe that our kids could gain great wealth or great success. We still believe in the American dream. If they want to castigate that and say forget about it and say what we need is just more government, they need to explain to people why they don't believe in

capitalism, in the American dream, and why they don't believe in the greatness of America.

I still believe in America. I want to get government out of the way. I think we cannot have an America that succeeds until we are able to do something about our debt crisis. I fear that no one up here—or very few here—on either side recognizes the severity and imminence of this problem. My hope is that before a crisis occurs in our country we will begin to seriously discuss balancing our budget and have plans to do so and seriously cut spending.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I understand there are other colleagues on the Senate floor. I want to speak for a few minutes as chair of the Homeland Security Appropriations Committee and express my views about the vote we are going to cast in a few hours relative to that committee.

To Senator PAUL, I say respectfully—and it is going to be a lively debate—that to a hungry family, a chicken in the pot looks pretty good every now and then, and there are literally millions of children, sadly, in this country today who go home from school and open the refrigerator or look on the stove, and they can't find a drumstick anywhere. That is what this debate is about.

No. 2, I used to love to hear President Clinton say that one of our jobs here was to create more millionaires. I belong to the DLC, and I am proud of it—the Democratic Leadership Council. We believe in creating opportunity that comes along with responsibility and creating paths forward to prosperity.

Most people I represent—including tea party people—don't believe companies such as GE—one of the biggest companies in the world—should get away with paying no taxes. I guess the Senator from Kentucky thinks that is a good idea. We don't.

I also think most people I represent—including the tea party—think people who make over $1 million a year—not millionaires or people who make $250,000 a year, but people who make over $1 million a year—could pay a little more so that we could afford either early childhood education or early health care in an effective and efficient way because people know—tea party people and others—what a smart investment that is. This is going to be a very interesting debate. I look forward to it.

I rise as chairman of the Homeland Security Appropriations Subcommittee to discuss the full-year continuing resolution that the Senate will take up today. For weeks, the press swirled about a possible government shutdown. Almost all of the attention was on who would be blamed if the government shut down. That has been averted for the time being.

However, far too little attention has been focused on the consequences of the funding cuts that were proposed by the House. With some officials in Washington slashing budgets, terrorists continue to seek ways to do harm to this Nation. Terrorists do not care about ''spending top lines'' and ''CHIMPS.'' What the terrorists care about is finding our vulnerabilities and exploiting them to do harm to Americans, to target our military, and to damage our economy.

In the State of the Union earlier this year, the President stated that al-Qaida and its affiliates continue to plan attacks against us. He is stating the truth. He stressed that extremists are trying to inspire acts of violence by those already within our borders. According to the Attorney General, in the last 2 years, 126 individuals have been indicted for terrorist-related activities, including 50 United States citizens. Homeland Security Secretary Napolitano has said that the threat of a terrorist attack is as high as it has been since 9/11.

Recent events have served to highlight the complicated dynamics of this situation. The Fort Hood shooting happened, at the hands of a U.S. citizen. The New York City subway bombing attempt happened, at the hands of a legal resident alien. The Times Square bombing attempt happened, precipitated by a naturalized citizen. But we also continue to face threats from abroad. The 2009 Christmas day bombing attempt and the October 2010 air cargo bombing attempt happened. We face increasingly sophisticated daily cyber attacks from countries and hackers that desire to do us harm. Violence in Mexico is at unprecedented levels and there are concerns that the violence will spread across the border.

In addition to these threats, the Department of Homeland Security also must prepare for and respond to natural disasters. The earthquake and tsunami in Japan and our memories of Hurricanes Katrina and Rita remind us of our need to be prepared for a catastrophic disaster.

The Homeland Security title of the full-year continuing resolution contains a 2-percent cut in funding. I am particularly concerned about the treatment of funding for FEMA disaster recovery efforts. We are currently facing a shortfall of at least $1.2 billion this year and $3 billion next year in the disaster relief fund. These shortfalls are the result of past catastrophic disasters such as Hurricanes Katrina, Rita, Gustav, and Ike, the Midwest floods of 2008, and the Tennessee floods of 2010. At the insistence of the House, an additional $1 billion was provided on a nonemergency basis to meet the fiscal year 2011 shortfall. As a result of having to absorb the additional $1 billion within the DHS base budget, we were forced to cut necessary investments in our security, cuts of over 4 percent.

It makes no sense to cut programs that prepare, prevent, and help us respond to future disasters to pay the costs of past catastrophic disasters. Yet when you compare the full-year continuing resolution to the Omnibus bill that we tried to bring to the floor in December, we lost funding for 175 canine teams for explosives detection. Despite the increasing threat of homegrown terrorism, we lost $810 million to equip and train first responders. We lost funding for 1,300 handheld radiation detectors and funding for five Coast Guard boats and for 140 foot icebreakers. We lost funding for urban search and rescue teams and funds to deploy the latest technology for blocking cyber attacks on sensitive Federal computer systems.

In the past, on a bipartisan basis, we have funded the costs of catastrophic disasters as an emergency. In fact, $110 billion out of $128 billion appropriated for the FEMA disaster relief fund has been appropriated as an emergency. We simply cannot responsibly secure the homeland and prepare for future disasters if we are forced to absorb the costs of past catastrophic disasters.

Mr. President, I am pleased to say that we were successful in negotiations with the House in eliminating some of the most harmful cuts contained in H.R. 1. The bill no longer contains what I considered irresponsible cuts for the Coast Guard, for Customs and Border Protection, for immigration enforcement efforts, for the Transportation Security Administration, and for cyber security. But, the bill that will be put before the Senate today does not provide resources that are commensurate with the threat that we face. I believe this view is shared by a large majority of independent observers. I will vote for this bill but urge caution as we proceed to fiscal year 2012.

I remind my colleagues that it is essential that we make decisions on how to secure the homeland with the latest information on the threats that we face, not based on arbitrary spending top lines that were produced during the campaign. As we look ahead to drafting the Homeland Security appropriations bill for the fiscal year that begins in October, it is time to get off the campaign trail and work together on a path forward for a more secure homeland.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, we have a vote today on a measure to continue spending for the Federal Government for the next couple months. It amounts to nearly $40 billion in cuts. That is a good start. I think most Americans would agree with that. But it is only a start. We should now work together across party lines to bring down our long-term debt in a responsible way that protects middle-income families and, of course, as well the most vulnerable in society.

We do have substantial cuts in this bill today. In fact, there are record cuts for what we know as discretionary funding.

At the same time, though, we have to get down to the more difficult business

of reducing deficit and debt and that work is ahead of us. As we do that, we have to make sure we are protecting middle-income families and those who are vulnerable.

This is a good start, but we should remember what families are going through right now, families all across the country, where one member of that family—sometimes more—has lost their job. In Pennsylvania, for example, we have over 500,000 people out of work. Fortunately, that number has come down since last summer. Last summer, it was approaching 600,000; now it is about 511,000. But we need to bring that number down.

As families are making decisions, they have to make some difficult choices, especially those who lost a job, a home or sometimes both but even families who are not living through the horrific crisis of unemployment and joblessness, even families where one or two members of that family are working. Those families, as well, have to make difficult choices. That is the way we should approach this, as a family or at least to do our best to imitate what families have to do every day of the week and to make those difficult choices.

We are facing a deficit and debt set of facts and a challenge we have never faced in the Nation's history, and we have to be responsive to that. I spent a decade in State government in Pennsylvania as the auditor general of the State and, in the last 2 years in that decade, as treasurer. I know a lot about cutting waste, fraud, and abuse, how to identify it, how to cut it out, and how to make change. That is why I was so heartened by what I saw in a GAO report last month.

On March 1, the GAO released a report entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue.'' It should serve as one measure, but it should serve as a how-to guide to reducing waste, fraud, and abuse in government. It is all there.

Here are some of the highlights. The report identified numerous areas of the Federal budget where unnecessary duplication, overlap or fragmentation exist. By some estimates, addressing these redundancies could save more than $100 billion and potentially as much as $200 billion. It is not going to reduce the deficit by as much as we need to reduce it, but that, as well, is a very good start, a good place to look. We need to take a hard look at reports such as that and take action.

I voted to support an amendment last week that would require the Office of Management and Budget to immediately cut at least $5 billion in wasteful and duplicative spending in government programs. I was happy to see that pass the Senate. This is another step, a first step, and a good start, in addition to what we are doing today by cutting almost $40 billion. But we have to cut spending in a way that is smart. We have to cut spending in a way that is smart enough to realize that those decisions have to contribute to economic growth to keep the economy in a State such as Pennsylvania and a country such as America growing. We have to continue to grow as we cut, and we have to continue to create jobs as we cut. We cannot do one and not the other.

The Federal budget should also reflect not just our national priorities but our values as well. This holds true in the budget we are about to debate, the 2012 budget. Unfortunately, what Republican Members in the House have proposed for the upcoming fiscal year puts the entire burden of reducing the deficit on older citizens, students, and middle-income families. That does not sound like a family to me. That does not sound like working together, coming together on a plan, everyone trying to sacrifice, everyone trying to pitch in. It sounds as if we are placing the burden on members of the family who should not bear the whole burden.

The Republican plan would end Medicare as we know it. It is as simple as that. It would end Medicare as we know it. In Pennsylvania, that means 2.2 million people who are Medicare beneficiaries would be directly and adversely impacted. These are not just numbers and statistics. It happens to be 2.2 million people. But who are they? They are people who fought our wars. They are people who worked in our factories. They are people who built this economy over many generations. They are people who took care of our children, taught our children, cared for our children. These are people who gave all of us life and love, and we are going to come in with a Medicare scheme to just put the burden on them and say we have done deficit reduction? I do not think that is what a family does, and I do not think that is what America has done or will ever do.

We worked hard to reduce out-of-pocket costs for beneficiaries under the affordable care act. The Republican House plan will double—double—out-of-pocket expenses, according to the Congressional Budget Office. The Republican plan does nothing to reduce health costs or reform the health care delivery system. It does nothing at all to do that. What it does is shift costs to older citizens and people with disabilities.

The GOP plan in the House targets health care spending. Here is what it does: It cuts over $770 billion out of Medicaid by converting it to a block grant program. What does that mean? It means that those who are supposed to be able to rely on the good services provided in Medicaid have to shoulder the burden. Medicaid provides health care to the most vulnerable people in our society. Older citizens living in nursing homes, in many instances, millions of them rely on Medicaid, not always just Medicare. Children, tens of millions—I think the number right now is about 27 million to be exact—27 million people rely on Medicaid and people with disabilities.

As we look to reform our budget and to reduce the deficit and debt as we must, we should not take steps that will harm children by some of the proposals we see for Medicaid.

About one-third of rural children in America are beneficiaries of Medicaid or the Children's Health Insurance Program. We should remember that when we are thinking about what Medicaid is.

By every measure, Medicaid is both cost-effective and an essential lifeline for our children. Many people know about the early periodic screening, diagnosis, and treatment provisions within Medicaid. It is the gold standard for how poor children get their health care.

Thank goodness, we have had that in place all these decades. But we have people now who want to eliminate that basic gold standard in health care.

We have a long way to go. We have a lot of work to do. We have much work to do on the deficit and debt, and we have to get to that. We still have to reduce spending. We did reduce it by a record amount in the bill we are voting on today. But as we do this, just as families have to come together and share burdens and cut costs, we have to remember our approach should be similar to any American family. Unfortunately, there are some people around here who do not seem to understand that, that we need to approach this as a family approaches it and not place all the burden on the vulnerable—on children, older citizens, and those who sometimes do not have a voice in Washington.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, in a few minutes, we are going to be voting on the continuing resolution which our House colleagues are voting on literally as we speak. I wish to address that briefly, but I must comment on one of the things my colleague from Pennsylvania said.

He is critical of the Ryan budget but does not appear to have read the Ryan budget because I know he would not deliberately mischaracterize it. He is wrong in several respects, and I will cite one example. He said the Ryan budget will end Medicare as we know it and that millions of seniors will be directly affected. That is simply not true, unless we count someone as a senior who is 53 or 54 years old. The Ryan budget does not affect anyone above the age of 54 with respect to Medicare. It says, if you have Medicare and you are 55 or older, nothing changes for you. All we do is provide premium support for those age 54 and below.

It is simply incorrect to say millions of seniors would be directly affected by the Ryan budget with respect to their Medicare coverage.

Let me go back to the point of our discussion right now. As I said, we will be voting very soon on the continuing resolution. This is the final continuing

resolution, we can finally say, for the fiscal year 2011, that funds the government for the rest of this fiscal year. It does mark the end of a long and hard-fought process. I am pleased we have been able to cut billions of dollars from the Federal Government and avoid a government shutdown.

It is true $38 billion in spending cuts represents a tiny fraction of the Federal budget, and it is less than many of us would have liked. But those who have been critical of the deal, saying it does not go far enough, should keep three points in mind.

First of all, our fiscal problems were not created in a day and will not be solved in one budget. It is a good start. It is like the weight I put on. It took me a long time to add the 10 or 12 extra pounds, and I am not going to get them off overnight. It will take me time to get them off.

The budget agreement begins a process that is critical to beginning the reduction of our deficit. The agreement will enact the largest nondefense spending cut in dollar terms in American history, just months after President Obama asked Congress for a spending freeze that would have provided no cuts whatsoever.

The Wall Street Journal points out:

> Domestic discretionary spending grew by 6 percent in 2008, 11 percent in 2009, and 14 percent in 2010, but this year will fall by 4 percent. That's no small reversal.

I believe they are correct.

Second, no one got everything they wanted. Some wanted more in cuts, some wanted less. I would have preferred we cut more, but this was the best deal we could get that could pass both Chambers of Congress and signed by the President.

Third, this debate has altered the conversation about spending, and that is a good thing. As columnist William McGurn wrote Wednesday, during the budget negotiations, Speaker BOEHNER helped change the national debate over spending ''from 'stimulus' and 'investment' to 'how much spending we need to cut'—which is why [the President] press[ed] the reset button'' in his speech this week on spending and debt. I think Mr. McGurn is correct. We have changed the fight from how much money we are going to spend on stimulus to how much we are going to cut from this and future budgets.

Once the final 2011 budget passes, and we move on to the much larger discussion about the 2012 budget, we will be talking not about saving billions but about saving trillions of dollars. The problem, as we all know, is a $14 trillion debt, with a large amount of that owned by China and by other foreign countries. It also represents over $53 trillion in unfunded liabilities.

In May, our Nation is expected to hit its debt ceiling, and the President has asked us to increase that ceiling. Senate Republicans and House Republicans—and I believe many Democrats as well—have said that in order to raise the debt ceiling, we need to do something significant about the debt and about constraining future spending. The longer we wait, the worse the problems will get. They are exacerbated over time. And we are not going to raise the debt ceiling without ensuring we don't have to keep on doing it in the future.

Raising taxes, as the President proposed, will not be helpful in this process. It is disappointing the only specific proposal the President laid out in his speech yesterday was, in fact, this call for higher taxes. Speaker BOEHNER has said raising taxes is a nonstarter, and I imagine the vast majority of Senate Republicans will take that position as well. Most Americans do not believe that we are undertaxed but that Washington has a spending problem.

I will briefly go over a few of the better ideas our conference has been discussing, which I think could attract support from both sides of the aisle.

First is a balanced budget amendment, which all Senate Republicans have cosponsored. This should not serve as a means to raise taxes but as a mechanism to ensure the Federal Government has to live within its means each year, just as most American families do.

Second, I believe there is strong support in the Republican caucus for a constitutional spending limitation at 18 percent of the gross domestic product. Why 18 percent? Because that is roughly equal to the revenue as a percentage of gross domestic product over the last 40 years. An 18-percent spending limit would stop Washington from spending more than it takes in each year.

And third—and I am glad to see the Senator from Missouri in the Chair while I pass on this compliment—Senators Corker and McCaskill have sponsored the Commitment to American Prosperity Act, known as the CAP Act. I strongly support their legislation. It would cap both mandatory and discretionary spending and put all government spending on the table.

Beginning in 2013, the CAP Act would establish Federal spending limits that would, over 10 years, reduce spending to 20.6 percent of the gross domestic products. That is the average of the last 40 years. To reduce any gamesmanship, the bill codifies the definition for emergency spending.

I know some of my colleagues on this side of the aisle wish to see even more dramatic reductions as a part of the CAP Act. I will note the Corker-McCaskill proposal is responsible and mainstream and it could, hopefully, attract a good deal of support from both sides of the aisle.

Over in the House of Representatives, there are also some good ideas. Budget Committee Chairman PAUL RYAN has been a leader on fiscal issues, and that Chamber will soon consider his budget plan for the next fiscal year. Chairman RYAN believes this blueprint could reverse Washington's trend of spending beyond its means and passing the debt on to our children and grandchildren, and I believe he is on target. His budget reflects the kind of difficult and politically unpopular choices lawmakers will need to make in order to do something about our unsustainable spending and debt.

Perhaps that is why Democrat Erskine Bowles, head of the President's deficit commission, praised the Ryan budget as ''a serious, honest and straightforward approach.'' Notably, Mr. Bowles and his cochairman Alan Simpson said the President's budget ''doesn't go nearly far enough in addressing the Nation's fiscal challenges.''

Chairman RYAN's budget would return Federal spending—specifically what is known as nondefense discretionary spending—to 2008 levels. That is the level before the massive spending unleashed by the Obama administration. The spending cuts proposed in Ryan's budget total $5.8 trillion over 10 years.

In a recent article, John Taylor, an economics professor at Stanford, Gary Becker, a Nobel prize winner, and George Shultz, former Secretary of Labor, Treasury, and State, wrote:

> Credible actions that reduce the rapid growth of Federal spending and debt will raise economic growth and lower the unemployment rate.

They also said:

> Higher private investment, not more government purchases, is the surest way to increase prosperity.

Reducing government spending can increase economic productivity and jobs.

President Obama has sought to stimulate the economy and create jobs by spending trillions of government dollars. What has that gotten us? RECORD deficits, excess borrowing—about 40 cents of every dollar the government now spends will have to be borrowed—and it has gotten us stubbornly high unemployment.

Chairman RYAN's budget also calls for tax reform through sensible and growth-promoting policies. The budget contemplates a top tax rate of 25 percent for individuals and businesses. Currently, the tax rate on business is 35 percent, the highest of all of the countries in the developed world. That rate, by the way, discourages investment, it discourages job creation, and it makes America an expensive place in which to do business. In effect, it encourages business to move their operations overseas, something all of us are very concerned about.

What we need are solutions that emphasize the strength of American entrepreneurs and our private sector, not the government; to spur the economy and help put people back to work.

In the debate ahead, I hope we can engage in serious discussions about how to take on our fiscal problems in a responsible way—to bring down the cost of government, boost our economy and promote economic growth. That is what Americans are looking for, and it is what our country needs.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Oregon.

Mr. WYDEN. Madam President, I rise to make a parliamentary inquiry.

The Senate will soon receive from the House legislation to fund the Federal Government for the rest of this year—H.R. 1473. Normally, spending bills such as this one go through the Appropriations Committee. Despite the fact that this spending bill the Senate will soon take up covers funding for the entire Federal Government, including all appropriations bills for the year, it was never even considered by the House or Senate Appropriations Committees.

Snuck into this massive spending bill are legislative provisions that typically are not allowed by Senate rules to be included in the appropriations process. The Senate has a rule—rule XVI—that prohibits Senate legislative amendments to an appropriations bill. Despite this Senate rule, the spending bill the Senate will consider today includes provisions that are clearly legislative in nature. Specifically, I am referring to section 1858 of the spending bill which repeals free choice vouchers from the affordable care act that became law last year.

There should be no doubt that repealing a law or part of a law is legislating. In this case, section 1858 repeals part of the Internal Revenue Code. Amending the Internal Revenue Code is general legislation, not the appropriation of funds. In fact, the Congressional Budget Office has actually determined that free choice vouchers involve no appropriation of funds whatsoever.

Madam President, my parliamentary inquiry is whether repealing free choice vouchers in the spending bill the Senate will soon consider is legislating on an appropriations bill.

The PRESIDING OFFICER. The Chair is advised that repealing any law is legislative in nature, and repealing a law in an appropriations bill is legislating on an appropriations bill.

Mr. WYDEN. I thank the Chair for making this very clear; that repealing free choice vouchers—the opportunity to come up with a marketplace-oriented approach for people in a health care no man's land—in this spending bill is clearly legislating on an appropriations bill and that is not the way the Senate traditionally does business.

If this provision were brought up in the Senate, we now know it would be ruled out of order. It would be ruled out of order because in the Senate we simply do not legislate on appropriations bills. The Senate doesn't legislate on appropriations bills for a simple reason. Every Senator knows it would be open season for the special interest lobbyists all over this town.

The administration and this body took a stand earlier this year against earmarking—something the Chair is very much aware of—and I wish to quote from the President's State of the Union Address. The President said: The American people deserve to know that special interests aren't larding up legislation with pet projects. Both parties in Congress should know this: If a bill comes to my desk with earmarks inside it, I will veto it.

Madam President, I wish to have somebody explain the difference between letting a lobbyist slip an earmark into an appropriations bill and slipping legislative language into an appropriations bill that benefits a whole array of special interest lobbyists. It sure seems to have the same effect to me.

I am not certain who proposed eliminating free choice vouchers in this appropriations deal. Maybe a lobbyist asked for it or maybe some staffer with special interest sympathies saw an opportunity to send the lobbyist what one lobbyist called today ''an early Easter gift.'' But either way, I know with 100 percent certainty this decision was not made with the public interest in mind. The American people are not the ones who benefit from eliminating free choice vouchers. The American people like the idea of being able to have choices for their health care—choices, I would point out, that are much like the ones we have as Members of Congress.

The fact is this is one provision in the Patient Protection and Affordable Care Act that combined the thinking of colleagues on both sides of the aisle—Democrats who wanted to expand coverage and Republicans who have an interest in choice and competition. This was the one provision that provided a concrete path to holding down health care costs, and it has now been gutted by the special interests.

Some special interests are arguing that free choice vouchers would in some way harm employer-based health coverage. What we know for certain is that for the group of people who could access a free choice voucher, the employer-based health system is dysfunctional. It is dysfunctional for them. The group of people who are covered by free choice vouchers—folks who aren't eligible for the exchanges and folks who aren't eligible for subsidies—now have only two choices: coverage that is completely unavailable or coverage that is completely unaffordable.

The chairman of the Senate Finance Committee, at the time free choice vouchers was accepted, specifically talked about how this filled a gap in the bill. And now, with it gone, more than 300,000 Americans aren't going to have a path to affordable, good quality coverage. Free choice vouchers were needed at the time we worked on the affordable care act and they are even more necessary today.

For example, the Kaiser Family Foundation, in their most recent analysis, has demonstrated how consistently, again and again, more health care costs are being shifted onto the backs of American workers. In their most recent analysis, they found that employee health expenses in the last year have gone up 14 percent, and the employee was eating almost all of that. Almost all of it was being shifted onto the backs of the workers.

This was important today—it was important when we moved originally to enact the legislation. It is even more important today. The fact is, these individuals are only looking for another path because the system does not work for them. If it worked for them, we would not even have an issue. But as the chairman of the Senate Finance Committee pointed out, this is a gap in the system, a gap that, had we been able to sustain free choice vouchers and stop the lobbyists from stripping them out, we would have had a way to ensure that hundreds and hundreds of thousands of hard-working Americans—these are folks who work at jobs—would still be able to go to sleep at night knowing they had decent, good-quality, affordable coverage for themselves and their families.

The Senate does not legislate on appropriations bills because, as the President said so appropriately, we should be working to rebuild people's faith in the institution of government. We do not slip legislative language into these kinds of bills that benefits a few special interest groups at the expense of hundreds of thousands of Americans. This is not the way we do business.

Throughout 2009, I promised my constituents that I would not support health care reforms unless they were real reforms. This legislation lets special interest groups take real reform out of the health care law. It seems to me that, all over this town, the special interest groups are looking at the bill and they are saying now it is going to be possible, if we can just find, behind closed doors, some allies to take away real cost containment, real opportunities for good-quality, affordable coverage for people. This legislation takes real reform out of the health care law. Because I keep my promises, I will not support it.

I yield 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.

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

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

Mr. SCHUMER. Madam President, the last 2 weeks have been very good weeks for this country and this Congress. We are passing a continuing resolution and funding the Government and not letting the government close makes a great deal of sense. I think that was very much to the better. Even more important, we now will have a significant debate, over the next few months, about what this country should be like over the next several decades. That is very important for our country. It is what we should be doing. I salute Congressman RYAN for laying out on the table a vision and Speaker BOEHNER for supporting it.

I disagree with that vision, but they did have the forthrightness and the directness to put their views on the floor. It is a different vision than what America is today.

I also salute President Obama. He joined the issue yesterday, clearly, without obfuscation, directly, and showed the many places where he differed with Congressman RYAN. He laid out a different vision as to where America should go. In a minute, I will discuss my views of those visions, but I wish to say this at the outset: It is very good to have this debate. I hope this will be a month or two in which there will be invective and there will be clashes, but I hope, at the end of the day, the debate between the Republican vision of where America should go and the Democratic vision—between Congressman RYAN and President Obama—will be one of those times when historians will look back and say this is a place where America, through its Congress and its President, chose a direction. That is, after all, why we are here.

We have many different issues to consider, but the role of government, what it should do and what it should not, is probably the most important for the next several decades. The fact that the issue has been joined by Congressman RYAN on the one hand and President Obama on the other can only be good for America. What we will do is come to a conclusion, hopefully, in the next month or two. Let me give my views of those two visions.

Yesterday, President Obama delivered a thoughtful, inspired speech about the need to rein in our out-of-control deficit. He called for a comprehensive approach, including cuts to defense and mandatory spending, and he rightfully put revenue on the table. His is a serious plan, one that would reduce the deficit by $4 trillion over the next 12 years. As only a President can do, he powerfully framed the debate that will likely continue to rage, certainly for the next several months and probably over the next year and a half—long after we resolve the debt ceiling. This is a debate the American people want to have. It is a debate Democrats are ready and eager to engage in. It is a debate we believe we will win. We have the high ground.

The House Republican plan puts the middle class last instead of first. It will never ever pass the Senate, and we know the American people will reject it as well. The debate we just concluded, the debate about the CR, was about spending levels. The debate ahead of us is about more than spending levels, it is about the role of government itself.

House Republicans are not trying to balance the budget—no. They are trying to fundamentally alter Americans' relationship with their government. They believe the message of the last election was that Americans wanted a dramatic change, a great limitation in how much the Government should do. It is our view, as Democrats, that the American people gave us two messages. First, deal with the deficit. There is too much spending. I say, as a party, we ignore that message at our peril, but we have not ignored that message, neither in the CR nor in the President's proposals.

The American people sent a second message as loudly and as strongly as the first; that is, grow the economy, help the middle class continue to have better lives, as they have over the last five decades, make sure there are meaningful jobs in America. I believe a budget that reflects the American people's view has to do both these things: reduce the deficit but keep that American dream brightly burning, the American dream that the American middle class holds, which says the odds are quite good that we will be doing better 10 years from today than we are doing now and the odds are better still that our children will do better than we. That is what we believe American people told us to do.

We believe the budget revealed by Congressman RYAN and supported by Republicans is not what the American people want. It is a negative, pessimistic message. It is a message that says the great days of America are over and we do not believe it is what the people want. As we go through this debate, we shall see how that comes out. I believe we will prevail.

The Republican budget unveiled last week by Chairman RYAN is, on closer inspection, not a serious document. The pundits and political handicappers may have hailed it as a bold, daring approach to the fiscal challenges facing our country, but a closer examination reveals that Ryan's budget hews exactly to his parties' orthodoxy. It does not gore a single Republican ox. The House Republican budget puts the entire burden of reducing the deficit on seniors, students, and middle-class families. At the same time, it protects corporate welfare for oil companies, gives giant new tax breaks to millionaires and billionaires, and leaves Pentagon spending almost completely untouched.

Consider what PAUL RYAN wants to do to Medicare. His plan ends Medicare as we know it and replaces it with a private voucher system that will cut benefits. Seniors would be left to fend for themselves with no guarantee of affordable coverage. They would have to pay thousands of dollars more out of their pockets.

As this chart shows, under the current Medicare system, the average senior on Medicare in 2022 will contribute about 25 percent of the cost of their health care. But under the Ryan plan, seniors would have to pay 68 percent of the cost of coverage themselves according to the nonpartisan Congressional Budget Office.

That is an outrageous burden. Simply put, it would drive many seniors into poverty. This generation of seniors, the first generation who was able to say they could retire and not go to bed every night sweating about how they were going to pay for health care if they or their spouse got an illness, would be the last generation to do so under PAUL RYAN's vision.

In America, we have said we have bounty. And some of that bounty should go to those in their golden years, to those who worked hard and who built the country and who raised the families and fought the wars. They should not have to worry that they could not afford health care if, God forbid, a serious illness afflicted them. The Ryan budget turns its back on that vision.

Republicans have been patting themselves on the back recently for tackling entitlement reform, but their approach is nothing more than a rigid, ideological quest to unravel the social safety net.

Medicare certainly has cost issues, but a better way to protect and preserve Medicare for future generations is to cut out the waste and inefficiency that everyone knows exists, not to privatize the program. Our plan is simple when it comes to Medicare: Mend it, do not end it. In the health care reform law, we made a good downpayment on this effort. We began to shift Medicare in the larger health care system from an expensive, fee-for-service model toward a system that pays providers for episodes of care. The truth is, when it comes to reining in the cost of Medicare, the President did it first, and he did it better. We Democrats are willing to build off that law. We can make further reforms to the delivery system. It needs further reforms. And we will further drive down the costs. The Ryan budget reverses progress we have already made and in doing so reopens the doughnut hole, further burdening seniors' budgets.

It is bad enough that the Ryan budget ends Medicare as we know it and increases costs for seniors, but just as egregious is what RYAN proposes to do with all the money he takes from seniors on Medicare. As this second chart shows and as the President said yesterday, House Republicans want to give millionaires a new tax cut of $200,000. To pay for it, it would make 33 seniors each pay $6,000 more for health care. What kind of vision is that? The Ryan budget uses Medicare cuts to reduce the tax rate on millionaires and billionaires to 25 percent from 35 percent. That is the lowest level since 1931 when Herbert Hoover was President. The Ryan budget reduces taxes on the rich to the lowest level since 1931, the Hoover era, the era of the Great Depression.

I have nothing against the rich. God bless them. Many of them are living the American dream. They are what many of us aspire to be. But in order to keep that dream alive and get our country on firmer fiscal footing, we need a little shared sacrifice. Democrats want to work with Republicans to get our fiscal house in order, but we believe the best way to do it is to end the

millionaires' tax break, not cut Medicare benefits.

Let me be clear. A grand bargain on long-term deficit reduction is next to impossible unless we look at raising revenue. Unfortunately, Republican leaders are already trying to rule out revenue. If the other side refuses to even consider savings in the Tax Code, they will lose credibility with the American people. We simply cannot balance the budget by focusing solely on domestic discretionary spending, a narrow 12 percent slice of the budget. Cancer research and Head Start did not create our current deficit problem, and we will not fix it by going after cancer research and Head Start.

Thankfully, many rank-and-file Republicans seem to agree with the need to put revenue on the table. The Senator from Oklahoma, a true fiscal conservative, said a blanket defense of all tax cuts is profoundly misguided. My Republican friend from Nebraska said Republicans need to keep an open mind and keep everything on the table, including revenue. My Republican friend from Georgia had said that revenue, along with entitlement cuts, should be part of the budget compromise. My friend from Tennessee, with whom I work closely on the Rules Committee, said that tax subsidies for big oil ''may be too expensive.'' As you can see, many of my colleagues are prepared to tackle this challenge with, to use the phrase of the Republican Senator from Nebraska, ''an open mind.''

The bottom line is that any budget that leaves defense and revenue off the table is ultimately untenable. Indeed, a dollar cut from defense spending reduces the deficit just as much as a dollar cut from domestic discretionary spending. While there is certainly waste on the domestic discretionary side of the budget, there is also certainly waste on the defense side.

While we are certainly open to compromise, Democrats will not tolerate the House Republican budget assault on Medicare. It is not fair, it is not right, and it will never, never pass the Senate.

I am hopeful that both parties in both Chambers of Congress will come together to reach a reasonable, responsible deficit deal, but in order to do that, Republican leaders need to take off their ideological straitjackets. They can start by going to the drafting room and coming up with a fairer, more broad-based proposal than the Ryan budget.

In conclusion, Speaker BOEHNER needed Democrats to pass this year's budget, and he will need Democrats to pass a long-term deficit reduction plan as well. The sooner he abandons the tea party, the sooner we can have a compromise.

We hope the coming debate will yield a sound, serious deal. That is our hope. That is our wish. That is what the next few months are about. If it doesn't, we Democrats will have to take this contrast of priorities into 2012. We know that in that battle, too, we will have the high ground.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I see my distinguished colleagues, the senior Senator from Hawaii and the senior Senator from Mississippi, the leaders of our Appropriations Committee, on the floor. I just ask if I may be able to continue for 2 or 3 minutes.

Mr. INOUYE. Please.

Mr. LEAHY. Madam President, I appreciate the extremely hard work the majority leader—and I have told him this—and the President—I have told him that—and our distinguished chairman—I have told him that—the work they have done to get the best possible deal under extremely difficult circumstances.

I now understand that with the final resolution, I will not be able to vote for it, as I assume others in the Vermont delegation will not. I am afraid that it creates an impossible bargain. It averts a government shutdown at the expense of our overall national interests.

This year, Congress spent most of its time negotiating three rounds of deeper and deeper cuts in the current year's budget, an exercise in oftentimes misguided wheel-spinning which ignores the fact that discretionary spending is but a relative fraction of the overall budget while addressing some of the most pressing and urgent needs of ordinary Americans. Advocates paint this agreement in moral terms. I agree with them. Budgets are about our real priorities.

There is so much in this budget package that is inconsistent with basic Vermont and American values. Drastic cuts ending hunger programs for low-income women and children, elimination of Vermont's weatherization program, and cuts to economic development programs that grow jobs in my State of Vermont are not my idea of prudent sacrifices. There is no moral credit to Congress to cut vouchers for homeless Vermont veterans who served their country honorably, nor does Congress cover itself in glory by denying first-generation Vermonters help in going to college because of cuts to the TRIO Program. Is there moral good in eliminating housing counseling for low-income families facing foreclosure or slashing small stipends for seniors who are on Meals on Wheels? The estimates of these cuts in my little State range as high as $150 million—a tremendous burden at a time when we face the worst time since the Great Depression.

The reason we are here, as a column pointed out very well in our national papers yesterday, is because even though we had an agreement to pass an omnibus bill last December, at the last minute, those on the other side of the aisle who had agreed on that reneged, and of course we were not able to get the 60 votes necessary in the Senate.

I had supported that omnibus budget bill even though there were enormous cuts in it. It would have enacted tens of billions of dollars in carefully drawn, reasonable reductions below the White House budget proposal. The distinguished Senator from Hawaii had worked very hard and encouraged us to make cut after cut after cut. We all agreed with him. I agreed with him. It was in the omnibus. And if that had passed, we would not be here. But because those who had agreed to support it changed their minds at the last minute, it killed the omnibus bill and it forced the Congress into a series of stopgap funding bills and now into a slapdash continuing resolution.

In addition to the cuts in the omnibus bill, I also supported reductions of billions more, and I voted for billions of dollars in cuts and short-term reductions in the continuing resolutions earlier this year.

Now, some who tout this round of cuts as the most important and as the largest cuts in discretionary spending in history are the same ones who pushed through hundreds of billions of dollars of tax cuts to companies that ship jobs overseas—American jobs overseas—greatly adding to the profits of our oil companies that are now charging us $4 a gallon for gas and more; pushed through for multimillionaires, many of whom said they did not want the tax cuts—pushed it through nonetheless.

The correlation between those spending cuts and those unfunded tax cuts is direct. It is unflattering to the proponents of both initiatives.

Frankly, I am tired of being lectured on fiscal sanity from those who voted for an unnecessary war in Iraq, saying that is because of 9/11, even though, as we know from every single report that has come out, Iraq had absolutely nothing to do with 9/11. But we spent $1 trillion, thousands of American lives, tens of thousands of other peoples lives in Iraq, and then, for the first time in the history of this country, instead of paying for a war, as we always have in the past, we say: Oh, no, we will borrow the money. And by the way, we will give you a tax cut too.

So who paid for that war in Iraq? The men and women who valiantly fought there and their families who waited, wondering if they would come back alive, broken, or dead, and often were given the worst and grimmest news. They are the only ones who sacrificed. Everybody else got a tax cut, and we borrowed the money from China and everywhere else to pay for a war we should have never been in, and $1 trillion later, 10 years later, we are still spending tens of billions of dollars there.

Some corporations—some others made a lot of money; we did not. And then we spend another 8 or 9 years that we should not have been in Afghanistan doing the same thing—borrowing the money for that.

It seems that our soldiers paid a great burden, and the American people paid a great burden. But boy, some

made out like bandits. I don't want any lectures from those who gave the bandits their bag of gold.

I yield the floor.

## FISCAL YEAR 2011 SAFER PROGRAM

Ms. LANDRIEU. Madam President, I want to highlight an important provision that is included in the Homeland Security division of this bill. It is related to the firefighter hiring program known as SAFER. In 2009 and 2010, Congress approved waivers for several restrictions of the SAFER grant program because in this economic downturn fire departments were struggling to meet those requirements. By adding this flexibility to the program, fire departments were able to make the best use of the funding provided in fiscal years 2009 and 2010. A provision in this bill maintains three of the same waivers for fiscal year 2011 and specifically allows for the grants to be used to retain and/or rehire personnel, to supplant local funds, and a local match is not required. While some might argue that it is a local responsibility to hire firefighters, it has been made clear disaster after disaster—and especially including catastrophic events such as the 9/11 attacks and Hurricane Katrina—that firefighters are the first people we call on from all over the Nation to serve in a national response. Of course, I supported the inclusion of all six waivers contained in the Inouye amendment. Through negotiations we were able to secure the provisions that allow for the retention and/or rehiring of firefighters, the waiver of a cost share, and the ability to supplant local funds.

Mr. INOUYE. I thank my subcommittee chairman for highlighting this important provision. Ensuring that the SAFER grants are available to retain and/or rehire firefighters and waiving match requirements will provide communities the assistance they need in these tough times.

Mr. CASEY. Madam President, much attention has been given to how the Ryan plan ends Medicare as we know it by turning Medicare into a voucher program.

For example, on April 6, 2011, AARP wrote to Congressman RYAN:

> Today's budget proposal appropriately acknowledges that health care costs must be addressed if the federal budget is to be balanced. However, rather than recognizing that health care is an unavoidable necessity which must be made more affordable for all Americans, this proposal simply shifts these high costs onto Medicare beneficiaries, and shifts the even higher costs of increased uninsured care onto everyone else. By creating a ''premium support'' system for future Medicare beneficiaries, the proposal will increase costs for beneficiaries while removing Medicare's promise of secure health coverage—a guarantee that future seniors have contributed to through a lifetime of hard work.

The Center for Budget and Policy Priorities put out a statement on April 6, 2011 stating:

> Many future Medicare beneficiaries with modest incomes, such as elderly widows who must live on $15,000 or $20,000 a year, also would likely be hit by the plan's Medicare provisions; the Medicare voucher (or defined contribution) they would receive would fall farther and farther behind health care costs—and purchase less and less coverage—with each passing year. Aggravating this problem, Ryan has said that his plan calls for repeal of a key measure of the health reform law that is designed to moderate Medicare costs—the Independent Payment Advisory Board. In other words, his plan would scrap mechanisms to slow growth in the costs of health care services that Medicare beneficiaries need, even as it cuts back the portion of those costs that Medicare would cover.

The Center for American Progress writes:

> Medicare as we know it would end for new beneficiaries in 2022 under the House Republican budget proposal. It would be replaced with a government voucher that would be paid directly to private insurance companies. This system would double costs to seniors. The nonpartisan Congressional Budget Office, or CBO, concluded that ''most elderly people would pay more for their health care than they would pay under the current Medicare system.''

However, there has been less discussion of the other ways in which the Ryan plan would hurt current beneficiaries.

So I would like to give some specific examples how the changes Congressman RYAN proposed will impact current Medicare beneficiaries.

The Republican plan will force beneficiaries to pay for preventive services and eliminates the free annual wellness exam they can currently receive. Nearly all 44 million beneficiaries who have Medicare, including 2.2 million in Pennsylvania, can now receive free preventive services—such as mammograms and colonoscopies—as well as a free annual wellness visit with their doctor.

The Republican plan will eliminate the efforts that have begun to close the doughnut hole. If the Republican budget becomes law, costs for Medicare beneficiaries who fall into the doughnut hole will increase drastically. Over 266,000 Pennsylvanians will pay an additional $149 million in 2012 and $3 billion through 2020.

The Republican plan hurts beneficiaries today by repealing improvements designed to save them money and provide needed services. It hurts beneficiaries even more beginning in 2022 when end Medicare as we know it and puts in place a voucher system to ration health care and increase costs for beneficiaries.

Mr. LEAHY. Madam President, last Friday night, in the absence of a budget deal, the Federal Government came within 1 hour of shutting its doors and all but emergency services. The obstacle to an agreement at that point was not a matter of spending levels or budget cuts. The obstacle was ideologically driven policy riders that some insisted on including in the budget bill. Thankfully, in the end, we prevailed in stripping out the abhorrent rider to bar funding for Planned Parenthood.

A small but vocal minority is adamant about eliminating one specific organization's health centers, which provide health care and family planning services for women nationwide. Planned Parenthood centers receive Federal funding from title X of the Public Health Service Act—the only Federal grant program dedicated to offering people comprehensive family planning and related preventive health services. President Nixon was instrumental in enacting this legislation, and it has been supported since then by lawmakers and Presidents of both parties. As many women can tell you, title X was a remarkable breakthrough in women's health care.

What a travesty it would have been to gut health services to women that literally have meant the difference between life or death, health or grave illness, to countless American women. Vermonters were outspoken in their opposition to this rollback for women's health, and I am proud of our State and grateful for our success in this round.

Tens of thousands of women in Vermont depend on title X of the Public Health Service Act for lifesaving preventive treatments and care. Around the country, there are many providers of title X services, but in Vermont, Planned Parenthood centers are the only clinics where many lower income women can go for family planning care. Planned Parenthood centers in Vermont offer women and teens annual health exams, cervical and breast cancer screenings, and HIV screenings and counseling. Last year in Vermont, Planned Parenthood provided critical primary and preventive services to nearly 21,000 patients.

In the last few weeks more than 6,000 Vermonters have contacted me about their support for the funds that make title X health services possible and for Planned Parenthood's long and commendable record of making title X's promise a reality for millions of American women in Vermont and across the Nation. I have heard from nurses and doctors in Vermont urging me to support funding for Planned Parenthood in order to continue essential care these centers offer to their own patients and to women who would not receive primary health care were it not for Planned Parenthood.

Despite the misleading and blatantly false statements of some ideologically driven advocates, more than 90 percent of the care Planned Parenthood health centers offer is preventive. In fact, 6 of every 10 women who use Planned Parenthood for title X services describe it as their primary source of medical care. And despite what some opponents of women's health funding have proclaimed, absolutely no title X funding can be used for abortion services. The sad irony is that defunding title X and Planned Parenthood would result in more unintended pregnancies, and probably more abortions.

This drive to defund women's health services offered by a particular organization also raises constitutional concerns. Article I, section 9, paragraph 3 of our Constitution expressly forbids passage of any ''bill of attainder.'' According to the late former Chief Justice of the United States, William Rehnquist, ''A bill of attainder was a legislative act that singled out one or more persons and imposed punishment on them, without benefit of trial. Such actions were regarded as odious by the Framers of the Constitution because it was the traditional role of a court, judging an individual case, to impose punishment.'' Yet those promoting the anti-Planned Parenthood rider clearly intend to single out one organization by name to ''punish'' it, ''punishing'' as well the millions of women who Planned Parenthood serves.

Proponents of this rider have cited what they call ''evidence'' that Planned Parenthood has acted unlawfully. Other supporters of this virulent effort charge that the organization has been ''accused'' of a variety of things. These comments make clear that their legislative intent is to punish for these unverified accusations. Some in fact have gone so far as to accuse Planned Parenthood of violating the law that prohibits any Federal funds to be used to provide abortions.

There is no substantive reason to believe such accusations. If there is any violation of this or any Federal law, it is the role of the executive branch to prosecute and try the offenders. That is not the role of this body, though that is what some are advocating, through their injection of accusations and partisan politics into this debate.

The Framers' original intent was to prohibit bills that single out one entity for punishment because that is not Congress's role in the separation of powers they so carefully devised for our Republic.

Aside from the serious constitutional issues with the pending measure is one naked fact from which proponents of this legislative rider cannot hide: Nothing in this pernicious rider would actually reduce spending. Their proposal would save not one penny. This is about ''punishment,'' not fiscal responsibility.

Does this Congress care more about what looks good on a bumper sticker or what matters in the daily lives of real people? The arrogance and shortsighted attitude of a minority has put at risk the lives and health of millions of women. My wife Marcelle is a cancer survivor. We were lucky. We had good health care and a salary that allowed us to pay the bills when she got sick. Other people are not so lucky. Without the services that Planned Parenthood provides, thousands of low-income women in Vermont would lose their ability to have regular cancer screenings that could save their lives too. That we are even considering the elimination of these health services to America's women is shameful. That it was the sticking point that nearly forced the shutdown of the Federal Government is a disgrace.

Title X was a true breakthrough for the health of American women. Should we as a nation walk back from the remarkable progress we have made in women's health? Of course not. The mean-spirited and ideological attacks must end, and these ideological assaults on women's health care must end.

Mr. LEVIN. Madam President, there is no doubt that we must take action to reduce our budget deficit. The question is, How will we accomplish this? Will we do as we have done all too often over the last few years, and protect the tax cuts of the well-to-do at the expense of middle-class families? Or will we seek a balanced approach that seeks to spread the burden of deficit reduction so that the upper income folks who have so prospered the last few years also contribute to the solution?

There is no question in my mind that deficit reduction requires shared sacrifice. By that test, the legislation before us is highly problematic. True, it manages to avoid some of the most extreme budget cuts that House Republicans included in their original appropriations bill. The bill before us is surely reasonable in comparison with that extreme measure. But the test cannot be whether it is better than HR 1. We can and must do better.

What troubles me most is that this legislation seeks to address the problem in only one manner, targeting nondefense discretionary programs that make up a fraction of our budget. I remain convinced it is a mistake to attack the deficit only through cuts in domestic discretionary spending, and not also end the huge Bush tax cuts for upper incomes, and close tax loopholes and reduce tax expenditures that most budget experts believe must be part of any serious deficit reduction plan. Simple math makes clear that those kinds of revenues must be a part of the solution.

The refusal to take a balanced approach in this legislation means that to reach its deficit reduction target, this bill makes cuts that are, in my mind, too large. It reduces funding for the COPS program and grants to state and local law enforcement agencies by more than one-quarter, making our communities less safe. It reduces energy efficiency funds by 18 percent, as though this issue wasn't crucial to our Nation's future security and prosperity. It cuts funding for the Centers for Disease Control and Prevention by 11 percent, as though the health of our citizens was not a priority.

This bill eliminates all funding for the HUD Housing Counseling Assistance Program, eliminates it entirely, ignoring the fact that communities across the nation are reeling from a foreclosure crisis.

This bill cuts by 20 percent funding for Army Corps of Engineers construction. That provides funding for the barrier that we hope will keep destructive Asian carp out of the Great Lakes, and believe me, that is false economy. The economic damage Asian carp can do if they establish themselves in the Lakes is incalculable. The bill also cuts more than one-quarter of funding for vital water infrastructure programs important not just in Michigan but around the state, and it makes a deeply misguided 37 percent cut in Great Lakes restoration initiative funding, a totally unjustifiable reduction of our commitment to lakes that are an engine of economic activity for all the states in the Great Lakes region.

There are some important programs that have escaped the worst cuts. I am pleased that students will still be able to receive a maximum Pell grant of $5,500, and that the misguided proposal to reduce these grants has been defeated. I am pleased that this bill generally avoids misguided Republican attempts to deprive financial regulatory agencies of the resources they need to prevent the next financial collapse.

This bill rescinds highway funding that was provided at least 13 years ago, including funds from the ISTEA reauthorization bill. That should mean that the funding for the traverse city bypass, later reprogrammed to the grand vision, will not be included in that rescission since it is no longer part of the ISTEA bill. At the request of the community, the funds were reprogrammed in the Consolidated Appropriations Act of 2005 for an entirely different purpose than the original legislation and in an entirely different bill. Since that time the community has completed the comprehensive grand vision study and is now poised to implement its recommendations.

I am also glad that the bill contains a full year Department of Defense Appropriations Act, so that our troops and their families will no longer have any doubt about when their next paycheck will arrive. And I am pleased that it does not include ideologically motivated policy riders that would interfere with women's health care and environmental protection.

But on balance, this bill lacks balance. It seeks solutions only in cutting domestic programs that make our Nation safer and more prosperous, that protect our environment, and that help the families that have suffered most during the financial crisis and recession, while protecting the tax cuts that benefit those at the very top.

Because of that lack of balance, that lack of fairness, I am unable to support this bill. But I am encouraged that, thanks to the leadership President Obama showed this week, and thanks to the voices of the many of us who are arguing for a balanced approach to deficit reduction, we are finally engaged in an open and honest debate over the vision we should follow for the future of our country.

In the weeks and months ahead, we will finally seek an answer to the question of whether we will all share in the

sacrifices required, and whether the same people who have done so very well over the last decade or so will be asked to contribute. I agree with our President, who said this week:

At a time when the tax burden on the wealthy is at its lowest level in half a century, the most fortunate among us can afford to pay a little more. I don't need another tax cut. Warren Buffett doesn't need another tax cut. Not if we have to pay for it by making seniors pay more for Medicare. Or by cutting kids from Head Start. Or by taking away college scholarships that I wouldn't be here without. . . . And I believe that most wealthy Americans would agree with me. They want to give back to the country that's done so much for them. Washington just hasn't asked them to.

Let me add that I will vote against both of the correcting resolutions before us today. It is ironic indeed that Republicans claim to be fighting the deficit by blocking the implementation of the Patient Protection and Affordable Care Act, which according to the Congressional Budget Office will reduce the deficit by $210 billion from 2012 to 2021. Likewise, the attempt to prohibit funding for Planned Parenthood has nothing to do with the deficit and everything to do with extreme ideology.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, after 6½ months it appears the Congress may finally be able to finish the fiscal year 2011 appropriations process. Earlier today the House passed a Department of Defense Appropriations bill which includes an extension of the current continuing resolution through the end of the fiscal year. If the Senate passes this legislation and the President signs it, we will be able to close the books on this issue and focus our attention on the budget for fiscal year 2012.

In reflecting upon how we got here, I wish to point out to my colleagues that the fundamental reason we find ourselves debating a continuing resolution today is because 1 year ago the Congress was unable to agree upon a budget resolution. The failure to reach a consensus agreement on the budget meant the Appropriations Committee was asked to resolve the differences in spending itself. After months of attempting to do so, the committee was unable to bridge the gap between the Republicans and Democrats.

When the committee finally adopted a funding level proposed by the Republicans, a hostile political environment crippled the committee's efforts to enact a bipartisan budget plan. As we go forward I would ask all of my colleagues to think carefully about this, and I urge everyone to cooperate both here in the Senate and with our colleagues in the House. If we can fashion a compromise budget agreement this year it might allow our committee to restore the bipartisan working relationship which has long been the hallmark of the committee for generations. I sincerely hope that will be the case.

In some respects today we can take that first step. The bill that we are considering reflects a bipartisan agreement reached among the leadership of the House and Senate and the White House with the details being worked out by the Committees on Appropriations. It is a very tough measure that cuts domestic spending more than I am comfortable with, but it is dramatically superior to the alternative passed by the House 2 months ago and equally superior to not passing an extension through the end of the year.

In total, the measure reduces government spending $78.5 billion below the President's request. It is nearly $40 billion below the enacted level for fiscal year 2010. Never before have we cut our appropriated funding so drastically. By far and away this is the largest 1-year cut from the President's budget request in the Nation's history. The bill cuts all categories of spending: defense, international, and domestic, discretionary and mandatory. While some of my colleagues will argue that the Department of Defense was ''let off the hook,'' others will probably say the bill cuts more from defense than is prudent.

Including military construction, the Defense Department's budget is reduced $20 billion below the President's request. In comparison to the fiscal year 2010 enacted funding, the department's budget is approximately $2 billion below a freeze, with military construction down by more than $6 billion and the rest of defense increasing by more than $4 billion.

The priority in this defense bill is first and foremost to ensure that we treat our military personnel and their families fairly. This means a 1.4 percent pay raise. It means fully funding health care, but it also means ensuring that our forces have the proper equipment and the funding necessary to operate it. While funding is austere, the bill includes important enhancements such as buying more missiles for our Aegis missile defense ships, and more helicopters for search and rescue operations and medical evacuation in Afghanistan. It means investing in new technologies at a faster pace than requested, purchasing more drones to find and wipe out terrorists, and ensuring the safety of our soldiers and Marines by accelerating the purchases of safer Stryker vehicles and MRAPs.

Accomplishing this while at the same time reducing defense spending has been a challenge, but working with our colleagues in the House we have put together a plan which fulfills all of these objectives.

But this bill isn't just about defense. For the State Department and foreign assistance, we are providing $8 billion less than was requested. This low level of funding was the most we could get our colleagues in the House to agree with, and it means many important programs will have to be reduced. We won't be able to make as much progress on fighting AIDS and hunger. We won't have as much funding as I would like to support our operations in Afghanistan and Iraq. But considering the budget situation we face, we will have to make do.

It is in the area of domestic spending in which the bill makes the most serious reductions, with the total included being approximately $50 billion below the President's request. In achieving this rate of savings, this compromise measure sought out as many different ways to reduce spending as possible to allow us to preserve our critically important priorities. We were able to mitigate the damage by looking at areas where we could identify savings from mandatory spending and by rescinding lower priority funds. In total, domestic discretionary spending is cut by $38.3 billion while mandatory spending comes down by $17.7 billion.

Many, many programs had to be cut to reach these levels. In health care, in education, in housing, in infrastructure, but this bill is much better than the approach adopted by the House in HR 1. For example, we were able to fully fund Head Start—restoring the House Republican cut of $1.4 billion which would have denied 218,000 children an opportunity to learn. We provided $30.7 billion for NIH, $1.4 billion more than the House Republicans. We provided $2.1 billion more for food safety than the Republican plan.

In energy, housing, our National Parks, our transit programs, in every area we forced the House to back away from their unwise cuts which would have devastated the progress we are making to restore the economy and protect our people. Crazy ideas like furloughing Social Security workers and shutting off food inspections were turned around. But there is more to this story. The House bill wasn't just about dangerous and drastic cuts; it was also an attempt to legislate terrible social policy on a must pass emergency spending bill.

Here too we turned them around. Nearly a dozen provisions to overturn health care reform were rejected. Eleven riders to gut the Environmental Protection Agency were rejected. Provisions to eliminate successful programs like needle exchanges, and the Corporation on Public Broadcasting were denied. Their attempts to rewrite gun laws and net neutrality were rejected.

It is true and regrettable that we had to accept limited provisions affecting the District of Columbia on abortion and school vouchers. We are not happy about that. Still, in comparison to what the House wanted to do, this bill is an enormous improvement even for the District of Columbia.

As in any compromise, neither party to the agreement is happy with every item in the bill. Some on the other side would have preferred more cuts in domestic programs while most members on our side believe we have cut our domestic priorities too deeply. But, this is truly a bipartisan bill. When it is approved it will be the most significant

legislation to pass the Congress this year.

I believe this bill provides a road map on how we can continue to work across party lines to achieve what is necessary for the country. Yesterday the President unveiled his long-range strategy to reduce the deficit. His approach is extremely different than the approach of the House Republicans. In 2 weeks our Senate Budget Committee will unveil its plan on regaining fiscal control. It is not overstating the case to say that it is truly a matter of urgent national security that we reach across party lines and conclude an agreement with our colleagues in the House to regain control over our government's finances.

Both parties feel strongly about their recommendations and the structure of future budgets. The philosophical divisions are wide. But as I watched the President's speech, I thought about this continuing resolution and how we were able to bridge a huge divide between the Houses and the political parties. Because of this experience I became more optimistic that we can find a way to work with our House colleagues and come up with a deficit reduction plan that would represent all of our best efforts to act in the Country's interest.

Today it is vitally important that we take that first step toward putting our fiscal house in order by adopting this bill. It is also critical that the Congress demonstrate that it can act in the spirit of compromise and in the national interest. This bill represents a fair compromise which will meet our country's needs, and I urge all my colleagues to support it.

Madam President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

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

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify in accordance with rule XLIV of the Standing Rules of the Senate that there are no congressionally directed spending items contained in H.R. 1473.

Mr. INOUYE. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, as ranking member of the Committee on Appropriations, I regret that the Senate must consider in mid-April an appropriations bill for a fiscal year that is already half over. It disturbs me that we have subjected the Federal Government to eight short-term continuing resolutions over the past 6 months. Such measures are inefficient, add hidden costs to Federal contracts and procurements, and make it difficult for State and local governments to plan effectively. Such measures also have a detrimental impact on the morale of the Federal workforce, including our men and women in uniform who last week, even while engaged in hostilities overseas, were left wondering about their next paycheck.

However, this delay has made possible significant spending reductions. The bill cuts $38 billion from the spending levels in place at the beginning of this Congress. It also cuts $78 billion from the President's fiscal year 2011 budget request. These reductions in spending will compound over time and, if sustained, will result in a significant reduction in our national debt. These reductions don't come without consequences, however. The bill cuts programs that are important both nationally and in my State of Mississippi. This bill contains rescissions of funds I once fought hard to appropriate but which have not been spent for a variety of reasons. In many cases, we don't yet know the precise impacts of the various cuts because so much discretion is left to the implementing agencies. We all recognize, however, that sacrifices must be made in order to achieve the greater good of fiscal solvency.

We also recognize that the bill is only one step toward addressing our Nation's debt problem. Although discretionary spending will be an important component of any solution to that problem, we will fail to solve it if we focus on discretionary spending alone. Hopefully, the agreement reached on this bill will lay a foundation for the much more difficult decisions on entitlements and taxes that lie ahead.

We also realize some will think this bill cuts far too little and some will think it cuts too much. I suspect that, individually, each of us could write spending bills at much lower levels than are contained in this legislation. We could fund those things we deem to be priorities and significantly cut back or eliminate the rest. But this legislation, instead, represents the priorities of the people of the entire Nation as expressed and negotiated by their duly elected Representatives, Senators, and the President.

On balance, the process has worked well. But without a budget resolution or any agreement on an appropriate top-line discretionary spending level, there was little agreement on the level of funding in appropriations bills. As a result, we are once again presented with a single trillion-dollar package that no Senator has had an opportunity to amend. The bill gives enormous flexibility to the executive branch because it does not contain the detailed directives typically found in appropriations bills and reports. And, of course, it is 6 months late.

I hope in the coming months that Congress and the President will reach consensus on a budget plan that will address each of the major drivers of our current fiscal imbalance, including discretionary spending. We need to find a way to bring fiscal year 2012 appropriations bills to the floor individually and get them to conference with the other body. I believe such a process would provide needed constraints on spending levels while allowing all Members to influence the content of the individual bills.

Madam President, I will vote for this bill, and I urge the Senate to approve it.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

(The remarks of Mr. CORNYN pertaining to the submission of S. Res. 148 are printed in today's RECORD under ''Submitted Resolutions.'')

Mr. CORNYN. Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

## SYRIA

Mr. LIEBERMAN. I thank the Chair. Madam President, it is coincidental, but my remarks follow in a logical path from those of my colleague and friend from Texas, particularly with regard to the thoughtful questions he raised about Syria.

I have come to the floor to speak about the historic and extraordinary events that are taking place in Syria where, for the past 3 weeks, the Syrian people have been peacefully and courageously taking to the streets of their cities. I wish to talk particularly about what may happen in Syria over the next 24 hours.

What is happening, of course, in Syria is part of a broader story that is unfolding across the Middle East—a democratic awakening in which millions of ordinary people are rising up against corrupt autocratic regimes that have ruled the region and suppressed these people for decades. But the strategic stakes in Syria are among the highest anywhere in the region. In fact, I would say what happens in Syria in the coming days will have far-reaching consequences for the future of the Middle East and for our national security here in the United States.

The uprising in Syria began, like those in Tunisia and Egypt, spontaneously and unexpectedly. It rose from the people, not from outside. It began in the city of Dara'a, in southern Syria near the Jordanian border, after the Assad regime arrested a group of schoolchildren there. When the citizens of Dara'a began peacefully assembling to protest this absurd act of repression, the police responded by firing live ammunition into the crowd. Rather than being intimidated by this violence, however, the protest movement persisted and spread.

Although the Assad regime was trying desperately to prevent accurate information about what is happening inside Syria from reaching the rest of the world, it is clear that people in many cities around the country are now in open revolt against the Assad regime.

From Latakia, to Aleppo, and from the Kurdish northeast to the villages along the Mediterranean coastline, more and more Syrians from diverse backgrounds are rising up and demanding their freedom.

What exactly are they asking for? It is the same basic demands we hear throughout the region, and they are very familiar—they should be—to the American people, because they are the very demands that energized and motivated our rebellion and the American Revolution and the founding documents of our country. The people of Syria want greater political freedom and they want economic opportunity. They want into the modern world. They want to be treated with respect by their government, and they want an end to the culture of corruption and impunity that surrounds the Assad regime.

How has Bashar al Assad reacted to these legitimate grievances? The answer is he has responded not by offering reform but by unleashing what President Obama has rightly characterized as abhorrent violence and repression against the Syrian people. He has responded with thugs and militias who have attacked peaceful protestors. He has responded by spouting conspiracy theories rather than loosening his autocratic grip. And as we know now, he has responded by calling on his allies, his patrons in Teheran, to help him crush the demonstrations by the Syrian people, just as the Iranian regime—the fanatical, extremist, expansionist regime in Teheran, stamped out the protests that took place in Teheran after the June 2009 election.

It is now clear what path Bashar al Assad is on. Rather than pursuing reform, he is taking a page from the Qadhafi model. He is betting that he can beat his people into submission through force and that the world will let him get away with slaughter.

Let's be very clear what it means if Bashar succeeds. It will send a most perverse but unmistakable message that leaders such as Mubarak and Ben Ali in Egypt and Tunisia respectively and who are allied with the United States get overthrown, but leaders such as Assad, who are allied with Iran, survive. Is that a message we want to send?

What about tomorrow? Why do I focus on the next 24 hours? Tomorrow is likely to be a critical day for the future of Syria as protestors come together after Friday's prayers. There is a significant danger that it will also become a very bloody day if Assad continues on the path of violence and brutality against his own people.

This is, therefore, an urgent moment for American leadership, at least for America's voice to be heard. It is important for President Assad in Damascus to know today, before the protests that are likely to take place throughout Syria tomorrow, that his regime will be held accountable for its actions.

I hope we will be prepared to act quickly together with the world community if Assad fails to heed the will of the Syrian people and tries to hang on to power through repression and murder.

What can we do? Well, to begin with, we can impose tough and targeted sanctions on the Syrian officials responsible for the human rights abuses that are being perpetrated against their own people. We can also work with our allies to summon a special session of the U.N. Human Rights Council in Geneva, just as we did in the case of Libya, and we can refer Assad's regime to the international criminal court, just as we did with Qadhafi.

We should also embrace the Syrian opposition, the freedom fighters. I hope senior American officials will meet with prominent Syrian dissidents who are here in Washington now. I also urge the administration to speak out clearly in support of the Syrian people who deserve praise for their courage as they risk their lives for freedom and human rights. They must know that the United States, still the beacon of liberty in the world, stands on their side. In the face of attacks by the Syrian regime, Syrian protesters have remained remarkably peaceful, as the protesters in Tunisia and Egypt before them did. In the face of sectarian provocations by Assad, the people of Syria who are protesting have remained together, unified, giving a message of national unity.

I know some have suggested that we should hesitate before throwing our support to the Syrian opposition, to the Syrian people as they rise up, and this argument goes like this: Bashar al Assad is the devil we know. We don't know what might replace him if he fails. But we know enough about Bashar al Assad to know, and we know enough about the opposition to know that it cannot be worse than Assad and will be much better.

The arguments that we should wait and see are, in my opinion, moral and strategic nonsense when we look at the record of Assad. He is Iran's most important Arab ally and, in some senses, Iran's only real ally and the strategic linchpin between Iran and its terrorist proxies, Hamas and Hezbollah, whom he sustains with financial and military support. Assad is responsible for a terrible campaign, long standing, of intimidation and destabilization of Lebanon, and the blood of Lebanese leaders—too many of them—is on his hands, including that of the great Lebanese leader Rafik Hariri.

As Senator CORNYN said, Assad also has the blood of countless American soldiers on his hands, having allowed Syria to be used for years by foreign extremist fighters affiliated with al-Qaida and their ilk to head to Iraq to attack and kill Americans and Iraqis.

Finally, let's not forget Syria's illegal nuclear activities. This is a regime that tried to build a secret nuclear reactor. They did so with help from North Korea. This is a regime that continues to refuse to cooperate with the International Atomic Energy Agency in its investigation of Syria's illegal nuclear activities.

The plain fact is that Bashar al Assad is not a reformer, he is a dictator. He runs a totalitarian regime that has long been one of the worst in the Middle East.

This is a regime that has repressed, intimidated, and, in fact, tortured and slaughtered Syrian people. It is a regime that is deeply corrupt, and it is a regime that has been a menace to its neighbors and to the cause of peace throughout the region.

We now have an opportunity—and I say a responsibility—to support freedom for the Syrian people as they seek a better future for themselves. It would be a shame if they and we lost this opportunity for the Arab spring to come to Syria. I hope, together with our allies, we will seize this moment and stand in solidarity with the people in Syria who are fighting for the fundamental values on which our own country was built: freedom and opportunity.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

## CORRECTING THE ENROLLMENT OF H.R. 1473

Mrs. MURRAY. I ask the Chair to lay before the Senate H. Con. Res. 35.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 35) directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate, equally divided, prior to the vote.

Mrs. MURRAY. Madam President, I yield back all time and ask for the yeas and nays.

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

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the concurrent resolution.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—47

| | | |
|---|---|---|
| Alexander | Boozman | Coats |
| Ayotte | Brown (MA) | Coburn |
| Barrasso | Burr | Cochran |
| Blunt | Chambliss | Collins |

| | | |
|---|---|---|
| Corker | Isakson | Portman |
| Cornyn | Johanns | Risch |
| Crapo | Johnson (WI) | Roberts |
| DeMint | Kirk | Rubio |
| Ensign | Kyl | Sessions |
| Enzi | Lee | Shelby |
| Graham | Lugar | Snowe |
| Grassley | McCain | Thune |
| Hatch | McConnell | Toomey |
| Hoeven | Moran | Vitter |
| Hutchison | Murkowski | Wicker |
| Inhofe | Paul | |

NAYS—53

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

The PRESIDING OFFICER (Mr. FRANKEN). On this vote, the yeas are 47, the nays are 53. Under the previous order requiring 60 votes for the adoption of the concurrent resolution, the concurrent resolution is rejected.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following votes be 10-minute votes.

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

Under the previous order, the motion to reconsider is considered made and laid upon the table.

CORRECTING THE ENROLLMENT OF H.R. 1473

The PRESIDING OFFICER. Under the previous order, the clerk will report H. Con. Res. 36, which was received from the House.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 36) directing the clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided prior to the vote.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield back all debate time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the concurrent resolution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 42, nays 58, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—42

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

NAYS—58

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

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 58. Under the previous order requiring 60 votes for the adoption of the concurrent resolution, the concurrent resolution is rejected. Under the previous order, the motion to reconsider is considered made and laid upon the table.

## DEPARTMENT OF DEFENSE AND FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011

The PRESIDING OFFICER. Under the previous order, the clerk will report H.R. 1473, which was received from the House.

The assistant legislative clerk read as follows:

A bill (H.R. 1473) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate, equally divided prior to a vote.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I yield back all time on both sides and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there is no further debate, the question is on the third reading of the bill.

The bill was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 81, nays 19, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—81

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

NAYS—19

| | | |
|---|---|---|
| Coburn | Johnson (WI) | Sanders |
| Crapo | Leahy | Shelby |
| DeMint | Lee | Toomey |
| Ensign | Levin | Vitter |
| Graham | Paul | Wyden |
| Hatch | Risch | |
| Inhofe | Rubio | |

The PRESIDING OFFICER. On this vote the yeas are 81, the nays are 19. Under the previous order requiring 60 votes for passage, the bill is passed.

The bill (H.R. 1473) was passed.

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

Under the previous order, the Secretary will immediately notify the House of the Senate's action on the House measures.

The majority leader.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business for debate only until 7 p.m. tonight, with Senators permitted to speak for up to 10 minutes each; further, that the majority leader be recognized at 7 p.m.

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

The Senator from South Carolina.

## PORT OF CHARLESTON

Mr. GRAHAM. I ask unanimous consent to enter into a colloquy with my good friend, the majority leader.

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

Mr. GRAHAM. Mr. President, a lot of Members now understand the problem we have with the port of Charleston in 2011. There is no money in the President's budget to do a scoping study. Under the new rules concerning earmarking, it has been very difficult to find a way forward. With the help of the majority leader and his staff and the people on Appropriations—the staffs of Senators FEINSTEIN and LAMAR ALEXANDER—we came up with

language that would allow 12 different ports to have studies completed in fiscal year 2011, if the Corps chose to engage in those studies. It was not a requirement, and it had no sums required in terms of what the Corps had to spend. It was purely discretionary. Unfortunately, our House colleagues did not accept that language.

My problem is that in fiscal year 2011, there is no mechanism as of yet to allow a scoping study to be done for the potential deepening of the Charleston harbor to accept supercargo ships coming through the Panama Canal in 2014. This harbor, along with others, has to be deepened to accept these new ships. The amount of money is $40,000 on the Federal side to be matched by the State. People ask me: Why can't you come up with the money? Boeing, BMW, Michelin, the State of South Carolina?

I would do the $40,000, but I can't. You cannot have a private entity take over a Federal Government responsibility. So this is one of those situations that is a catch-22. It is an anomaly in the law. The Vice President's office and Congressman CLYBURN, a lot of us, Congressman SCOTT, have been working diligently, with the assistance of the majority leader, to find a pathway forward within the current system. We are very close to finding a way to get this study done because it was a previously authorized program under current law.

I have put a hold on everything I could put a hold on.

Now I believe we are making progress. The majority leader has some needs, and I want to let him know I am willing to work with him and others to end the Senate well before we go out on Easter break. I thank him for the help he has given me to take care of a problem that no one could have anticipated. But it is a real problem for the people of South Carolina. I wish to let him know I appreciate the effort.

The PRESIDING OFFICER (Mr. BEGICH). The majority leader.

Mr. REID. Mr. President, I say to my friend the distinguished Senator from South Carolina, I am aware of the 12 ports that need help. But out of the 12, there is none more needed—and we as a country would get such a bang for our buck—to do what is necessary than the port of Charleston. I first compliment the Senator from South Carolina for his proposed solution to a challenge facing the State. He is dogged in representing the State of South Carolina. This is an issue that is important to the people of his State. His solution would not in any way violate any of the rules we have in the Senate. It is something that would not be part of congressionally directed spending in the true sense of the word that has been not approved by people in recent years. I have been part of the Appropriations Committee since I first came to the Senate.

I love that committee. I know the good things it can do for our country and has done for our country. This merit-based competitive port fund that has been suggested would not be limited to South Carolina, even though I think it is the most needy of the 12. This would not guarantee that the port study in Charleston would go forward but would provide the Corps the opportunity to move forward should they choose.

Mr. President, I not only have been a member of the Appropriations Committee, but for a long, long time—a long time—the Senator from New Mexico, Mr. Domenici, and I—that was our subcommittee, Energy and Water, and that is where this money comes from.

This is so necessary to be done. I understand the Corps' obligations. This is something we have to do. And even though my friend acknowledged this vote we just took care of the funding until the end of this year—but that is the end of this fiscal year. There are going to be other pieces of legislation to come to this floor. We could, at any time—any time—move forward on this. I thought we had a solution because of the anomaly we found ourselves in to work this out with the House of Representatives.

It is not often that I am a cheerleader for pieces of legislation that are suggested and moved forward by Republicans, but I was on this one. This is something that is merit-based and is fair. I am going to continue to do everything I can for my friend from South Carolina to see if before the end of this fiscal year we can get something done. It is important to him. It is important to our country because of the value that port has to our country.

Mr. GRAHAM. I thank the majority leader very much. It is appreciated on behalf of all of us in South Carolina. And I look forward to finding a solution for the country as a whole.

The PRESIDING OFFICER. The Senator from Rhode Island.

## HONORING OUR ARMED FORCES

### SPECIALIST DENNIS ''DANNY'' POULIN

Mr. REED. Mr. President, I rise today to pay tribute to SPC Dennis ''Danny'' Poulin, a Rhode Islander who served in the Massachusetts National Guard.

On March 28, Specialist Poulin was a gunner in an MRAP when it rolled over in Kunar Province, Afghanistan. He was medically evacuated to Landstuhl Regional Medical Center in Germany, where, tragically, he died 2 days later but surrounded by his loving family. He was laid to rest today in Rhode Island.

Specialist Poulin grew up in Pawtucket, RI, and graduated in 2004 from Tolman High School. He joined the National Guard in 2008 and was promoted to specialist in May of 2010. As a member of the Massachusetts National Guard Headquarters Company, 1st Battalion, 181st Infantry Regiment, he deployed to Afghanistan in July 2010.

Each generation of Americans is called upon to protect and sustain our democracy. And there are no greater heroes than the men and women who have worn the uniform of this Nation and who have sacrificed for this country to keep it safe and to keep it free.

It is our duty to protect the freedom they sacrificed their lives for through our service, our citizenship. We must continue to keep their memories alive and honor their heroism.

Today, our thoughts are with Specialist Poulin's mother Doris, his father Richard, his sisters, Jennifer and Angelique, his longtime girlfriend Ashley and their son Nikolous, and all of his family, friends, and his comrades-in-arms. We join them in commemorating his sacrifice and honoring his example of selfless service, of love, and of courage that he has demonstrated to all of us.

Specialist Poulin is one among many Rhode Islanders who have proven their loyalty, their integrity, and their personal courage by giving the last full measure of their lives in service to their country in Afghanistan, in Iraq, and throughout the centuries. Today, we honor his memory and honor the memory of those who have served and those who have sacrificed.

Mr. President, with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am honored to join my senior Senator from Rhode Island, JACK REED, today on the floor of the U.S. Senate to honor the brave service of SPC Dennis C. Poulin, who died of injuries sustained while serving his country in Afghanistan.

Specialist Poulin, or ''Danny,'' as he was known, had been assigned to the Kunar Provincial Reconstruction Team in Afghanistan. I have visited on several occasions the Kandahar Provincial Reconstruction Team, and I am well aware of the demands that are put on the security teams who allow the provincial reconstruction offices to do their vital work.

Danny's vehicle overturned while he was conducting a mounted combat patrol, causing severe injuries. Sadly, as a result of those injuries, he passed away on March 31, 2011, at Landstuhl Medical Center surrounded by his family.

Danny was born in Pawtucket, RI, where he lived for most of his life. After graduating from Tolman High School, he joined the Army National Guard and served with the Massachusetts National Guard's Alpha Company, 1st Battalion, 181st Infantry Regiment.

Specialist Poulin served with honor and distinction, receiving numerous awards and decorations, including the Army Commendation Medal, the Army Achievement Medal, the Good Conduct Medal, the Meritorious Unit Commendation Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, and the Combat

Infantry Badge. We hope that upon review of this incident, he will be awarded his Nation's Purple Heart.

Danny will be remembered for his commitment to his family and unit. He was a devoted father, son, and brother, who loved his family very deeply. His fellow soldiers describe him as a hero and the kind of guy who always put others before himself.

As family and friends gather today in Rhode Island for his memorial service, I would like to join Senator REED in expressing my most sincere condolences for this terrible loss to his family and to our State. And on behalf of all Rhode Islanders, I want to thank Danny for his selfless service and his ultimate sacrifice.

Our hearts go out to his mother Doris, to his father Richard, to his sisters, Jennifer and Angelique, to his girlfriend Ashley, and especially to his 5-year-old son Nikolous, who will carry on his legacy and spirit.

We will never forget the sacrifice Danny and his family and friends have endured for our country, and my thoughts and prayers are with them during this difficult time.

Mr. President, I thank the Senate for its attention to these remarks, and I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

## UNANIMOUS CONSENT REQUEST—S. 493

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m., Tuesday, May 3, the Senate resume consideration of S. 493, the small business jobs bill; that no amendments, points of order, or motions be in order during the pendency of this agreement other than the amendments listed in this agreement and budget points of order and applicable motions to waive; that the pending amendments be set aside and Senator LANDRIEU or her designee be recognized to call up the following amendments: DeMint No. 300 to Paul No. 299; Carper No. 289, with a modification, which is at the desk; Pryor No. 278; Merkley No. 272; and Landrieu No. 234; that the DeMint second-degree amendment No. 300 be agreed to; that the time until 2:15 p.m. be equally divided between the two leaders or their designees; that at 2:15 p.m., the Senate proceed to votes in relation to the following amendments in the order listed below: Cornyn No. 186; Paul No. 199, as amended; Hutchison No. 197; Cardin No. 240; Snowe No. 253; Carper No. 289, as modified; Pryor No. 278; Merkley No. 272; and Landrieu No. 234; that there be no amendments in order to the amendments prior to the votes other than the DeMint second-degree amendment to the Paul amendment; that each amendment be subject to a 60-vote threshold; and the motions to reconsider be considered made and laid upon the table; further, that the Vitter amendment No. 178 and the Pryor amendment No. 229 be withdrawn.

The PRESIDING OFFICER. Is there objection?

The Senator from Maine.

Ms. SNOWE. Mr. President, I reserve the right to object, I have an additional amendment I would like to have considered on this list. I thought we had an agreement that there would be an even number of amendments offered on both sides, and now I understand that in the request that is put forward by the majority leader, there are five amendments on the Democratic side and four amendments on our side.

I would like to ask consent, because I thought my amendment—Snowe amendment No. 299—would also be included in the agreement. So I am asking unanimous consent that the order be modified to include Snowe amendment No. 299.

The PRESIDING OFFICER. Will the leader modify?

The majority leader.

Mr. REID. Mr. President, I object to my friend's request with the following explanation: We have worked very hard to get this bill done. This is a committee of which the Senator from Maine was chairman. She is now the ranking member. This legislation—underline this—is extremely important. It has done in the past wonderful things for our country. This innovation that this bill allows to go forward has created things such as the electric toothbrush and many other things. It is a good piece of legislation.

The legislation of my friend from Maine is not relevant or germane to this legislation. What is going to happen—if she objects to the request I have offered, this bill will not go forward. And that is too bad. We have worked all week long—in fact, some into last week—trying to get these amendments cleared and agreed to.

The sad part about her amendment is that we cannot get agreement not only from our side but on her side. Without going into detail who they are, people do not want to do this amendment because it has no direct relevance to this legislation.

In addition to that, Mr. President, her legislation has not had a hearing. It is something that is a big bill not only in content but in pages, and it should have a hearing. Senators should know what they are voting on in more detail. The other amendments we have gone through have been perused very closely and people understand what is in them and people can vote intelligently on those.

Now, my first inclination is to say: Well, let's go ahead and do it and try to defeat it, but that is not the way we should do legislation.

So I am terribly disappointed that the Senator from Maine, the former chairman of this committee, recognizing the importance of this legislation, is going to cause this legislation to fail, and we very likely will not have time to bring it up again. Now, if that is what my friend wants on her legislative conscience, that is fine. But I think it really should not be there. For someone who understands this legislation as well as she does, it is wrong to stand in the way of our completing it.

The PRESIDING OFFICER. Is there objection to the original request?

Ms. SNOWE. Mr. President, further reserving the right to object.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I appreciate the comments that have been made by the majority leader. But to the contrary, this is very relevant to the underlying legislation. It is about regulatory reform. And if you were to ask the small business community exactly what is their major priority in the U.S. Congress, it would be regulatory reform. Undeniably, it is one of the most onerous burdens placed on small businesses today, and our economic well-being. We have had numerous hearings within our committee that touch on the issue of regulatory reform, and my legislation would reform the process to ensure that small businesses are free to compete and to create jobs.

What could be more important at a time when we are struggling to create jobs in our economy, where we need to create millions of jobs if we are ever going to turn around this serious unemployment rate that is plaguing our Nation today and critically affecting the personal financial well-being of all Americans?

So, Mr. President, I am surprised with the standard proposed now about hearings. We have had numerous hearings touching on the subject. The question is that we never addressed the issue in the U.S. Senate. As I look through the number of amendments that are going to be offered to vote on in the majority leader's unanimous consent request, many of these amendments have not had hearings either, they have not been the subject of very specific hearings.

The point is, everyone has had the opportunity and would have the opportunity to review this legislation and debate it amply, and would be able to explore these issues. My legislation has drawn the broad support of the small business community nationwide. They reviewed the legislation. They understand the implications. They understand the benefits if we do regulatory reform, and they understand the consequences if we do not.

So I am just surprised that there is a new standard here because we have passed numerous pieces of legislation on the floor of the Senate that may not be subject to a specific hearing, but have been touched upon in numerous hearings on various subjects. The same is true of the amendment that had been included in the majority leader's unanimous consent agreement.

So I will have to object at this time to the underlying consent agreement since I am unable to have a vote on my amendment. Hopefully, we can review this upon return from the recess so we can go forward with these votes.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, I would finally say that this legislation, under any circumstances, is not relevant or germane to the underlying bill. That is very clear. This legislation that now has to be considered by the Senate has not had a hearing. Sure, we have had hearings on regulatory reform. We have had hearings on the environment also. But when you bring up a piece of legislation that is new, we deserve to know what it is about.

These other amendments, we know what they are about. Hers is too detailed and complicated. It is not germane or relevant. It has had no hearings. I am stunned by the new standard suggested by my friend from Maine: Democrats have more amendments than Republicans; therefore, we should consider an amendment that is not germane, irrelevant, and has never had a hearing.

So I am disappointed my friend from Maine is killing this legislation. We have spent enough time on this legislation, and it is really too bad. The chairman of the committee doesn't support it. The chairman of the Small Business Committee does not support this legislation.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I heard the majority leader's comments, and I appreciate them. It is not about the evenness of the amendments, but that was the agreement. That was the understanding before I arrived on the floor. My staff worked in concert with the staff of the Small Business Committee chair, Senator LANDRIEU from Louisiana, so that was the agreement. So that agreement obviously changed sometime in the last hour.

Getting beyond that point, though, in talking about hearings, when I look at the list of amendments that are going to be voted on and put forward in the majority leader's unanimous consent agreement, many of these amendments have not had specific hearings. But everybody in the small business community, every small business in America, understands the value of regulatory reform. It is a very straightforward piece of legislation.

Many of these issues have been addressed in hearings. Last fall we had a small business jobs bill, part of which was a $30 billion lending facility, and, believe me, there were serious problems with that lending facility. But that was not the subject of one Senate hearing, and I just want to understand, to garner clarity with respect to the standards that are now being established.

This issue is very important. Regulatory reform is absolutely crucial and central to small business job creation, not to mention survival. You don't have to take too many Main Street tours to figure out what is happening on Main Street. They are struggling to survive. Last year alone there were $26 billion in additional regulatory costs that was imposed on small businesses across this country as a result of new regulations—$26 billion. But what is the total cost of regulations in America? It is $1.7 trillion.

So is there any question in terms of the urgency and the imperative of addressing this issue? It is very central to the underlying legislation. It is about small businesses. It is about regulation and the hardships and the costs that are associated with it, and it is disproportionate on the small business community. It is disproportionate. They pay more than $10,000 per employee, more than the large companies because they don't have the number of employees to be able to fill out the forms and do all that is required that is associated with the complexities and the costs of complying with those regulations.

So that is the issue. We had a $30 billion lending facility as part and parcel of a piece of legislation that was voted on and became law. There are issues with it today and it was not subject to even one Senate hearing.

So what I am saying is it was my understanding that we had an agreement. That is what I understood, that we were going to have an even number of amendments on both sides to be offered and that my amendment was going to be included and brought up for a vote. If Members of the Senate don't want to vote for the amendment, they don't have to vote for the amendment. It is just saying: Please allow us to have a vote on this specific amendment just like the others that are in the majority leader's unanimous consent request. That is all I am asking.

We have had this bill pending for the last month, and I wanted to bring it up, but, unfortunately, for a lot of reasons, we are where we are today. That doesn't mean to say that we should not have the opportunity to vote on this particular amendment that had been prepared to go more than a month ago to be considered on the floor of the Senate. But, in any event, I regret we are in this position tonight. Hopefully, we can work through this during the course of the recess so that we have the opportunity to vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the longer the Senator from Maine talks, the more reason there is not to bring that up in the status that it is in now.

She is absolutely right. The issue she talks about in the Wall Street reform bill was brought in at a time when there hadn't been hearings, and it has created a furor around the country. Now there are people on all sides of the issue trying to change that. That is why we need to hold hearings. She is absolutely right. The more she talks, the more reason there is not to do this amendment.

For her to suggest that regulatory reform is something she is all-knowing about—and she hasn't said that, but that is the implicit statement she is making—I understand regulation reform. It is a burden, and we have to change it.

We have been through a number of procedures here. We can remember during the Clinton administration when Al Gore was in charge of reducing regulations, and we did a lot of that. It was good, but we didn't do enough. I worked with a Republican Senator by the name of Nichols from Oklahoma. We changed the law drastically, and it has been used in this Congress and the last Congress on several occasions to get rid of bad regulations that an administration promulgates. We now have the ability to do that.

Is there more we can do? Yes. But to march into this, as suggested by my friend from Maine, would cause people to make a decision on legislation that has not been adequately reviewed. That is why, I repeat, the more she talks about what needs to be done around here, the more reason there is not to do her legislation.

As far as an agreement, I had no agreement with anybody. This consent agreement was drafted just a short time ago. I have never suggested to the Senator from Maine—we have never had a conversation about this until during the last votes.

I moved to proceed to this bill more than a month ago—more than a month ago. There comes a time when we have to move the bill or move to something else.

During our next work period, we have some big, important things to do. We are going to have to deal with the PATRIOT Act. We have other things that are extremely important. We cannot spend more time on this legislation. It is unfair to our country, and it is unfair to the small business community that badly wants this legislation to go forward so they can do things, as I repeat, such as invent more electric toothbrush-type items.

There comes a time when we have to make a decision as to whether people are just stalling this legislation or trying to send some political message saying: Look, I was able to offer an amendment; I want to do regulation reform, when there is no chance in the world that the Senators have adequate information upon which to vote.

So I am very disappointed that very likely this legislation will be killed as a result of my friend, the former chairman of this committee, and certainly—I hope she understands how important this underlying legislation is and how her legislation has nothing to do with what is in keeping with the germaneness or relevancy to this legislation.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## TRIBUTE TO REBECCA EYSTER

Mr. REID. Mr. President, today, after more than 20 years of service to the U.S. Senate and the U.S. House of Representatives, Rebecca Eyster will retire. Rebecca is one of the official reporters of the debates and proceedings in this Chamber. She is one of the many dedicated employees who are essential to the daily operations of the Senate.

For more than 12 years, Rebecca has been part of the team that produces a verbatim transcript of all of the Senate floor proceedings. Before that, Rebecca spent 8 years in the House of Representatives in a similar capacity. These jobs can be very demanding. When speeches and votes go late into the night, our dedicated reporters like Rebecca are always here. They produce a historical record about some of the most important legislative debates in our Nation's history.

I am proud to have worked with Rebecca and appreciate her important contributions to the Senate. I know I speak for the Senate family as we wish you the best in your future endeavors.

## SCHOOL SAFETY PATROL LIFESAVING AWARD RECIPIENTS

Mr. REID. Mr. President, I rise today to show my appreciation for the actions of seven young Americans who make up this year's School Safety Patrol Lifesaving Award recipients as chosen by the American Automobile Association. In 1920, the American Automobile Association, AAA, began the School Safety Patrol Program in hopes of promoting traffic safety amongst school children. The AAA School Safety Patrol Program has been awarding its highest honor, the Lifesaving Award, to those patrollers who have acted to save the life of another since 1949. This year, seven heroic school safety patrollers are receiving this award, and it is my honor to recognize their courageous actions.

On February 2, 2011, Paul Hardin, a fifth grader at Canterbury Woods Elementary School in Annadale, VA, averted a possible tragedy by preventing an adult female pedestrian from stepping out into oncoming traffic. When the pedestrian approached the crosswalk, Paul verbally warned her to stop. She ignored Paul's warning and continued walking into the crosswalk at which time Paul stepped off the sidewalk and grasped the woman's arm to prevent her from crossing. An approaching car was within 5 feet of the crosswalk. Paul put the safety of a parent before his own in his heroic effort to prevent a dangerous situation.

Marisha Little and Sierra Walters, safety patrollers at Ranson Elementary School in Ranson, WV, worked together to save the life of a kindergarten student who wandered away from the school heading toward a major road crossing. This life saving incident that occurred on January 18, 2011, was the first of two that Marisha Little took part in at Ranson Elementary. The patrollers remembered seeing the student walking alone away from the school and became worried when they no longer had him in sight. After alerting her safety patrol advisor, Sierra left her post to find him. Sierra found him and brought him back to the post where she instructed him to stand behind Marisha. Shortly after, he darted into the street in the path of an oncoming car when he saw his aunt approaching the school area. Marisha jumped into action, grabbed him and pulled him back to the sidewalk. Their keen awareness and quick thinking brought him back to school and prevented him from being hit by the car.

Marisha Little and Talyn Underwood were credited with the second life saving incident at Ranson Elementary School in the same month. On January 31, 2011, they prevented a second grade student from being struck by a moving vehicle. The student was horsing around, talking to his friends while running backwards into oncoming traffic. Marisha and Talyn noticed that the vehicle driver closest to the student was looking in the other direction. Marisha and Talyn screamed loudly to alert the student at the same time working their way toward him. Talyn reached him first and pulled him by his jacket from the direct path of the moving car. Both students were very quick to respond and didn't think about their own safety in their effort to save their fellow student.

Kamryn Mendell is a safety patroller at the Fox Chapel Elementary School in Germantown, MD. On September 28, 2010, during morning patrol duties, Kamryn immediately reacted when she realized that a first grade student was beginning to walk into the pathway of a school bus that was turning into the school's bus loop. Kamryn and her partner were holding back students from crossing when Kamryn's partner had to step away to remove a cone to allow the bus to enter the loop. Kamryn kept the children from crossing with one hand and reached out to grab the first grader who was now 4 to 5 feet in front of the bus. The bus driver didn't see him and continued driving into the loop. Kamryn's fast thinking and immediate actions averted a certain life threatening injury.

Evan Siegel, a safety patroller at Salmon Creek Elementary School in Vancouver, WA, saved a 7-year-old girl from being hit by an oncoming car. On a December morning in 2010, Evan noticed a car approaching the intersection. It was driven by a teenager who was texting and totally unaware that the little girl had entered the crosswalk without permission. Evan reacted quickly by putting his crosswalk stick in front of her and pulling her to safety. At the time the car was 10 feet away from her and the driver was not slowing down. Evan's courage and quick actions are to thank for keeping this young girl safe.

Jake Vowell, a fifth grader at George B. Carpenter Elementary School in Park Ridge, IL, is credited with saving the life of a 6-year-old student on February 2, 2010. He was on morning patrol duty, when two cars failed to stop at the stop sign when Jake noticed a young girl attempting to cross the street. He bravely went out into the street and pulled her back to safety. His dedication and awareness put him in a position to save this young girl from harm.

These seven heroic young leaders demonstrate courage, awareness, and a commitment to safety. Moreover, these traits are what the AAA School Safety Patrol Program embodies as an institution. Patrollers exemplify the kind of services that are needed so that young people safely navigate traffic hazards to and from school. I applaud their commitment to improving our community.

## HONORING OUR ARMED FORCES

### SPECIALIST BRENT M. MAHER

Mr. GRASSLEY. Mr. President, it is with deep sadness that I address my colleagues today. A hero from my home State, SPC Brent M. Maher of Honey Creek, IA, was killed in action on Monday, April 11, 2011 in the Paktya Province of Afghanistan. He was 31 years old. Specialist Maher was the gunner on a ''Cougar'' mine-resistant ambush protected vehicle, MRAP, that was struck by an improvised explosive device.

Specialist Maher served in the Iowa Army National Guard, Company B, 1st Battalion, 168th Infantry, 2nd Brigade Combat Team, 34th Infantry Division, out of Shenandoah, IA. Specialist Maher has been posthumously promoted to sergeant. Prior to his service in the Iowa National Guard, Specialist Maher served over 7 years in the U.S. Navy. In all, Specialist Maher dedicated 11 years of his life to serving and protecting our Nation. Words simply cannot express the debt we owe to Specialist Maher and all of the other servicemembers fighting for our Nation.

My thoughts and prayers are with Brent Maher's family and friends, including his wife Brenna and his three children, as well as his mother Cheryl and everyone else who will be grieving his loss.

Specialist Maher truly loved his job in the U.S. military. He was proud of the difference that he was making in the lives of the Afghan people. It is because of individuals like specialist Maher and his loving and supportive family that America is the nation it is today. At times like these, I think that it is important that we pause and remember the lives of those lost in order that we can enjoy our way of life. As we go about our lives as free people, we ought to bear in mind the sacrifices made by Specialist Maher and others in our Armed Forces.

## CYBER SECURITY PUBLIC AWARENESS ACT

Mr. WHITEHOUSE. Mr. President, I rise to speak about the Cyber Security Public Awareness Act of 2011, which I have introduced with Senator KYL.

The damage caused by malicious activity in cyberspace is enormous and unrelenting. Every year, cyber attacks inflict vast damage on our Nation's consumers, businesses, and government agencies. This constant cyber assault has resulted in the theft of millions of Americans' identities; exfiltration of billions of dollars of intellectual property; loss of countless American jobs; vulnerability of critical infrastructure to sabotage; and intrusions into sensitive government networks.

These massive attacks have not received the attention they deserve. Instead, we as a nation remain woefully unaware of the risks that cyber attacks pose to our economy, our national security, and our privacy. This problem is caused in large part by the fact that cyber threat information ordinarily is classified when it is gathered by the government or held as proprietary when collected by a company that has been attacked. As a result, Americans do not have an appropriate sense of the threats that they face as individual Internet users, the damage inflicted on our businesses and the jobs they create, or the scale of the attacks undertaken by foreign agents against American interests.

We must not wait for a disaster before we recognize and respond to the cyber threats we face. A false sense of complacency is not a security strategy. For that reason, I believe that raising public awareness of cyber security threats is an important element of the substantial work that we in Congress must do to improve our Nation's cyber security.

The Cyber Security Public Awareness Act of 2011 takes up that challenge. It will raise the public awareness of the cyber threats against our nation in a manner that protects classified, business-sensitive, and proprietary information. By doing so, it will provide consumers, businesses, and policymakers with the continuous flow of information necessary to secure our networks, identities, infrastructure, and innovation economy.

The bill improves public awareness with respect to three key issues: attacks on the government, attacks on infrastructure, and attacks on businesses and consumers.

The bill enhances public awareness of attacks on Federal networks by requiring that the Department of Homeland Security and the Department of Defense submit reports to Congress that detail cyber incidents on the ''.gov'' and ''.mil'' domains. These reports would provide aggregate statistics on breaches, the volume of data exfiltrated, and the estimated cost of remedying these breaches, as well as the continuing risk of cyber sabotage after an incident.

The bill also improves government reporting in two other ways. It requires the Department of Justice and the Federal Bureau of Investigation to submit annual reports on their investigations and prosecutions of cyber crimes, as well as on the resources devoted to cyber crime and on any legal impediments that frustrate those efforts. It also requires the Department of Justice, in consultation with the Administrative Office of the Courts, to study the preparedness of the Federal courts to handle cases relating to botnets or other cyber threats, and to consider whether courts need improved procedural rules, training, or organization to handle such cases.

The bill includes four provisions to enhance the awareness of threats against our nation's critical infrastructure. First, it requires primary regulators to report to Congress on the cyber vulnerabilities in our Nation's critical infrastructure, including our energy, financial, transportation, and communications sectors, and of recommended steps to thwart or diminish cyber attacks in each industry. Second, it requires the Department of Homeland Security to commission reports on improving the network security of critical infrastructure entities, including through the possible creation of a secure domain that relies on technical advancements or notice and consent to increased security measures. Third, it requires the Department of Homeland Security to identify producers of information technology that are linked directly or indirectly to foreign governments. This provision also requires reporting of the vulnerability to malicious activity, including cyber crime or espionage, associated with the use of these producers' technologies in the United States' telecommunications networks. And fourth, the bill requires the Department of Homeland Security, in consultation with the Secretary of Defense and the Director of National Intelligence, to submit a report to Congress describing the threat of a cyber attack disrupting the United States' electrical grid, the implications of such a disruption, the possibility of quickly reconstituting electrical service in the event of a cyber attack, and plans to prevent such a disruption.

The bill also seeks to enhance cyber awareness in the private sector and among businesses and consumers using the Internet. It requires the Department of Homeland Security to report to Congress on policies and procedures for Federal agencies to assist a private sector entity in the event of a cyber attack that could result in the loss of life or significant harm to the national economy or national security. To ensure that our markets properly reflect cyber risks, the bill also tasks the Securities Exchange Commission with reporting to Congress on, first, the extent of financial risk and legal liability of issuers of securities caused by cyber intrusions or other cybercrimes, and, second, whether current financial statements of issuers transparently reflect these risks. Finally, the bill will help enhance consumer awareness of cyber threats by requiring a report to Congress on legal or other impediments to public awareness of common cyber security threats, the minimal standards of computer security needed for responsible Internet use, and the availability of commercial products to meet those standards. This provision also requires the Department of Homeland Security to report on its plans to enhance public awareness of common cyber security threats and to recommend congressional actions to address remaining impediments to appropriate public awareness of common cyber security threats.

The Senate has a lot of work ahead as it seeks to improve our Nation's cyber security. One vital element of this work will be to ensure that we have an appropriate public awareness of cyber security threats going forward. I look forward to working with my colleagues on this important task as well as on cyber security issues more broadly.

I would particularly like to thank Senator KYL for working with me on this piece of legislation. Senator KYL has worked on cyber security issues extensively in the past, and we have worked together on Intelligence issues, so I very much look forward to partnering with him on this and other cyber security bills. As demonstrated by the hearing we held this week in the Crime and Terrorism Subcommittee of the Judiciary Committee, as well as by the important work previously done by the Commerce, Homeland Security, Judiciary, and other Committees, this is a vitally important and urgent national security issue, but one that we can confront in a serious and bipartisan manner.

## ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, I rise today to recognize the 96th Anniversary of the Armenian Genocide—a tragedy that has left a dark stain on the collective conscience of mankind.

What has made this tragedy even more painful—particularly for the Armenian people—is the failure of successive U.S. administrations to acknowledge the deliberate massacre of the Armenians by its rightful name—genocide.

So today, I also rise to reiterate my call to President Barack Obama to finally right this terrible wrong.

In 2008, then-Senator Obama said:

> . . . the Armenian Genocide is not an allegation, a personal opinion, or a point of view, but rather a widely documented fact supported by an overwhelming body of historical evidence. The facts are undeniable.

I could not agree more. And every day that goes by without full acknowledgement of these undeniable facts by the United States prolongs the pain felt by descendants of the victims, as well as the entire Armenian community.

Countless experts have documented the atrocities that occurred between 1915 and 1923, when more than 1.5 million Armenians were marched to their deaths in the deserts of the Middle East, murdered in concentration camps, drowned at sea, and forced to endure unimaginable acts of brutality at the hands of the Ottoman Empire—now modern-day Turkey.

Yet successive U.S. administrations continue only to refer to the genocide by such terms as ''annihilation,'' ''massacre,'' and ''murder.''

This is not only an affront to the memory of the victims and to their descendants, but it does a disservice to the United States as it seeks to stand up to those who are perpetrating violence today.

In a recent speech President Obama eloquently said:

Some nations may be able to turn a blind eye to atrocities in other countries. The United States of America is different.

The United States is not a nation that turns a blind eye to atrocities, and that is why it is so important that we finally acknowledge the Armenian genocide for what it was—genocide.

As I have said, genocide is only possible when people avert their eyes. Any effort to deal with genocide—in the past, present, or future, must begin with the truth.

So this April 24, as we pause to remember the victims and to honor the countless contributions Armenian Americans have made to our great country, I hope that the U.S. finally stands on the right side of history and calls the tragedy of 1915–1923 by its rightful name.

## CITIZENSHIP NOW!

Mr. SCHUMER. Mr. President, for the past 8 years, Citizenship Now!, a project of the City University of New York and the New York Daily News, has conducted a citizenship and immigration call-in, which I have visited every time it has been held at the News headquarters in Manhattan, NY. On Monday, April 25, the ninth call-in begins, and it is anticipated that the volunteers who answer the telephone will handle the 100,000th call by Friday April 29. That means 100,000 families received information to help them get on the path to U.S. citizenship. Among the sponsors have been the NYS Bureau of Refugee and Immigrant Assistance, the American Immigration Lawyers Association, CUNY Law School, Univision, and Radio WADO, with support from Verizon and Gristedes.

At the weeklong call-in, community paralegals, CUNY counselors, students, and other volunteers, supervised by experienced citizenship and immigration attorneys and Board of Immigration Appeals-accredited individuals, answer callers' questions. CUNY trains the volunteers at an all-day training conference that precedes the call-in, and all volunteers receive a comprehensive training manual. Whenever I visit the volunteers, I bring with me an expert staff person from my office who handles constituent inquiries from immigrants and their families. We fully appreciate the special and unique outreach effort this free public service provides.

The call-in provides an important safeguard weapon against scammers engaging in the unlawful practice of law. Callers who qualify for naturalization or another immigration benefit are referred to reputable non-for-profits. Many are referred to one of CUNY Citizenship Now!'s nine citizenship and immigration law service centers where they can get free application assistance and advice. The News features the photographs and biographies of the volunteers in print and on its Web site and runs stories about the people who are being served. When a caller wishes to contact a private attorney, she or he is referred to the New York City Bar Association referral panel and the American Immigration Lawyers Association referral service.

The CUNY/Daily News Citizenship Now! Project is by far the largest university-based immigration service program in the country assisting many thousands of individuals with citizenship and immigration law services each year, all at no cost to the applicants. This public service partnership deserves our recognition and appreciation for the superb efforts underway to help people in need. Thank you, CUNY, and thank you, New York Daily News.

## NATIONAL COUNTY GOVERNMENT MONTH

Mr. COONS. Mr. President, I rise to recognize the contributions made each day by our Nation's 3,068 county governments and the men and women who serve in county government. They are tireless public servants whose daily efforts to ensure that local government works for all Americans are honored during National County Government Month, which takes place each April.

As a former county executive for New Castle County, DE, I know that county governments are responsible for providing essential services important to our communities. New Castle County provides critical services in public safety, land use, parks and libraries, sewers, and economic development. Many other counties provide a broad range of services, such as maintaining roads, bridges, and water systems, and operating airports and other transit, and delivering critical health care services. Counties provide law enforcement, courtroom, and jail services, schools, and numerous social services for children, seniors and families, and often serve as the first lines of defense for emergency response and preparedness.

Since 1991, the National Association of Counties, or NACo, has encouraged counties across America to highlight their programs and services in order to raise awareness of the important role county governments play in our national life. National County Government Month is a great opportunity to recognize this.

The National County Government Month theme for 2011 is ''Serving Our Veterans, Armed Forces, and Their Families.'' NACo president Glen Whitley, county judge for Tarrant County, TX, is urging all counties to honor and to thank their residents who have served or are currently serving our Nation in the military. In addition, Judge Whitley is urging counties to showcase their many important services to America's veterans, military servicemembers, and their families, such as those relating to physical and mental health, housing, employment, and the justice system.

In New Castle County, as in many counties across the country, we felt the impact of the call to duty on servicemembers and their families, as county employees many in our public safety community deployed to Iraq and Afghanistan with units of the Reserve and National Guard. I am pleased to join Judge Whitley and county officials across the country in honoring servicemembers and veterans and highlighting the important services county governments provide.

National County Government Month also provides the Senate with an opportunity to acknowledge that county governments with the help of the National Association of Counties are working together to restore the partnership among all levels of government to serve communities across America better. We in the Senate share our constituents with county government officials and face common challenges. It is incumbent upon us to recognize the men and women who work tirelessly within local governments and provide essential services directly to our constituents. They deserve our sincerest gratitude.

I encourage all of my colleagues and all Americans to celebrate April as National County Government Month with their home counties and to recognize the important role county governments play in their communities and the critical services they provide.

## REMEMBERING SENATOR JOHN HEINZ

Mr. CASEY. Mr. President, twenty years ago this month we lost Senator John Heinz in an airplane crash. A family lost a husband and a father. A Commonwealth lost a tireless advocate for older citizens and our workers. I am honored to serve in the Senate seat he held from 1977 to 1991.

Senator Heinz understood that health care has a human face that cannot be ignored. He appreciated that employers cannot shoulder the burden of costs alone and understood changes needed to be made. He worked hard to obtain results for individuals through his position on the Finance Committee and his chairmanship of the Special Committee on Aging.

Senator Heinz was a fighter for those without power, a voice for the voiceless. He enjoyed the work that goes along with being a Senator. He delved into policy issues and strived to figure out how government worked and how it could work better. He promoted innovation, looked to the future, and sought to find real solutions to the real problems people faced. He worked with his colleagues on both sides of the aisle to obtain results. As he once said, ''Our greatest strengths have been our diversity and energy, our willingness to tackle problems and solve them, our confidence in the future, and our refusal to be bound by the present.''

This month we remember Senator Heinz and his legacy of public service on behalf of all the people of Pennsylvania, especially those who needed a Senator fighting for them every day.

## TRIBUTE TO MATT MINER

Mr. SESSIONS. Mr. President, I rise today to say goodbye to one of the most trusted members of my staff, my chief counsel on the Judiciary Committee, Matt Miner. Matt is leaving to join the prestigious law firm of White and Case, where he will be a partner in the Global White Collar Practice Group. Matt has been with me since 2008, and I have always been able to rely on his steady, informed judgment, his discretion, and his indispensable expertise that came from years of practicing law both as an assistant U.S. attorney in Montgomery, AL, and in private practice.

Before joining my staff, Matt served as counsel to chairman Norm Coleman on the Permanent Subcommittee on Investigations and as chief counsel for crime, terrorism and oversight for former chairman and ranking member Arlen Specter on the Judiciary Committee. Matt has ably served on my staff for the last 3 years, but his time as Republican staff director of the full Judiciary Committee during the end of the 111th Congress was especially noteworthy. Matt led the committee during that difficult time, when many last-ditch efforts were made to move flawed legislation to the finish line.

As a former assistant U.S. attorney, Matt is widely known and respected by Members and staff on both sides of the aisle for his expertise and judgment in the areas of criminal law and sentencing. Matt was the principal Senate Republican staffer for the Adam Walsh Act of 2006, landmark legislation that laid the groundwork for a national, interstate sex offender registry and which imposed tough new penalties and expanded offenses that cracked down on sex trafficking of minors, child pornography, and various sexual assault offenses. Matt also was the key staffer for the Fair Sentencing Act of 2010, which appropriately modified penalties for crack cocaine offenses. His knowledge and judgment were key to negotiating a bill that moderated these penalties while ensuring sufficient deterrence for dealers and traffickers.

Matt is also highly regarded for his expertise on national security issues and was an invaluable resource not only to me but to other Members and their staffs during critical debates on the PATRIOT Act, media shield, and state secrets. And during my time as ranking member, Matt helped to manage two Supreme Court confirmations and numerous high-level Justice Department confirmations.

Importantly, Matt has always taken the time to be a mentor to several junior lawyers and staff on the Judiciary Committee, talking with them about opportunities and careers and teaching them how to be effective lawyers. I know the junior lawyers on the committee very much appreciate that guidance.

A Senator is blessed indeed if he has top staff people of outstanding ability and dedication, but it is a special blessing if the staff person can be depended on to properly reflect and advance the Senator's highest and best values. Matt has my trust and confidence. When he summarizes a complex issue, I know he has intelligently considered it and has fairly reported the pros and cons. Such an ability is rare, and it has been exceedingly valuable to me. Matt has served his country well, advanced the rule of law, and been a tremendous asset to me as I seek to fulfill my duty to the people of this country.

I am happy for him in this new position and wish him Godspeed.

## TRIBUTE TO GOVERNOR JOHN ''JACK'' GILLIGAN

Mr. BROWN of Ohio. Mr. President, today I wish to honor John ''Jack'' Gilligan, a model of public service, of decency and intellect, who turned 90-years-old last month and now celebrates the 40th anniversary of his administration as the 62nd Governor of Ohio.

Today there is a great debate on the future of country, as there was when Jack served as Governor of Ohio from 1971–1974. Our economic competitiveness was threatened by expanding debt, declining manufacturing, rising gas prices, and waning dominance in technology and innovation. Today, we face those challenges coupled with competition from emerging powers in Asia and productivity increasing but wages stagnating in America. Whether 40 years ago or today, what the middle class looks like in America what we want the future of our country to look like depends on our leaders making smart, tough, and sometimes politically unpopular decisions.

That is the role Jack Gilligan played, with poise and skill, and with honesty and candor. When Ohio's public workers needed a voice at that table, he expanded their collective bargaining rights. Understanding that education and infrastructure are keys to our economic competitiveness, he bolstered investments in each, while understanding tax burdens also mean better schools, safer roads, and stronger vital public services like police and fire protection. He also expanded the right to vote by lowering the voting age to 18 years old and expanded programs for mental health services and environmental protection.

It was during his time as Governor, when I first met Jack Gilligan. It was 1972, when I ran in my first election, for State Representative for the Ohio House representing my hometown of Mansfield. Jack visited me one day and offered simple advice, ''Be yourself, know who you're fighting for and what you stand for.'' It is advice that I have followed ever since, wisdom that applies to anyone seeking to uphold the sacred public trust.

And by listening to Jack, you learn about the great State of Ohio of its geographic and demographic diversity. Jack will say we are a different State every 20 miles. We have the same farmers but who grow different crops. We have small towns, but we also have different rural communities. We have the same immigrants but from different countries; the same union family but from different unions. Jack understands that the diversity of our State not only makes it the heartland of America but also its heartbeat.

Born March 22, 1922, in Cincinnati, John Gilligan graduated from St. Xavier High School in 1939 and the University of Notre Dame in 1943. He then enlisted in the U.S. Navy, serving in the Atlantic, the Pacific, and the Mediterranean during World War II. He was awarded a Silver Star for his service in Okinawa.

Upon returning to his hometown after the war, he completed a master's degree and doctorate course work in English literature at the University of Cincinnati. He then began his teaching career at Xavier University.

In 1953, he began his decades long service to the people of Ohio. From 1953 to 1963, Jack served on the Cincinnati City Council during the civil rights era. His progressivism took him to the U.S. House of Representatives in 1964 as the Congressman from Ohio's 1st District, where he helped pass groundbreaking progressive pieces of legislation, like the creation of Medicare and Medicaid. Undaunted by his defeat for reelection—after his district was gerrymandered—and for the Senate in 1968, Jack continued his public service beyond the halls of government.

By 1970, he ran for Governor, driving an old, used van he bought from a dry cleaner and sleeping on a cot in the back. When a voter asked if he or she could help, he asked them to fill the van with gas. He won. And he fought each day thereafter to represent the interests of Ohio's middle class.

After leaving the Governor's office in 1974, Jack was asked by President Carter to serve as Director of the United States Agency for International Development, USAID, leading efforts to reorganize our Nation's foreign assistance management programs. By the

1980s and 1990s he returned to teaching, returning to teach at his alma maters, the University of Notre Dame, where he helped found the Kroc Institute for International Peace Studies, and the University of Cincinnati College of Law. But even in academia, Jack remained active in politics and public service. In 1999, at the age of 78, the former Congressman-turned-Governor served on the Board of Education for Cincinnati Public Schools.

And throughout his commitment to public service, Jack Gilligan has remained a steadfast family man. He married Katie Dixon, with whom he raised four children before she died in 1996. He since remarried to Susan Freemont, a family practice physician from Cincinnati.

As the family patriarch, he has inspired his children Donald, Kathleen, John, and Ellen to pursue the public good. Kathleen now serves as U.S. Secretary of Health and Human Services, having previously served as Governor of Kansas the only time in our Nation's history that a father and daughter have served as Governors. Secretary Sebelius helped pass the most important health care law since the creation of Medicare and Medicaid, enacted with the help of her father nearly 50 years earlier. To Jack's family, thank you for sharing him with a grateful State and a grateful Nation.

2011 marks the 90th birthday of John ''Jack'' Gilligan's and the 40th anniversary of his leadership as Ohio's Governor. To Jack, I thank you for your service and for your counsel. And thank you for your continued belief that the fight for social and economic justice is always worth it, so long as we remember who we fight for and what we stand for.

Happy Birthday, Governor.

## ADDITIONAL STATEMENTS

### REMEMBERING ROY ESTESS

● Mr. COCHRAN. Mr. President, I wish today to celebrate and commemorate the life and legacy of Roy Estess, who served as the Director of Stennis Space Center from 1989 until 2002.

Roy passed away in June 2010, and his life will be honored at a ceremony at Stennis Space Center on May 2, 2011.

I will always remember Roy as a son of Mississippi whose personal qualities contributed greatly to the growth of NASA and its presence in our State. Today, we recognize Roy Estess as one of the giants in NASA history because of his leadership, intellect, integrity and vision.

It was always a pleasure to visit with Roy in Washington or at the Stennis Space Center because he was both a visionary and a pragmatist. He was a great friend and a trusted source of good advice and counsel for me throughout my career.

I continue to marvel at the growth of Stennis, which came to be known as the ''Federal City,'' and at the national and international scope of work taking place there every day. Stennis is an essential part of NASA's mission today, due largely to Roy's commitment for over 40 years. His footprints will long remain along the paths and roads of that center, which has become a unique asset for our Nation.

Roy Estess' legacy continues to influence the future of Stennis and the gulf coast with the construction of the INFINITY Science Center. This project was his vision and dream, and one that will carry on his effective, but unassuming, way of inspiring passion for science, education and space exploration.

Roy Estess was a true leader who left an indelible mark on me, on the State of Mississippi, and on our Nation and the world.●

### TRIBUTE TO RAMON C. CORTINES

● Mrs. FEINSTEIN. Mr. President, I wish to honor Ramon C. Cortines, his distinguished career and his dedication to improving our Nation's schools. Cortines is retiring today after 55 years in public education.

I know Ramon, or ''Ray,'' as the superintendent of the Los Angeles Unified School District in Los Angeles, CA—the Nation's second largest school district. I applaud Ray for being a zealous advocate on behalf of the Los Angeles Unified School District and the State of California. His tireless efforts helped to bring Federal funding and reform to its schools, especially during this difficult time of budget cuts and teacher layoffs.

Ray has committed himself to educating young minds. His career started with humble beginnings as a teacher in elementary, middle and high schools. After his first teaching job in Aptos, Ray became a teacher and administrator in Covina, CA.

His career flourished, taking him to administrative positions of principal, assistant superintendent, administrative director and superintendent. Ray became an administrator for 4 years and superintendent of schools for 11 years in Pasadena, CA; superintendent in San Jose, CA, for 2 years; superintendent in San Francisco for 6 years; and New York City Schools chancellor for 2 years.

Ray also recognizes the importance of higher education. He has acted as a consultant to the University of California, the California State University and the California Community College systems.

Ray's leadership didn't stop at the local level. In December 1992, he chaired a U.S. Department of Education transition team for then-President-elect Clinton. Ray served as a senior adviser to former U.S. Secretary of Education Richard Riley. He was also nominated to serve as Assistant Secretary of Education for Intergovernmental Affairs by President Bill Clinton. He served on numerous task forces and committees with the California Department of Education, U.S. Department of Education and U.S. Department of Health and Human Services.

Ray isn't afraid to fight for California schools. He has advocated on behalf of teachers and students in California by testifying on Capitol Hill about the importance of increasing funding for title I and special education programs, as well as saving teachers' jobs.

Ray dedicated himself to serving his country in other ways. He served in the U.S. Army from 1953 to 1955.

I admire Ray's hard work, dedication and commitment to raising academic achievement and turning around low-performing schools. As Los Angeles Unified School District Superintendent, Ray concentrated on improving instruction and teacher quality. Under his leadership, the district experienced a 16-point increase on the 2010 California Academic Performance Index. The district's overall score topped the 700 threshold for the first time. Ray restructured the first school in the district—Fremont High School. Ray's leadership style is no-nonsense and I applaud him for what he has accomplished.

All of us who care about providing every student with a quality education will miss him.

I congratulate Ray on his years of remarkable service to our Nation and to our State's education system. We are grateful to him for his leadership and commitment to making the classroom a better place for our students. I am sure that his students and colleagues will always remember the impact he made on their lives and their communities.●

### REMEMBERING RICHARD ''DICK'' ELIASON

● Ms. MURKOWSKI. Mr. President, today I honor the life and service of Richard ''Dick'' Eliason. Dick passed away on April 3, 2011. He will be remembered for his decades of service to Alaska and his steadfast commitment to sensible, long-term management of Alaska's fisheries. Dick was the first Alaskan nominated to the 2006 Wild Salmon Hall of Fame at the Pacific Northwest Salmon Center for his leadership primarily in banning fin fish farming in Alaska and his work on the ''Wild Stock Priority.''

Dick was born in Seattle, WA, on October 14, 1925. As an only child he spent his childhood fishing between Washington and Port Alexander with his parents, George and Elsie Eliason. The family decided to move to Sitka in 1939 where he attended Sitka High School. Following high school, during World War II Dick spent 3 years aboard a sub chaser in the Navy patrolling the Hawaiian Islands.

In 1950, Dick met Nurse Betty Gemmell from Montana and married her. Together they had five children; Greta, George, Ida, Richard, Jr. and

Stanley. Betty passed away in 1981 and later Dick married Patricia McConnell.

As a young man, Dick was very busy owning a succession of fishing boats, bartending at the American Legion, and working for many years as a pipefitter. While the early years were tough raising his growing family, he certainly succeeded in raising a loving family. He continued to work as a commercial fisherman for nearly 70 years.

Dick entered public service early, serving on the territorial public utilities board. He entered the political arena in the early 1960s in Sitka where he was elected to the assembly and went on to become mayor. At the State level, Dick served as a member of the Alaska House of Representatives from 1968 to 1970 and 1972 to 1980 and as a member of the Alaska Senate from 1980 to 1992. Dick also worked for his community as a member of the VFW, the Elks, the Moose and the Masons.

In his 22 years in the Alaska Legislature, he championed the interests of fishermen and fishing communities. He fought for sustainable yield management of our fisheries and the hatchery system, and against fin fish farming and illegal high seas fishing.

Over the course of time, the fin fish farming ban has changed in the mind of Alaskans. The universally popular idea in Alaska was once much more controversial. In 1988, salmon prices soared to levels not seen again until lately giving corporations and other businesses an opportunity to compete in the emerging farmed salmon market.

Dick wisely saw that to protect the wild stocks and the people who earned a living off of them was more than a temporary issue. Dick recognized the long lasting effects that his legislation could offer. His legacy of protecting wild salmon and promoting quality salmon is not bound to Alaska: his legacy is enjoyed by those even beyond the reaches of this Nation.

Dick would say that he merely worked to protect a way of life, but it was his own way of life that typically allowed him to shine brighter than others and to succeed. He was acutely aware of how to communicate and bargain among his colleagues. By all accounts, Dick was not likely to let his title or power go to his head, even though he had plenty of both. He was the consummate statesman. He was fair and knew how to roll with the punches in a way that only he could.

Dick leaves an esteemed legacy that Alaska will benefit from for years to come. I extend my sympathies to the Eliason family and feel blessed to have known this great Alaskan.●

## REMEMBERING JAMES MARTIN FITZGERALD

● Ms. MURKOWSKI. My home State of Alaska is a young State. Barely over 50 years old. I often marvel at the fact that so many of those who led Alaska during territorial days and were instrumental in the statehood movement also played important roles in poststatehood modern Alaska. Very few of our 50 states can boast that its founders are still around to guide the current generation of leaders. Alaska has been deeply fortunate in this respect. And we've never taken the wisdom of these individuals for granted.

I speak today to honor the life of one of these individuals who passed away last week—Senior U.S. District Judge James Martin Fitzgerald, a member of Alaska's Territorial Bar, one of the first eight individuals selected to serve on the Alaska Superior Court, an associate justice of the Alaska Supreme Court and a Federal judge since 1974.

Judge Fitzgerald was born in Portland, OR, in 1920. He enrolled in the University of Oregon and played football for the Ducks. But shortly thereafter he left college, when he was called to active duty in the National Guard. Following discharge from the National Guard he resumed undergraduate study at Willamette University, once again playing on the football team.

But World War II interceded. On December 6, 1941, the Willamette team played an away game at the University of Hawaii. The next morning, the team was waiting outside the Moana Loa Hotel for a bus to take them on a sightseeing tour as bombs fell on Pearl Harbor.

The entire Willamette football team was conscripted to help defend the Island of Oahu. After brief training they were armed with World War I era rifles and put on guard duty at a Honolulu High School. The team went on sentry rotations to keep watch over nearby water towers and storage tanks that were potential Japanese targets. They strung barbed wire along the Waikiki beach.

The football team remained in Honolulu for several weeks until their coach convinced the captain of the SS President Coolidge to take the team home in exchange for aiding the hundreds of critically wounded servicemen that were on board.

On Christmas Day 1941, the team arrived in San Francisco. Judge Fitzgerald promptly enlisted in the U.S. Marine Corps. He spent 5 years fighting for our country as a radio gunner for a torpedo squadron in the South Pacific.

Honorably discharged once again in 1946, Fitzgerald returned to Portland. He married his wife Karin in 1950. Fitzgerald worked as a firefighter and reenrolled at Willamette where he completed work toward his B.A. and subsequently earned a law degree in 1951. The newly married couple spent their first summer in Ketchikan, Alaska where he worked in a lumber mill and a salmon cannery.

Upon graduation from law school, Judge Fitzgerald returned to Ketchikan. He served as an assistant U.S. attorney in Ketchikan for 4 years then relocated to Anchorage where he served as the city attorney.

Judge Fitzgerald was subsequently named counsel to Alaska's first Governor, William Egan, and was appointed the first commissioner of the Alaska Department of Public Safety

In November 1959, Judge Fitzgerald was selected to be one of the first eight judges of the newly created Alaska Superior Court, which is our trial court. Prior to Alaska's admission to the statehood, the Federal Government maintained the judicial system for the territory. A new court system for our new State had to be created from scratch. The eight new judges were promptly dispatched to New Jersey to learn how a State trial court operates. Among his colleagues on that trip was Judge James von der Heydt, who like Fitzgerald, would also one day serve on the U.S. District Court.

Judge Fitzgerald was elevated to the Alaska Supreme Court in 1972 and served there until 1974 when he was confirmed to serve on the federal bench.

Judge Fitzgerald was sworn in as a U.S. district judge on December 20, 1974. He served as chief judge of the District of Alaska from 1984 until 1989 and became a senior district judge in 1989.

Judge James Fitzgerald passed away surrounded by his family on April 3, 2011. He is survived by his wife Karin Fitzgerald and their four children. On behalf of my Senate colleagues, I extend condolences to Karin, Judge Fitzgerald's family and his many friends in the Alaska Bar and the community as a whole.

James Fitzgerald's life was one of sacrifice and public service. He set aside his college education and an opportunity to play varsity football in order to serve his country in time of war. He was a dedicated attorney and jurist who brought peace to the territory of Alaska and then went on to help create Alaska's highly respected State court system before joining the Federal bench. He served my beloved State of Alaska for well over 50 years; and it is my hope that his life will continue to serve as an inspiration to us all.●

## WISCONSIN CHAPTER OF THE AMERICAN INSTITUTE OF ARCHITECTS

● Mr. KOHL. Mr. President, the Wisconsin Chapter of the American Institute of Architects, AIA Wisconsin, was established in 1911 with a commitment to creating better places to work and live through architectural design and advocacy. This year, we celebrate the 100-year anniversary of Wisconsin's AIA Chapter. I would like to congratulate all past and present members of AIA Wisconsin for a century of service and their devotion to designing the buildings that are hallmarks of Wisconsin's architectural landscape.

Over the years, AIA Wisconsin has developed into four active local chapters, each covering a quadrant of our State. With more than 1,300 members, AIA Wisconsin brings fellowship to

Wisconsin's architects while providing educational, public awareness and advocacy opportunities. Wisconsin architects are at the forefront of technology, keeping abreast of energy efficient solutions that they integrate into their designs. These innovations help Wisconsin communities become more sustainable and livable, a goal we can all agree on.

Further, I am pleased to commend AIA Wisconsin for its community involvement. Wisconsin AIA provides educational opportunities through organized programs, public lectures, architectural competitions and educational summer camps in our state. I am confident that AIA Wisconsin will continue to provide these opportunities and creative design solutions to create a green economy in Wisconsin.

On behalf of our State and Nation, I thank AIA Wisconsin for a century of work that has connected and improved Wisconsin's architects, creating the landmarks we have come to recognize as part of our great State's heritage.●

## TRIBUTE TO JOHN PODHORETZ

● Mr. LIEBERMAN. Mr. President, today I wish to congratulate John Podhoretz, who next week will reach one of life's momentous, and too often dreaded, milestones: turning 50 years of age. John is today best known for his work as editor of Commentary magazine and for his regular column in the New York Post, but these activities only scratch the surface of his career. While, God willing, John has many more years ahead of him and much left to do here, I believe this milestone is an opportune moment to reflect upon his many unique and influential contributions to publishing, punditry, political thought, and pop culture.

Given his iconic lineage, it comes as no surprise to me that John has accomplished so much in his first five decades. He was born of two intellectual giants, Norman Podhoretz and Midge Decter, and grew up on Manhattan's Upper West Side. He studied at the University of Chicago, graduated from there in 1981, and then settled in Washington, DC, to begin his promising career.

He served as speechwriter to Presidents Reagan and George H.W. Bush and as special assistant to White House drug czar, William Bennett. An accomplished journalist and writer, John has contributed to the Washington Times, the New York Post, US News & World Report, and the American Spectator. He is a refreshing critic of film and popular culture, and he once dabbled in entertainment as a consultant to the popular political fiction show ''The West Wing.'' He is even a five-time champion of the hit trivia game show ''Jeopardy!''

John is what I would call an ''idea entrepreneur.'' He understands that ideas have consequences and knows how to spread those ideas near and far. In 1995, together with Bill Kristol and Fred Barnes, John cofounded the Weekly Standard, a conservative opinion journal which he still writes for today as a movie critic. Over the years, the Standard has become more than just required reading for conservative thinkers—it is read by policy and opinion makers of all political stripes, and it has enormous reach inside the Beltway and well beyond. Thanks to John's contributions, the Standard has become, Well, a standard of political thought leadership.

John followed in his father's footsteps by becoming editor of Commentary magazine, a profoundly influential journal that seamlessly tackles the most pressing questions on political, social and cultural issues. In 2007, he launched the magazine's widely read and respected blog, Contentions, bringing Commentary into the new age of media. Just as he did with the Standard, John continues to prove at Commentary that ideas are powerful.

John is unafraid to challenge conventional wisdom and he is an unabashed defender of the values that make our country great: freedom, democracy, human dignity, and economic opportunity. On top of all that, based on watching and listening to him on that great day in August 2006 when his dear friend, Jacob Wisse, married my daughter, Becca Lieberman, John Podhoretz is a surprisingly impressive dancer and singer!

So, Mr. President, I congratulate John on 50 years well done. He has enormous personality, a great sense of humor, and a lovely family. I wish them happiness on this occasion. John, Happy Birthday!●

## TRIBUTE TO AL HAWKES

● Ms. SNOWE. Mr. President, I frequently come to the floor to speak about a Maine small business that has done remarkable things in its community, or a business owner who has made a lasting impression on his or her company's employees. Today, I wish to recognize a Maine entrepreneur who has an inspiring life story that many have never heard. It is with great pride that I introduce to you a very special Maine resident and lifelong musician, Mr. Allerton Hawkes, whose amazing contributions to Maine's small business community and to the entire Nation's bluegrass legacy know no bounds.

Mr. Hawkes was born on Christmas Day, 1930, in the city of Providence, RI. Soon thereafter, when Al was 10, his family returned to the southern Maine city of Westbrook to live on an old family farm. As a young teenager in the 1940s, Al began listening to bluegrass music by tuning in to remote Southern music radio stations, and he was determined to play several stringed instruments often associated with bluegrass. He soon became friend with a man named Alton Meyers, whom he met scavenging through record bins at a used furniture store in Portland. Because of their shared love of music, they became the first interracial duo to play bluegrass—presenting many live performances and radio shows until 1951, when both began their service in the U.S. military.

This duo remains to this day, historically, our only interracial bluegrass duo. Although Mr. Meyers passed away in 2000, Al Hawkes—now in his 80s, continues to be involved in the bluegrass movement. Fortunately for all of us, the bluegrass duo's recordings have been preserved forever by Bear Family Records which has provided the Nation's audience with a compact disc recording containing 70 minutes and 27 tracks of this special part of our American musical heritage. Furthermore, Al has been joined by several friends in compiling a CD to benefit research combating Parkinson's disease, which is forthcoming.

Al continues to live in Maine and has amassed a very valuable collection of American bluegrass and country recordings. He has been recognized by the International Bluegrass Music Museum as one of the pioneers in bluegrass at a ceremony in Owensboro, KY. Al's historical legacy is contained in a documentary entitled ''The Eventful Life of Al Hawkes,'' which also recently aired six times on Maine's Public Broadcasting Network. His famous remark about his musical history—that he believes there is a ''bluegrass gene'' which he inherited—seems to reflect in his additional musical accomplishments, playing with other bluegrass and country stars throughout the years and being the recipient of 25 awards in the musical lexicon.

Beyond bluegrass, Al's deep-seated Maine legacy revolves around a huge sign of a repairman which, to this day, is a famous landmark in southern Maine. As a small business entrepreneur who ran both a TV repair and dry cleaning business in the noteworthy Hawkes Plaza, Al actually made and installed the famous icon sign of the 13-foot high repairman who once sported 385 light bulbs, fluorescent lights and moving parts which gave the illusion of a walking repairman. To residents' delight, the sign—although no longer sporting the creative lights or moving parts—still remains a treasure which sustains generational memories, nearly 50 years after Al built it in 1962. Indeed, Maine's unique character has thus been supported by Al's wonderful inventiveness on several fronts throughout the years.

Al Hawkes is truly a Maine and national treasure whose inheritance of that special ''bluegrass gene'' has provided us all with the rich and entertaining joy and privilege of listening to great, distinctive American music. I am proud that Al has chosen to stay in Maine, and has led such a distinguished and varied career, from small business owner and entrepreneurs, to pioneering and accomplished musician. I wish Al all the best, and thank him for his outstanding contributions to our Nation's cultural life.●

## REMEMBERING JOSE S. CHAVEZ

● Mr. UDALL of New Mexico. Mr. President, the State of New Mexico lost a great man on March 17, 2011, when Jose S. Chavez passed away at the age of 93. He was a man who served our country proudly during World War II and was a survivor of the Bataan Death March. I would like to honor his memory today.

Mr. Chavez was a man of strength. He had a strong faith, a strong will to survive, and was described as the strength and patriarch of his large and loving family.

As a member of the 200th Coastal Artillery and 515th Anti-Aircraft Battalion, Mr. Chavez served his country in the Phillipines during World War II. He was captured along with many other of his fellow soldiers and forced to endure the horrors of the Bataan Death March and the more than 3 years of captivity which followed.

Mr. Chavez is credited with saving many lives during the horrific march—picking up and carrying men to keep them from being killed. Mistaken for dead and put in a grave three times during his captivity, Mr. Chavez refused to give up. It was his strong faith in God, and also in those he served with, which helped him and others survive the inhumane conditions they faced.

After returning home he worked as a farmer before continuing his service to his country by reenlisting in the military and later taking a government job.

Mr. Chavez's strength extended beyond the battlefield to his home life, where he was the pillar of his large family. He built the home that he and his wife of 65 years, Susie, lived in and was known as the man who could fix anything and could always be found tinkering away at a project.

His family will miss his strong-willed and loving personality, and certainly feel the void left by Mr. Chavez's passing. Let us take a moment today to remember Mr. Chavez and the remarkable strength he shared not only with his family, but with our country during his service.●

## TRIBUTE TO EDGAR PEARA

● Mr. WYDEN. Mr. President, on April 14, the Government of France will present the National Order of the Legion of Honor to Edgar Peara one of Oregon's more modest heroes.

The Ordre national de la Légion d'honneur was established by Napoleon Bonaparte in 1802 as a way of recognizing exceptional merit regardless of rank, class, or privilege. The Order remains the highest decoration in France and is being bestowed upon Edgar for his service in that country during World War II.

Already highly decorated by the United States for bravery and valor, Edgar's story is indeed remarkable and worthy of high praise. After the bombing of Pearl Harbor on December 7, 1941, Edgar immediately volunteered for the military. At first he was told he would be more valuable to the Nation if he returned to his engineer studies, but the call to action was too strong. By June 1942 he received a commission in the U.S. Army and was assigned as an officer in the 531 Amphibious Combat Regiment of the 1st Engineer Amphibious Combat Brigade.

His unit specialized in supporting large amphibious invasions, clearing the way for the infantry and keeping the Army on the move. By November 1942, Edgar's outfit landed in Arzew, Algeria, where Edgar, determined to keep the situation as calm as possible, went from house to house telling anxious Algerians unfamiliar with war or Americans that ''we come in peace. We are not here to harm anyone. We simply want you to surrender any weapons so that all armed resistance ceases.'' He said later that ''No one gave us any trouble and we collected so many arms we could hardly carry them all.''

This action set the tone for Edgar's entire war experience and his later life. As he prepared for the invasion of Italy, Edgar made a conscious effort to look for, and be grateful for, whatever there was to be appreciated that day, whether it was food, a dry place to sleep, reasonable weather, the friendships of comrades, and being well and safe. As Edgar put it, ''That change in attitude helped make me a happier person, for I stopped thinking that my contentment had to lie in the future when the war was over.''

After participating in the invasions of Sicily and mainland Italy, Edgar was moved to the southwest coast of England in order to help ready allied forces for D-day. He landed at Utah Beach on the upper French coast on June 6, 1944. Early that morning he noticed a battalion medical aid station was under intense fire. Recognizing the danger to those helpless soldiers, he scrambled to find a more protected area. He came across an abandoned German concrete underground command post. Dodging bullets and shells, he ran back to help move the wounded to safety.

Edgar would later be part of the invasion of Okinawa, Japan, making him one of the few veterans to serve in Africa, Europe, and the Pacific.

Taking what he learned from his experiences in war, Edgar dedicated himself to a life of internal peace and became a staunch advocate of greater peace for all humanity. He used his GI Bill to train for ordination as a Christian Science practitioner. During the Korean war, Edgar served as a Christian Science chaplain at the U.S. Naval Training Center, Great Lakes, IL. After this duty he went on to become a Unitarian Universalist minister. Edgar has worked diligently to help others find the same peace he discovered in his own heart and to help all mankind achieve greater peace between neighbors and nations.

As an Oregonian, I could not be more proud of Edgar, his wonderful story, and his life's work. He truly is a hero and embodies the best of our State. As our Nation continues to struggle in conflicts overseas, Edgar serves as a testament to the belief that sometime restraint is as powerful as force in times of war. I am very appreciative of Edgar's selfless service.The people of France are thanking him today with this award. Oregon thanks him for continuing to make us proud.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 9:52 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1217. An act to repeal the Prevention and Public Health Fund.

---

At 3:16 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1473. An act making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 43. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

---

At 4:47 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 35. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.

H. Con. Res. 36. Concurrent resolution directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1217. An act to repeal the Prevention and Public Health Fund; to the Committee on Health, Education, Labor, and Pensions.

## MEASURES DISCHARGED

The following bill was discharged from the Committee on Agriculture, Nutrition, and Forestry, and referred as indicated:

S. 375. A bill to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services; to the Committee on Energy and Natural Resources.

## ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 14, 2011, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 307. An act to designate the Federal building and United States courthouse located at 217 West King Street, Martinsburg, West Virginia, as the ''W. Craig Broadwater Federal Building and United States Courthouse''.

S.J. Res. 8. Joint resolution providing for the appointment of Stephen M. Case as a citizen regent of the Board of Regents of the Smithsonian Institution.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1355. A communication from the Assistant Secretary of Defense (Legislative Affairs) transmitting seven legislative proposals; to the Committee on Armed Services.

EC–1356. A communication from the Assistant Administrator for Fisheries, Office of International Affairs, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''High Seas Driftnet Fishing Moratorium Protection Act; Identification and Certification Procedures to Address Illegal, Unreported, and Unregulated Fishing Activities and Bycatch of Protected Living Marine Resources'' (RIN0648-AV51) received in the Office of the President of the Senate on April 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1357. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Examination of Returns and Claims for Refund, Credit or Abatement; Determination of Correct Tax Liability'' (Rev. Proc. 2011–29) received in the Office of the President of the Senate on April 13, 2011; to the Committee on Finance.

EC–1358. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Medicare Ambulatory Surgical Center Value-Based Purchasing Implementation Plan''; to the Committee on Finance.

EC–1359. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Millennium Challenge Corporation's activities during fiscal year 2010; to the Committee on Foreign Relations.

EC–1360. A communication from the Senior Vice President, Diversity and Labor Relations, Tennessee Valley Authority, transmitting, pursuant to law, the fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1361. A communication from the Deputy Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting, pursuant to law, the Agency's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment and with a preamble:

S. Res. 128. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2011.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Maj. Gen. David L. Goldfein, to be Lieutenant General.

Army nomination of Lt. Gen. Robert W. Cone, to be General.

Air Force nomination of Maj. Gen. David S. Fadok, to be Lieutenant General.

Army nomination of Lt. Gen. David M. Rodriguez, to be General.

Army nominations beginning with Colonel Norvell V. Coots and ending with Colonel Brian C. Lein, which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2011.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Travis R. Adams and ending with Ilaina M. Wingler, which nominations were received by the Senate and appeared in the Congressional Record on March 30, 2011.

Air Force nominations beginning with Frederick C. Aban and ending with Catherine L. Wynn, which nominations were received by the Senate and appeared in the Congressional Record on March 30, 2011.

Air Force nominations beginning with Allan K. Doan and ending with Andrew L. Wright, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2011.

Air Force nominations beginning with Budi R. Bahureksa and ending with Muhammad A. Sheikh, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2011.

Army nomination of Michael K. Pyle, to be Colonel.

Army nomination of Janet Manning, to be Colonel.

Army nominations beginning with John H. Barkemeyer and ending with D010566, which nominations were received by the Senate and appeared in the Congressional Record on March 16, 2011.

Army nominations beginning with Michael G. Pond and ending with William M. Stephens, which nominations were received by the Senate and appeared in the Congressional Record on March 30, 2011.

Army nomination of Juan J. Derojas, to be Colonel.

Army nomination of David S. Goins, to be Major.

Army nomination of Kimberly A. Speck, to be Major.

Army nomination of Lyndall J. Soule, to be Major.

Army nominations beginning with James J. Houlihan and ending with Jason S. Kim, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2011.

Army nominations beginning with Joshua P. Stauffer and ending with Bridget C. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2011.

Army nominations beginning with Edwin Robins and ending with Jeffrey M. Tiede, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2011.

Army nominations beginning with Richard J. Schoonmaker and ending with Edward W. Lumpkins, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2011.

Army nominations beginning with John H. Bordes and ending with Edna J. Smith, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2011.

Army nominations beginning with Richard R. Jordan and ending with April B. Turner, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2011.

Army nominations beginning with Carlson A. Bradley and ending with Sylvester E. Waller, which nominations were received by the Senate and appeared in the Congressional Record on April 8, 2011.

Marine Corps nominations beginning with Peter G. Bailiff and ending with Timothy D. Sechrest, which nominations were received by the Senate and appeared in the Congressional Record on February 2, 2011.

Marine Corps nominations beginning with Joe H. Adkins, Jr. and ending with James B. Zientek, which nominations were received by the Senate and appeared in the Congressional Record on February 16, 2011.

Navy nomination of Medrina B. Gilliam, to be Lieutenant Commander.

Navy nomination of David S. Plurad, to be Captain.

Navy nominations beginning with James P. Kitzmiller and ending with Jonathan D. Szczesny, which nominations were received by the Senate and appeared in the Congressional Record on March 31, 2011.

By Mr. JOHNSON, of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

*Eric L. Hirschhorn, of Maryland, to be Under Secretary of Commerce for Export Administration.

*Katharine G. Abraham, of Iowa, to be a Member of the Council of Economic Advisers.

*Carl Shapiro, of California, to be a Member of the Council of Economic Advisers.

By Mr. BAUCUS for the Committee on Finance.

David S. Cohen, of Maryland, to be Under Secretary for Terrorism and Financial Crimes.

*Jenni Rane LeCompte, of the District of Columbia, to be an Assistant Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN of Ohio:

S. 816. A bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes; to the Committee on Finance.

By Mr. PORTMAN:

S. 817. A bill to provide for the inclusion of independent regulatory agencies in the application of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.); to the Committee on the Budget.

By Mr. KERRY (for himself and Ms. SNOWE):

S. 818. A bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. MENENDEZ):

S. 819. A bill to provide the spouses and children of aliens who perished in the September 11 terrorist attacks an opportunity to adjust their status to that of aliens lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Mr. SHELBY:

S. 820. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. AKAKA, Mr. BLUMENTHAL, Mrs. BOXER, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mrs. MURRAY, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. INOUYE, and Mr. SANDERS):

S. 821. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

By Mr. COBURN (for himself and Mr. BENNET):

S. 822. A bill to amend the Internal Revenue Code of 1986 to require all wage withholding returns to be filed electronically; to the Committee on Finance.

By Mr. SCHUMER (for himself, Ms. COLLINS, Mr. KERRY, and Mr. LEAHY):

S. 823. A bill to permit aliens who lawfully enter the United States on valid visas as nonimmigrant elementary and secondary school students to attend public schools in the United States for longer than 1 year if such aliens reimburse the local educational agency that administers the school for the full, unsubsidized per capita cost of providing education at such school for the period of the alien's attendance; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

S. 824. A bill to provide for enhanced mortgage-backed and asset-backed security investor protections, to prevent foreclosure fraud, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COONS:

S. 825. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the research tax credit, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 826. A bill to require the Secretary of the Treasury to establish a program to provide loans and loan guarantees to enable eligible public entities to acquire interests in real property that are in compliance with habitat conservation plans approved by the Secretary of the Interior under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEMINT (for himself, Mr. CORNYN, Mr. COBURN, Mr. GRAHAM, Mr. GRASSLEY, Mr. INHOFE, Mr. JOHNSON of Wisconsin, and Mr. VITTER):

S. 827. A bill to allow a State to combine certain funds and enter into a performance agreement with the Secretary of Education to improve the academic achievement of students; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDALL of Colorado (for himself and Ms. COLLINS):

S. 828. A bill to amend the Energy Policy and Conservation Act to establish the Office of Energy Efficiency and Renewable Energy as the lead Federal agency for coordinating Federal, State, and local assistance provided to promote the energy retrofitting of schools; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself, Ms. COLLINS, Mr. INOUYE, Mr. BLUNT, Mr. LEAHY, Mr. JOHNSON of South Dakota, Mr. FRANKEN, Mr. AKAKA, Mr. REED, and Mr. GRAHAM):

S. 829. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Finance.

By Mrs. MURRAY:

S. 830. A bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRANKEN (for himself, Mr. BROWN of Ohio, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. SANDERS):

S. 831. A bill to amend the Agricultural Marketing Act of 1946 to provide for country of origin labeling for dairy products; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS (for herself and Mrs. MURRAY):

S. 832. A bill to reauthorize certain port security programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. REED, Mr. BROWN of Ohio, Mr. FRANKEN, and Mr. AKAKA):

S. 833. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in secondary school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mrs. MURRAY):

S. 834. A bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAPO (for himself and Mr. LEAHY):

S. 835. A bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. GRASSLEY):

S. 836. A bill to amend the Internal Revenue Code of 1986 to provide special depreciation and amortization rules for highway and related property subject to long-term leases, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. GRASSLEY):

S. 837. A bill to amend title 23, United States Code, to remove privatized highway miles as a factor in apportioning highway funding; to the Committee on Environment and Public Works.

By Mr. TESTER (for himself, Mr. THUNE, Mr. NELSON of Nebraska, Mr. BEGICH, and Mr. BOOZMAN):

S. 838. A bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act; to the Committee on Environment and Public Works.

By Ms. KLOBUCHAR (for herself and Mr. GRASSLEY):

S. 839. A bill to ban the sale of certain synthetic drugs; to the Committee on the Judiciary.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 840. A bill to establish customs user fees for commercial trucks transporting foreign municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. UDALL of Colorado (for himself, Ms. STABENOW, and Mr. MERKLEY):

S. 841. A bill to provide cost-sharing assistance to improve access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small-and medium-sized businesses in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY:

S. 842. A bill to require reports by the Comptroller General on Department of Defense military spouse employment programs, and for other purposes; to the Committee on Armed Services.

By Mr. BEGICH:

S. 843. A bill to establish outer Continental Shelf lease and permit processing coordination offices, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself and Mr. BENNET):

S. 844. A bill to provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself and Ms. SNOWE):

S. 845. A bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to longstanding regulatory rule; to the Committee on Finance.

By Mr. BLUNT (for himself and Mrs. MCCASKILL):

S. 846. A bill to designate the United States courthouse located at 80 Lafayette Street in Jefferson City, Missouri, as the Christopher S. Bond United States Courthouse; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG (for himself, Ms. KLOBUCHAR, Mr. SCHUMER, Mrs. BOXER, and Mr. FRANKEN):

S. 847. A bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORNYN:

S. 848. A bill to provide for the development of reports based on Medicare data, data that is publicly available, or private data that is provided by a requesting entity in order to improve the quality and efficiency of health care; to the Committee on Finance.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. 849. A bill to establish the Waco Mammoth National Monument in the State of Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURBIN (for himself, Mr. CASEY, Mr. MENENDEZ, Mr. LAUTENBERG, and Mrs. GILLIBRAND):

S. 850. A bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mr. BENNET, Mr. FRANKEN, Mr. BROWN of Ohio, and Mrs. GILLIBRAND):

S. 851. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. ENZI, Mr. SANDERS, Mr. KOHL, Mr. SCHUMER, and Mrs. GILLIBRAND):

S. 852. A bill to improve the H–2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

By Mrs. HAGAN:

S. 853. A bill to provide for financial literacy education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG:

S. 854. A bill to provide for programs and activities with respect to the prevention of underage drinking; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself, Mrs. HUTCHISON, and Mr. CASEY):

S. 855. A bill to make available such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Armed Services.

By Mr. DURBIN:

S. 856. A bill to amend title XI of the Social Security Act to make available to the public aggregate data on providers of services and suppliers under the Medicare program and to allow qualified individuals and groups access to claims and payment data under the Medicare program for purposes of conducting health research and detecting fraud; to the Committee on Finance.

By Mr. GRASSLEY (for himself and Mr. CASEY):

S. 857. A bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented learners, including high-ability learners not formally identified as gifted; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN of Ohio (for himself and Mr. PORTMAN):

S. 858. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of designating the Colonel Charles Young Home in Xenia, Ohio as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 859. A bill to prohibit sexual harassment by individuals administering programs and activities receiving Federal assistance; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 860. A bill to ensure that methodologies and technologies used by the Bureau of Customs and Border Protection to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 861. A bill to restore the natural resources, ecosystems, fisheries, marine habitats, and coastal wetland of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, and for other purposes; to the Committee on Environment and Public Works.

By Mr. NELSON of Florida:

S. 862. A bill to provide for a comprehensive Gulf of Mexico restoration plan, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 863. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. VITTER, Ms. AYOTTE, Mr. COBURN, Mr. ENSIGN, Mrs. HUTCHISON, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. PAUL, Mr. RUBIO, and Mr. TOOMEY):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve to 3 in the House of Representatives and 2 in the Senate; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER (for himself and Mr. LEE):

S. Res. 145. A resolution designating April 15, 2011, as ''National TEA Party Day''; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself, Mrs. HUTCHISON, and Mr. MANCHIN):

S. Res. 146. A resolution expressing the sense of the Senate that it is not in the vital interest of the United States to intervene militarily in Libya, calling on NATO to ensure that member states dedicate the resources necessary to ensure that objectives as outlined in the United Nations Resolutions 1970 and 1973 are accomplished, and to urge members of the Arab League who have yet to participate in operations over Libya to provide additional military and financial assistance; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR:

S. Res. 147. A resolution recognizing the celebration of National Student Employment Week at the University of Minnesota Duluth; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Ms. COLLINS, Mr. BLUNT, Mr. LEE, Mr. ROBERTS, and Mr. INHOFE):

S. Res. 148. A resolution calling on the President to submit to Congress a detailed description of United States policy objectives in Libya, both during and after Muammar Qaddafi's rule, and a plan to achieve them, and to seek congressional authorization for the use of military force against Libya; to the Committee on Foreign Relations.

By Mr. CASEY:

S. Res. 149. A resolution recognizing and supporting the goals and ideals of Sexual Assault Awareness Month; to the Committee on the Judiciary.

By Mr. INHOFE:

S. Res. 150. A resolution calling for the protection of religious minority rights and freedoms in the Arab world; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR:

S. Res. 151. A resolution congratulating the University of Minnesota Duluth men's ice hockey team on winning their first National Collegiate Athletic Association (NCAA) Division I Men's Hockey National Championship; to the Committee on the Judiciary.

By Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. REID, and Mr. LAUTENBERG):

S. Res. 152. A resolution designating April 30, 2011, as ''Dia de los Ninos: Celebrating Young Americans''; to the Committee on the Judiciary.

By Mr. LUGAR (for himself and Mr. KERRY):

S. Res. 153. A resolution recognizing the 25th anniversary of the Chernobyl nuclear

disaster; to the Committee on Foreign Relations.

By Mr. TESTER (for himself and Mr. BURR):

S. Res. 154. A resolution designating July 8, 2011, as ''Collector Car Appreciation Day'' and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; considered and agreed to.

By Mr. WEBB (for himself, Ms. SNOWE, Mr. COCHRAN, and Mr. WARNER):

S. Res. 155. A resolution designating April 23, 2011, as ''National Adopt A Library Day''; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, Mrs. FEINSTEIN, Mr. UDALL of Colorado, Mr. AKAKA, Ms. MIKULSKI, Mr. LEVIN, Ms. STABENOW, Mr. COCHRAN, Mrs. MURRAY, and Mr. COONS):

S. Res. 156. A resolution designating April 15 through 17, 2011, as ''Global Youth Service Days''; considered and agreed to.

By Ms. KLOBUCHAR (for herself and Mr. VITTER):

S. Res. 157. A resolution designating April 21, 2011, as ''PowerTalk 21 Day''; considered and agreed to.

By Mr. ISAKSON (for himself, Mr. BEGICH, Mr. BOOZMAN, Mr. BROWN of Massachusetts, Mr. BURR, Mr. JOHANNS, Mr. MORAN, Mrs. MURRAY, Mr. SANDERS, and Mr. WEBB):

S. Con. Res. 13. A concurrent resolution honoring the service and sacrifice of members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn; to the Committee on Armed Services.

## ADDITIONAL COSPONSORS

S. 28

At the request of Mr. ROCKEFELLER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 28, a bill to amend the Communications Act of 1934 to provide public safety providers an additional 10 megahertz of spectrum to support a national, interoperable wireless broadband network and authorize the Federal Communications Commission to hold incentive auctions to provide funding to support such a network, and for other purposes.

S. 33

At the request of Mr. LIEBERMAN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 33, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 206

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 206, a bill to reauthorize the DC Opportunity Scholarship Program, and for other purposes.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 214

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 214, a bill to amend the Oil Pollution Act of 1990 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 215

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 215, a bill to amend the Internal Revenue Code of 1986 to require oil polluters to pay the full cost of oil spills, and for other purposes.

S. 227

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 245

At the request of Mr. CORKER, the names of the Senator from Wisconsin (Mr. JOHNSON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 245, a bill to reduce Federal spending in a responsible manner.

S. 296

At the request of Ms. KLOBUCHAR, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 296, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with improved capacity to prevent drug shortages.

S. 328

At the request of Mr. BROWN of Ohio, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 328, a bill to amend title VII of the Tariff Act of 1930 to clarify that countervailing duties may be imposed to address subsidies relating to fundamentally undervalued currency of any foreign country.

S. 351

At the request of Ms. MURKOWSKI, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 351, a bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes.

S. 352

At the request of Ms. MURKOWSKI, the names of the Senator from North Dakota (Mr. HOEVEN) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 352, a bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 384, a bill to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to clarify the authority of the Administrator to disapprove specifications of disposal sites for the discharge of, dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 481

At the request of Mr. HARKIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 481, a bill to enhance and further research into the prevention and treatment of eating disorders, to improve access to treatment of eating disorders, and for other purposes.

S. 489

At the request of Mr. REED, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 518

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 518, a bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs.

S. 570

At the request of Mr. TESTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 576

At the request of Mr. HARKIN, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Vermont (Mr. LEAHY), the Senator from Colorado (Mr. UDALL) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 576, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 596

At the request of Mr. WYDEN, the names of the Senator from Arizona (Mr. KYL), the Senator from Iowa (Mr. HARKIN), the Senator from New York (Mr. SCHUMER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 596, a bill to establish a grant program to benefit victims of sex trafficking, and for other purposes.

S. 598

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin

(Mr. KOHL) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 598, a bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

S. 613

At the request of Mr. HARKIN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 613, a bill to amend the Individuals with Disabilities Education Act to permit a prevailing party in an action or proceeding brought to enforce the Act to be awarded expert witness fees and certain other expenses.

S. 630

At the request of Ms. MURKOWSKI, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 630, a bill to promote marine and hydrokinetic renewable energy research and development, and for other purposes.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24—month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 658

At the request of Ms. KLOBUCHAR, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from North Carolina (Mrs. HAGAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 658, a bill to provide for the preservation by the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 668, a bill to remove unelected, unaccountable bureaucrats from seniors' personal health decisions by repealing the Independent Payment Advisory Board.

S. 700

At the request of Ms. KLOBUCHAR, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5—year property for purposes of depreciation.

S. 705

At the request of Mr. CARPER, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 705, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. 712

At the request of Mr. DEMINT, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 712, a bill to repeal the Dodd—Frank Wall Street Reform and Consumer Protection Act.

S. 716

At the request of Mrs. SHAHEEN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 716, a bill to establish within the Department of Education the Innovation Inspiration school grant program, and for other purposes.

S. 726

At the request of Mr. RUBIO, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 726, a bill to rescind $45 billion of unobligated discretionary appropriations, and for other purposes.

S. 745

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 745, a bill to amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes.

S. 811

At the request of Mr. MERKLEY, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Alaska (Mr. BEGICH), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from California (Mrs. BOXER), the Senator from Ohio (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. REED), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mr. SCHUMER), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maine (Ms. SNOWE), the Senator from Michigan (Ms. STABENOW), the Senator from Colorado (Mr. UDALL), the Senator from New Mexico (Mr. UDALL), the Senator from Virginia (Mr. WEBB), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 811, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

S. 814

At the request of Mr. MANCHIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 814, a bill to require the public disclosure of audits conducted with respect to entities receiving funds under title X of the Public Health Service Act.

S.J. RES. 1

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. RES. 80

At the request of Mr. KIRK, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 80, a resolution condemning the Government of Iran for its state—sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

S. RES. 128

At the request of Mr. COONS, his name was added as a cosponsor of S. Res. 128, a resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2011.

S. RES. 138

At the request of Mrs. GILLIBRAND, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Rhode Island (Mr. REED), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Louisiana (Mr. VITTER), the Senator from Texas (Mr. CORNYN), the Senator from Utah (Mr. LEE), the Senator from Oklahoma (Mr. INHOFE), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator

from Arkansas (Mr. BOOZMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 138, a resolution calling on the United Nations to rescind the Goldstone report, and for other purposes.

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. Res. 138, supra.

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. Res. 138, supra.

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 138, supra.

S. RES. 144

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 144, a resolution supporting early detection for breast cancer.

AMENDMENT NO. 197

At the request of Mrs. HUTCHISON, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 197 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 253

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 253 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Ms. SNOWE):

S. 818. A bill to amend title XVIII of the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare; to the Committee on Finance.

Mr. KERRY. Mr. President, today too many Medicare beneficiaries are being saddled with thousands of dollars of unnecessary out-of-pocket costs for stays at skilled nursing facilities, SNF, solely because of the technical classification of their hospital stay.

Hospitals are increasingly serving Medicare beneficiaries using an ''outpatient observation status'' rather than admitting them as an inpatient—a billing technicality. Because of this, patients are enduring longer hospital stays in observation status and may unknowingly be treated under outpatient observation status for the entirety of their hospital visit.

While the classification of a hospital stay does not affect either the type or level of care a beneficiary receives, it has significant repercussions on Medicare coverage of SNF care. Under current law, Medicare covers SNF care only if beneficiaries have 3 consecutive days of hospitalization as an inpatient, not counting the day of discharge.

Although the Medicare Program manuals limit observation status to 24 to 48 hours, many beneficiaries nationwide are experiencing extended stays in acute care hospitals under observation status. According to the Medicare Payment Advisory Committee, MedPAC, the number of beneficiaries receiving outpatient observation services for longer than 48 hours rapidly increased, by more than 70 percent, from 2006 to 2008.

The growth in observation care has not only generated considerable beneficiary confusion as to why Medicare does not cover their SNF care after a hospitalization, but also it has also become a substantial financial barrier to medically necessary post-acute care. Beneficiaries are left facing thousands of dollars in unreimbursed out-of-pocket charges for their care. Those who cannot afford to pay privately for their stay in a SNF may decide to forgo care altogether.

I have heard countless stories of hardship from Medicare beneficiaries in Massachusetts because of this unfair policy. I would like to share the inexcusable experience of one of my constituents, Rosemary Crossin. Rosemary is 81 years old and suffers from Parkinson's disease, arthritis, and diabetes. She was treated at a Boston hospital following a fall that left her with a broken shoulder and a broken hand.

Upon arrival at the hospital, she was examined in the ER for over 6 hours, where she waited on a hard stretcher and received a CT scan, an x ray, and two doses of morphine. At the end of her examination, Rosemary, disoriented and unable to walk on her own due to the combination of her chronic conditions, morphine, and broken bones, was treated in the hospital under observation status.

At no time did the hospital inform Rosemary's family what observation status meant. Rosemary remained in the hospital for over 4 days while she recovered, after which time a physician determined that Rosemary be transferred to an extended stay facility to complete her rehabilitation.

Despite spending over 4 days in the hospital, after the hospital itself determined she was not fit to return home, Rosemary was never admitted as an inpatient. Because she was never classified as an inpatient for billing purposes, she was told that her costs would not be covered by Medicare. Rosemary was told that she would have to prepay $7998 to the skilled nursing facility or remain at the hospital at a cost of $1200 per day. This is wrong, and it needs to be changed.

Currently, Rosemary continues to rehabilitate her injuries at the skilled nursing facility. Unfortunately, because she was in observation status for her entire hospital stay, all subsequent costs will need to be paid for out-of-pocket.

Rosemary could have to spend up to $18,000 out-of-pocket following her fall, all because the hospital kept her under observation status for more than 96 hours after it determined she was not fit to go home.

Unfortunately, Rosemary's experience is not unique. That is why Senator SNOWE and I are working together to prevent billing technicalities from hampering access to skilled nursing care. Today, we are introducing the Improving Access to Medicare Coverage Act of 2011, which would eliminate financial barriers to skilled nursing care in Medicare by allowing observation stays to be counted toward the 3-day mandatory inpatient stay for Medicare coverage of SNF services.

This legislation is supported by a number of national organizations from both the provider and beneficiary communities. I would like to thank a number of organizations that have been integral to the development of the Improving Access to Medicare Coverage Act of 2011 and that have endorsed our legislation today, including the AARP, the American Health Care Association, the American Medical Association, the American Medical Directors Association, the Center for Medicare Advocacy, LeadingAge, and the National Committee to Preserve Social Security and Medicare.

The Improving Access to Medicare Coverage Act will ensure that vulnerable patients like Rosemary will no longer have to suffer or worry about affording medically needed care because of a hospital billing classification issue.

I urge my colleagues to support our legislation to eliminate unnecessary barriers to skilled nursing care and to bring peace of mind to patients and their families.

By Mr. SHELBY:

S. 820. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans; to the Committee on Finance.

Mr. SHELBY. Mr. President, I rise today to once again introduce my flat tax bill, the Smart, Manageable and Responsible Tax Act, referred to as the SMART Act.

In the United States, there are few, if any, days that are viewed with the same resentment and contempt year after year as April 15: national tax day.

Our current Tax Code totals more than 70,000 pages, making tax compliance unnecessarily complex, confusing and costly. During the past 10 years, there have been over 4,400 changes to the Tax Code, including an estimated 579 changes in 2010 alone.

The inclusion of the additional 1099 tax reporting requirements in the health care reform bill are just one example of the onerous requirements throughout our Tax Code.

As we have learned since the passage of these requirements last March, incremental improvements to the Tax

Code are not easy. It took Congress over a year to finally agree to repeal the 1099 changes that common sense tells us are essential to alleviating the burdens on small business. Yet our Tax Code is riddled with other similarly ill-conceived requirements.

Over the course of a year, individuals spend an average of 26 hours, over half of a work week, preparing for their tax filings.

Although this has been standard practice for decades, I do not believe average taxpayers should have to pore over IRS regulations for hours or pay someone to prepare their returns. Unfortunately, under our convoluted tax system they are left with little choice.

I have said a number of times before that our current tax system is unfair. It punishes success and stifles economic growth. The best remedy is to adopt a single tax rate for all taxpayers. Transitioning to a flat tax would not only increase fairness in the Tax Code, it would also increase the incentives to work and invest.

By eliminating the thousands of tax loopholes, deductions, and credits that can often only be utilized with extensive tax planning and expensive advisers, hardworking Americans can rest assured that corporations with billions of dollars in profit and sophisticated taxpayers are not able to unfairly reduce or eliminate their tax liabilities and leave middle-class Americans footing the bill.

The SMART Act also reforms our corporate Tax Code. The United States currently has the second highest corporate tax rate in the world. American companies routinely make the difficult decision to move operations overseas to reduce their tax burden. Under my legislation, companies would pay a flat tax rate of 17 percent on their profits. Cutting the corporate tax rate in half would increase domestic companies' competitiveness with foreign corporations and eliminate the incentives to shift jobs overseas.

This bill provides a simple, commonsense solution to the complexities and inequities of the current tax system. Taxpayers would be able to determine their tax liability quickly and easily, and file a tax return the size of a postcard.

The SMART Tax would repeal the current Internal Tax Code and replace it with a single tax rate for all taxpayers of 17 percent on all salaries, wages, and pensions. The only exemptions would be a personal exemption of $13,410 for a single person; $17,120 for a head of household; $26,810 for a married couple filing jointly; and $5,780 for each dependent, with these amounts indexed to inflation.

Additionally, under my legislation, earnings from savings and investments would not be included in taxable income. Eliminating this double taxation would increase the savings rate in our country and immediately spur investments in the economy, create jobs and boost economic growth.

Approximately 60 percent of individual taxpayers now pay preparers to complete their taxes for them. An additional 29 percent of individuals use tax software to assist with their filings. What this means for most people is that in addition to paying the government every year, they must pay someone or buy software to tell them exactly how much to pay their government.

The American people want and need fundamental tax reform that would save time and money and bring fairness to our tax structure. The legislation I am introducing today would implement much-needed reforms that eliminate onerous paperwork and promote economic growth in our country.

I recognize that this bill is a monumental shift away from our current tax laws, but our economy needs a boost, and we must not allow the enormity of the task to deter us from enacting better, more efficient tax laws. I urge my colleagues to join me in support of this legislation.

---

By Mr. LEAHY (for himself, Mr. AKAKA, Mr. BLUMENTHAL, Mrs. BOXER, Mr. CARDIN, Mr. CASEY, Mr. COONS, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. HARKIN, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mrs. MURRAY, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. INOUYE, and Mr. SANDERS):

S. 821. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am reintroducing the Uniting American Families Act, UAFA, which grants same-sex binational couples the same immigration benefits heterosexual couples have long enjoyed. This is the fourth Congress in which I have introduced this legislation, and I am proud to be joined by 17 Senators, many of whom also cosponsored this bill when it was introduced in the last Congress. I want to thank Senators AKAKA, BLUMENTHAL, BOXER, CARDIN, CASEY, COONS, DURBIN, FRANKEN, GILLIBRAND, HARKIN, KERRY, LAUTENBERG, MERKLEY, MURRAY, SCHUMER, WHITEHOUSE, and WYDEN for joining me as original cosponsors today.

A core tenet of our immigration policy is preserving family unity. Yet gay and lesbian Americans are still forced to choose between their country and being with those they love. This destructive policy tears families apart and forces hardworking Americans to make the heart-wrenching choice to leave the country they love and start over in one of the countries that now recognize immigration benefits for same-sex couples. I hear from Vermont couples who face this difficult decision every year. No American should face such a choice.

Over the past decade, Americans have begun to reject the notion that U.S. citizens who are gay or lesbian should not have loving relationships. As a result of this cultural shift, 5 States, including Vermont, now allow same-sex couples to get married. At the end of the 111th Congress, bipartisan votes in both the Senate and the House reversed the Military's ''Don't Ask, Don't Tell'' policy, a 17 year old policy that barred gay and lesbian service men and women from openly serving in the military. I hope that my colleagues who supported this important civil rights reform will join me in calling for fairness and equality in our immigration laws.

Some opponents of the Uniting American Families Act have argued that it would increase the potential for visa fraud. I share the belief that all immigration applications should be screened for fraud, but I am confident that U.S. Citizenship and Immigration Services will have no more difficulty identifying fraud in same-sex relationships than they do in heterosexual marriages. The penalties for fraud under this bill would be the same as the penalties for marriage fraud. These are very strict penalties: a sentence of up to 5 years in prison, $250,000 in fines for the U.S. citizen partner, and deportation for the foreign partner. In addition, in order to qualify as a bi-national couple under UAFA, petitioners must prove that they are at least 18 years of age and in a committed, lifelong, financially interdependent relationship with another adult. The American ideals that respect human relationships and family bonds should not be impeded by fears of fraud, which the immigration agency is very capable of controlling.

Since I last introduced the Uniting American Families Act in 2009, more than six additional countries have begun to offer immigration benefits to same-sex couples, bringing the total to at least 25 nations. Some of these nations are our closest allies, including our good friends to the North. America should join Argentina, Australia, Belgium, Brazil, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greenland, Hungary, Iceland, Israel, Luxembourg, The Netherlands, New Zealand, Norway, Portugal, Romania, South Africa, Spain, Sweden, Switzerland, and the United Kingdom.

Unfortunately, among developed countries with a culture of respect for human rights and fairness, the United States is falling behind by denying Americans an equitable immigration policy. I hope all Senators will agree that the United States should not have a policy that forces Americans to choose between their jobs and country, and their loved ones. I urge all Senators to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 821

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

**SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Uniting American Families Act of 2011''.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, if an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

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



**SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PERMANENT PARTNERSHIP.**

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(52) The term 'permanent partner' means an individual 18 years of age or older who—

''(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both individuals intend a lifelong commitment;

''(B) is financially interdependent with that other individual;

''(C) is not married to, or in a permanent partnership with, any individual other than that other individual;

''(D) is unable to contract with that other individual a marriage cognizable under this Act; and

''(E) is not a first, second, or third degree blood relation of that other individual.

''(53) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.''.

**SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.**

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by ''spouse'' each place it appears and inserting ''spouse or permanent partner'';

(2) by striking ''spouses'' and inserting ''spouse, permanent partner,'';

(3) by inserting ''(or, in the case of a permanent partnership, whose permanent partnership was not terminated)'' after ''was not legally separated from the citizen''; and

(4) by striking ''remarries.'' and inserting ''remarries or enters a permanent partnership with another person.''.

**SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.**

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES'';

(2) in the heading of subparagraph (A), by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(3) in the heading of subparagraph (C), by striking ''AND DAUGHTERS'' inserting ''WITHOUT PERMANENT PARTNERS AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS''.

(b) RULES FOR CHARGEABILITY.—Section 202(b)(2) (8 U.S.C. 1152(b)(2)) is amended—

(1) by striking ''his spouse'' and inserting ''his or her spouse or permanent partner'';

(2) by striking ''such spouse'' each place it appears and inserting ''such spouse or permanent partner''; and

(3) by inserting ''or permanent partners'' after ''husband and wife''.

**SEC. 5. ALLOCATION OF IMMIGRANT VISAS.**

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS.—Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) SPOUSES, PERMANENT PARTNERS, UNMARRIED SONS WITHOUT PERMANENT PARTNERS, AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—'';

(2) in subparagraph (A), by inserting '', permanent partners,'' after ''spouses''; and

(3) in subparagraph (B), by striking ''or unmarried daughters'' and inserting ''without permanent partners or the unmarried daughters without permanent partners''.

(b) PREFERENCE ALLOCATION FOR SONS AND DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C. 1153(a)(3)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS WITH PERMANENT PARTNERS OF CITIZENS.—''; and

(2) by inserting '', or sons or daughters with permanent partners,'' after ''daughters''.

(c) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(d) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by inserting ''or permanent partner'' after ''section 101(b)(1)''; and

(2) by inserting '', permanent partner,'' after ''the spouse''.

**SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.**

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by inserting ''or permanent partner'' after ''spouse'';

(B) in clause (iii)—

(i) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(ii) in subclause (I), by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(C) in clause (v)(I), by inserting ''permanent partner,'' after ''is the spouse,''; and

(D) in clause (vi)—

(i) by inserting ''or termination of the permanent partnership'' after ''divorce''; and

(ii) by inserting '', permanent partner,'' after ''spouse''; and

(2) in subparagraph (B)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) in clause (ii)—

(i) in subclause (I)(aa), by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I)(bb), by inserting ''or permanent partnership'' after ''marriage'' the first place it appears; and

(iii) in subclause (II)(aa), by inserting ''(or the termination of the permanent partnership)'' after ''termination of the marriage''.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

**SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.**

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting '', permanent partner,'' after ''spouse'' each place it appears; and

(B) by inserting '', permanent partner's,'' after ''spouse's''; and

(2) in paragraph (4), by inserting '', permanent partner,'' after ''spouse''.

**SEC. 8. ASYLUM.**

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(2) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse''.

**SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.**

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting '', permanent partner,'' after ''spouse''.

**SEC. 10. INADMISSIBLE ALIENS.**

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting ''permanent partner,'' after ''spouse,'';

(2) in paragraph (4)(C)(i)(I), by inserting '', permanent partner,'' after ''spouse'';

(3) in paragraph (6)(E)(ii), by inserting ''permanent partner,'' after ''spouse,''; and

(4) in paragraph (9)(B)(v), by inserting '', permanent partner,'' after ''spouse''.

(b) WAIVERS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (12), by inserting '', permanent partner,'' after ''spouse''.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting '', permanent partner,'' after ''spouse''.

(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting ''permanent partner,'' after ''spouse,''.

**SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.**

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

**SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.**

(a) SECTION HEADING.—

(1) IN GENERAL.—The heading for section 216 (8 U.S.C. 1186a) is amended by striking ''AND SONS'' and inserting '', PERMANENT PARTNERS, SONS,''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.''.

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or permanent partner'' after ''spouse'';

(B) in subparagraph (B), by inserting ''permanent partner,'' after ''spouse,''; and

(C) in subparagraph (C), by inserting ''permanent partner,'' after ''spouse,''.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE''; and

(2) in paragraph (1)(A)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) in clause (ii)—

(i) by inserting ''or has ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(ii) by inserting ''or permanent partner'' after ''spouse''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) in paragraph (3)(A), (3)(D), (4)(B), and (4)(C), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

(e) CONTENTS OF PETITION.—Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(B) in clause (i)—

(i) by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I), by inserting before the comma at the end '', or is a permanent partnership recognized under this Act''; and

(iii) in subclause (II)—

(I) by inserting ''or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(II) by inserting ''or permanent partner'' after ''spouse''; and

(C) in clause (ii), by inserting ''or permanent partner'' after ''spouse''; and

(2) in subparagraph (B)(i)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) by inserting ''or permanent partner'' after ''spouse''.

(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'';

(3) in paragraph (3), by inserting ''or permanent partnership'' after ''marriage''; and

(4) in paragraph (4)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage''.

**SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.**

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended—

(1) in the section heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(2) in paragraphs (1), (2)(A), (2)(B), and (2)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting ''or permanent partner'' after ''spouse'' in the matter following subparagraph (C).

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs (1), (2)(A)(ii), and (3)(C), by inserting ''or permanent partner'' after ''spouse''.

(d) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C. 1186b(f)(2)) is amended by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(e) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

''Sec. 216A. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.''.

**SEC. 14. DEPORTABLE ALIENS.**

Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—

(1) in subparagraph (D)(i), by inserting ''or permanent partners'' after ''spouses'' each place it appears;

(2) in subparagraphs (E)(ii), (E)(iii), and (H)(i)(I), by inserting ''or permanent partner'' after ''spouse'';

(3) by inserting after subparagraph (E) the following:

''(F) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

''(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years before such admission and which, within 2 years subsequent to such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provision of the immigration laws; or

''(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership, which the Secretary of Homeland Security determines was made for the purpose of procuring the alien's admission as an immigrant.''; and

(4) in paragraphs (2)(E)(i) and (3)(C)(ii), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

**SEC. 15. REMOVAL PROCEEDINGS.**

Section 240 (8 U.S.C. 1229a) is amended—

(1) in the heading of subsection (c)(7)(C)(iv), by inserting ''PERMANENT PARTNERS,'' after ''SPOUSES,''; and

(2) in subsection (e)(1), by inserting ''permanent partner,'' after ''spouse,''.

**SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.**

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(B) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse'' each place it appears.

**SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.**

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting ''or permanent partnership'' after ''marriage''.

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(4)(A) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that—

''(i) the permanent partnership was entered into in good faith and in accordance with section 101(a)(52);

''(ii) the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant; and

''(iii) no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner.

''(B) The Secretary shall promulgate regulations that provide for only 1 level of administrative appellate review for each alien under subparagraph (A).''.

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting '', permanent partner,'' after ''spouse''.

**SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR MISREPRESENTATION AND CONCEALMENT OF FACTS REGARDING PERMANENT PARTNERSHIPS.**

Section 275(c) (8 U.S.C. 1325(c)) is amended to read as follows:

''(c) Any individual who knowingly enters into a marriage or permanent partnership for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined not more than $250,000, or both.''.

**SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.**

Section 316(b) (8 U.S.C. 1427(b)) is amended by inserting '', permanent partner,'' after ''spouse''.

**SEC. 20. NATURALIZATION FOR PERMANENT PARTNERS OF CITIZENS.**

(a) IN GENERAL.—Section 319 (8 U.S.C. 1430) is amended—

(1) in subsection (a)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marital union'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting ''or permanent partner'' after ''spouse'';

(B) in paragraph (3), by inserting ''or permanent partner'' after ''spouse'';

(3) in subsection (d)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marital union'';

(4) in subsection (e)(1)—

(A) by inserting ''or permanent partner'' after ''spouse''; and

(B) by inserting ''by the Secretary of Defense'' after ''is authorized''; and

(C) by inserting ''or permanent partnership'' after ''marital union''; and

(5) in subsection (e)(2), by inserting ''or permanent partner'' after ''spouse''.

(b) SAVINGS PROVISION.—Section 319(e) (8 U.S.C. 1430(e)) is amended by adding at the end the following:

''(3) Nothing in this subsection may be construed to confer a right for an alien to accompany a member of the Armed Forces of the United States or to reside abroad with such member, except as authorized by the Secretary of Defense in the member's official orders.''.

**SEC. 21. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.**

Section 1504 of the LIFE Act Amendments of 2000 (division B of Public Law 106–554; 114 Stat. 2763–325) is amended—

(1) in the heading, by inserting ''**, PERMANENT PARTNERS,**'' after ''**SPOUSES**'';

(2) in subsection (a), by inserting '', permanent partner,'' after ''spouse''; and

(3) in each of subsections (b) and (c)—

(A) in each of the subsection headings, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(B) by inserting '', permanent partner,'' after ''spouse'' each place it appears.

**SEC. 22. APPLICATION TO CUBAN ADJUSTMENT ACT.**

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended—

(1) in the next to last sentence, by inserting '', permanent partner,'' after ''spouse'' the first 2 places it appears; and

(2) in the last sentence, by inserting '', permanent partners,'' after ''spouses''.

(b) CONFORMING AMENDMENT.—Section 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is amended by striking ''or spouse'' and inserting '', spouse, or permanent partner''.

---

By Mr. COONS:

S. 825. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the research tax credit, and for other purposes; to the Committee on Finance.

Mr. COONS. Mr. President, I rise today to introduce my first bill in the Senate, one I believe will promote competitiveness and spur the growth of sustainable middle class jobs. As I noted in my maiden speech in January, the people of Delaware sent me here with a mission to work with my colleagues to help create jobs and get our economy moving again.

My bill, the Job Creation Through Innovation Act, will do just that. By making strategic investments in research and development and incentives for economic growth, this legislation will help companies in Delaware and across the United States innovate, create jobs, and compete globally.

First, it will simplify, expand, and make permanent the Research and Development Tax Credit. When this credit was enacted into law in 1981, the United States was the best place in the world to perform research and development. Thirty years and fourteen temporary extensions later, we still do not have a permanent R&D credit on the books. Passing temporary extensions, one after another, undermines the very purpose of this credit. Whenever there is uncertainty about the credit's future availability, businesses discount its value, and we reap only the counterproductive effect of reducing the credit's benefit to our economy. Research and development projects are never stop-and-go, and the R&D tax credit shouldn't be either.

Second, many new small businesses today are ineligible for the R&D credit, because they are not yet profitable. My bill will create a new Small Business Innovation Credit, which will provide much-needed support to these start-ups. Currently, the R&D credit is nonrefundable, so only those companies with income tax liability benefit from it. This poses a special problem for research-intensive start-up businesses—just the sort of businesses that have the potential to develop revolutionary technologies and products. Such firms often spend their first several years operating at a loss while spending a great deal of money on research and development. The Small Business Innovation Credit will address this by allowing companies with 500 employees or fewer to claim a refundable R&D credit.

Another provision of my bill is a new Domestic Manufacturing Tax Credit, which will provide additional tax incentives to companies that both conduct research and manufacture their products right here in America. This will reward companies that invest in America and give multinational firms another reason to keep manufacturing jobs from being shipped overseas.

The Job Creation Through Innovation Act would additionally extend the Section 1603 Treasury Grants Program—or ''TGP''—and the Advanced Energy Manufacturing Credit. Both of these were authorized in the Recovery Act and are designed to promote clean energy technology and investment. Both have also had a significant and beneficial impact on energy project developers and manufacturers in my home state of Delaware and other states in the past 2 years.

The TGP provides payments for specified energy property in lieu of investment tax credits and production tax credits. Economic certainty is critical to wind, solar, biofuel, geothermal, and other clean energy projects, and, according to a survey of leading participants in the tax equity market, without an extension of the TGP the anticipated total financing available for renewable resource projects would decrease significantly, should it be left to expire at the end of 2011. My bill extends the TGP for another year.

The Advanced Energy Manufacturing Credit, also called the 48C Incentive, provides a thirty percent investment tax credit to domestic manufacturers who build or expand facilities that produce a range of clean energy products and technologies. These credits can also be used to leverage private investment, and it is estimated that this tax credit has to date helped businesses raise more than $5.4 billion from just a $2.3 billion Federal investment. It is also estimated to have created 58,000 jobs. My bill will provide an additional $5 billion in incentives, of which up to $1.5 billion would be made available to companies whose applications are already pending under the original solicitation.

In my maiden speech in January, I spoke at length about the new agenda for manufacturing I intend to promote during my service in the Senate, and this bill is just the first step. I am proud that Delaware is already on the cutting-edge of the high-tech and clean energy manufacturing revolution I believe will be the key to winning the future.

While we are all rightly focused now on the deficit and cutting our budget, we must also think ahead and make those long-term investments that will boost our economy, incentivize clean energy resources and manufacturing, and grow the jobs we need to sustain a strong middle class in this country for years to come. I hope my colleagues will join me in this effort, and I commend those who already have.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 825

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

**SECTION 1. SHORT TITLE.**

(a) SHORT TITLE.—This Act may be cited as the ''Job Creation Through Innovation Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

**SEC. 2. USE OF ONLY SIMPLIFIED RESEARCH CREDIT AFTER 2011; EXPANSION AND PERMANENT EXTENSION.**

(a) SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—Subsection (a) of section 41 is amended to read as follows:

''(a) GENERAL RULE.—

''(1) CREDIT DETERMINED.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

''(2) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

''(A) TAXPAYERS TO WHICH PARAGRAPH APPLIES.—The credit under this section shall be determined under this paragraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

''(B) CREDIT RATE.—The credit determined under this paragraph shall be equal to 10 percent of the qualified research expenses for the taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) TERMINATION OF BASE AMOUNT CALCULATION.—Section 41 is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(2) TERMINATION OF BASIC RESEARCH PAYMENT CALCULATION.—Section 41 is amended by striking subsection (e) and redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(3) SPECIAL RULES.—

(A) Paragraph (1)(A)(ii) of subsection (d) of section 41, as so redesignated, is amended by striking ''shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,'' and inserting ''share of the qualified research expenses''.

(B) Paragraph (1)(B)(ii) of section 41(d), as so redesignated, is amended by striking ''shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,'' and inserting ''share of the qualified research expenses''.

(C) Paragraph (3) of section 41(d), as so redesignated, is amended—

(i) by striking '', and the gross receipts of the taxpayer'' and all that follows in subparagraph (A) and inserting a period,

(ii) by striking '', and the gross receipts of the taxpayer'' and all that follows in subparagraph (B) and inserting a period, and

(iii) by striking subparagraph (C).

(D) Paragraph (4) of section 41(d), as so redesignated, is amended by striking ''and gross receipts''.

(E) Subsection (d) of section 41, as so redesignated, is amended by striking paragraph (6).

(4) PERMANENT EXTENSION.—

(A) Section 41 is amended by striking subsection (h).

(B) Section 45C(b)(1) is amended by striking subparagraph (D).

(5) CROSS-REFERENCES.—

(A) Paragraphs (2)(A) and (4) of section 41(b) are each amended by striking ''subsection (f)(1)'' and inserting ''subsection (d)(1)''.

(B) Paragraph (2) of section 45C(c) is amended by striking ''base period research expenses'' and inserting ''average qualified research expenses''.

(C) Paragraph (3) of section 45C(d) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(D) Paragraph (2) of section 45G(e) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(E) Subsection (g) of section 45O is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(F) Subparagraph (A) of section 54(l)(3) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(G) Clause (i) of section 170(e)(4)(B) is amended to read as follows:

''(i) the contribution is to a qualified organization,''.

(H) Paragraph (4) of section 170(e) is amended by adding at the end the following new subparagraph:

''(E) QUALIFIED ORGANIZATION.—For purposes of this paragraph, the term 'qualified organization' means—

''(i) any educational organization which—

''(I) is an institution of higher education (within the meaning of section 3304(f)), and

''(II) is described in subsection (b)(1)(A)(ii), or

''(ii) any organization not described in clause (i) which—

''(I) is described in section 501(c)(3) and is exempt from tax under section 501(a),

''(II) is organized and operated primarily to conduct scientific research, and

''(III) is not a private foundation.''.

(I) Subsection (f) of section 197 is amended by striking ''section 41(f)(1)'' each place it appears in paragraphs (1)(C) and (9)(C)(i) and inserting ''section 41(d)(1)''.

(J) Section 280C is amended—

(i) by striking ''41(f)'' each place it appears in subsection (b)(3) and inserting ''41(d)'',

(ii) by striking ''or basic research expenses (as defined in section 41(e)(2))'' in subsection (c)(1),

(iii) by striking ''section 41(a)(1)'' in subsection (c)(2)(A) and inserting ''section 41(a)'', and

(iv) by striking ''or basic research expenses'' in subsection (c)(2)(B).

(K) Subclause (IV)(c) of section 936(h)(5)(C)(i) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(L) Subparagraph (D) of section 936(j)(5) is amended by striking ''section 41(f)(3)'' and inserting ''section 41(d)(3)''.

(M) Clause (i) of section 965(c)(2)(C) is amended by striking ''section 41(f)(3)'' and inserting ''section 41(d)(3)''.

(N) Clause (i) of section 1400N(l)(7)(B) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(c) TECHNICAL CORRECTIONS.—Section 409 is amended—

(1) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (b)(1)(A),

(2) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984'' after ''relating to the employee stock ownership credit'' in subsection (b)(4),

(3) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (i)(1)(A),

(4) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (m),

(5) by inserting ''(as so in effect)'' after ''section 48(n)(1)'' in subsection (m),

(6) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 48(n)'' in subsection (q)(1), and

(7) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41'' in subsection (q)(3).

(d) EFFECTIVE DATE.—

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

(2) TECHNICAL CORRECTIONS.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

**SEC. 3. ENHANCED RESEARCH CREDIT FOR DOMESTIC MANUFACTURERS.**

(a) IN GENERAL.—Section 41, as amended by section 3, is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

''(f) ENHANCED CREDIT FOR DOMESTIC MANUFACTURERS.—

''(1) IN GENERAL.—In the case of a qualified domestic manufacturer, this section shall be applied by increasing the 20 percent amount in subsection (a)(1) by the bonus amount.

''(2) QUALIFIED DOMESTIC MANUFACTURER.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified domestic manufacturer' means a taxpayer who has domestic production gross receipts which are more than 50 percent of total production gross receipts.

''(B) DOMESTIC PRODUCTION GROSS RECEIPTS.—The term 'domestic production gross receipts' has the meaning given to such term under section 199(c)(4).

''(C) TOTAL PRODUCTION GROSS RECEIPTS.—The term 'total production gross receipts' means the gross receipts of the taxpayer which are described in section 199(c)(4), determined—

''(i) without regard to whether property described in subparagraph (A)(i)(I) or (A)(i)(III) thereof was manufactured, produced, grown, or extracted in the United States,

''(ii) by substituting 'any property described in section 168(f)(3)' for 'any qualified film' in subparagraph (A)(i)(II) thereof, and

''(iii) without regard to whether any construction described in subparagraph (A)(ii) thereof or services described in subparagraph (A)(iii) thereof were performed in the United States.

''(3) BONUS AMOUNT.—For purposes of paragraph (1), the bonus amount shall be determined as follows:

| ''If the percentage of total production gross receipts which are domestic production gross receipts is: | The bonus amount is: |
|---|---|
| More than 50 percent and not more than 60 percent. | 2 percentage points |
| More than 60 percent and not more than 70 percent. | 4 percentage points |
| More than 70 percent and not more than 80 percent. | 6 percentage points |
| More than 80 percent and not more than 90 percent. | 8 percentage points |
| More than 90 percent | 10 percentage points.''. |

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to expenditures paid or incurred in taxable years beginning after December 31, 2011.

**SEC. 4. RESEARCH CREDIT MADE REFUNDABLE FOR SMALL BUSINESSES.**

(a) IN GENERAL.—Subsection (a) of section 41 of the Internal Revenue Code of 1986, as amended by section 3, is amended by adding at the end the following new paragraph:

''(3) PORTION OF CREDIT REFUNDABLE.—

''(A) IN GENERAL.—For purposes of subsections (b) and (c) of section 6401, the amount of the credit determined under this section which is attributable to a qualified small business shall be treated as a credit allowed under subpart C of part IV of subchapter A for the taxable year (and not under any other subpart). For purposes of section 6425, any amount treated as so allowed shall be treated as a payment of estimated income tax for the taxable year.

''(B) QUALIFIED SMALL BUSINESS.—For purposes of this paragraph, the term 'qualified small business' means, with respect to any taxable year, any person if the annual average number of employees employed by such person during such taxable year is 500 or fewer.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''41(a)(3),'' after ''36A,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

**SEC. 5. EXTENSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.**

(a) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(1) in paragraph (1), by striking ''or 2011'' and inserting ''2011, or 2012'', and

(2) in paragraph (2)—

(A) by striking ''after 2011'' and inserting ''after 2012'', and

(B) by striking ''or 2011'' and inserting ''2011, or 2012''.

(b) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act is amended by striking ''2012'' and inserting ''2013''.

**SEC. 6. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.**

(a) IN GENERAL.—Subsection (d) of section 48C is amended by adding at the end the following new paragraph:

''(6) ADDITIONAL 2011 ALLOCATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors with respect to applications received on or after the date of the enactment of this paragraph.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not exceed the 2011 allocation amount reduced by so much of the 2011 allocation amount as is taken into account as an increase in the limitation described in paragraph (1)(B).

''(C) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2), (3), (4), and (5) shall apply for purposes of the program described in subparagraph (A), except that—

''(i) CERTIFICATION.—Applicants shall have 2 years from the date that the Secretary establishes such program to submit applications.

''(ii) SELECTION CRITERIA.—For purposes of paragraph (3)(B)(i), the term 'domestic job creation (both direct and indirect)' means the creation of direct jobs in the United States producing the property manufactured at the manufacturing facility described under subsection (c)(1)(A)(i), and the creation of indirect jobs in the manufacturing supply chain for such property in the United States.

''(iii) REVIEW AND REDISTRIBUTION.—The Secretary shall conduct a separate review and redistribution under paragraph (5) with respect to such program not later than 4 years after the date of the enactment of this paragraph.

''(D) 2011 ALLOCATION AMOUNT.—For purposes of this subsection, the term '2011 allocation amount' means $5,000,000,000.

''(E) DIRECT PAYMENTS.—In lieu of any qualifying advanced energy project credit which would otherwise be determined under this section with respect to an allocation to a taxpayer under this paragraph, the Secretary shall, upon the election of the taxpayer, make a grant to the taxpayer in the amount of such credit as so determined. Rules similar to the rules of section 50 shall apply with respect to any grant made under this subparagraph.''.

(b) PORTION OF 2011 ALLOCATION ALLOCATED TOWARD PENDING APPLICATIONS UNDER ORIGINAL PROGRAM.—Subparagraph (B) of section 48C(d)(1) is amended by inserting ''(increased by so much of the 2011 allocation amount (not in excess of $1,500,000,000) as the Secretary determines necessary to make allocations to qualified investments with respect to which qualifying applications were submitted before the date of the enactment of paragraph (6))'' after ''$2,300,000,000''.

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''48C(d)(6)(E),'' after ''36C,''.

---

By Mrs. FEINSTEIN:

S. 826. A bill to require the Secretary of the Treasury to establish a program to provide loans and loan guarantees to enable eligible public entities to acquire interests in real property that are in compliance with habitat conversation plans approved by the Secretary of the Interior under the Endangered Species Act of 1973, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Infrastructure Facilitation and Habitat Conservation Act of 2011.

This legislation will make it easier for communities to build infrastructure and grow by allowing to access federal loan guarantees when they conserve land to mitigate the impacts to the environment and endangered species.

This bill creates a ten year pilot program, to be administered jointly by the Secretaries of the Interior and Treasury, making credit more readily available to eligible public entities which are sponsors of Habitat Conservation Plans, HCPs, under section 10 of the Endangered Species Act of 1973.

Habitat Conservation Plans were authorized by an amendment to the Endangered Species Act in 1982 as a means to permanently protect the habitat of threatened and endangered species, while facilitating the development of infrastructure, through issuance of a long-term ''incidental take permit''. More than 500 such plans have been approved by the Secretary of the Interior, providing protection for nearly 50 million acres of habitat nationwide and allowing development and infrastructure to proceed.

Equally important, HCPs are very effective in avoiding, minimizing and mitigating the effects of development on endangered species and their habitats. HCPs are an essential tool, as Congress intended, in balancing the requirements of the Endangered Species Act with on-going infrastructure construction and development activity.

In California, the Western Riverside County Multiple-Species HCP is a prime example of effective habitat management. The Western Riverside MSHCP covers an area of 1.26 million acres, of which 500,000 will be permanently protected for the benefit of 146 species of plants and animals. At the same time, it is building its infrastructure and transportation needs for the next century.

To date, more than 40,000 acres of property have been conserved. In the case of the Western Riverside MSHCP, as with other HCPs nationwide, this strategy for advance mitigation of environmental impacts has facilitated the development of much-needed transportation infrastructure.

Riverside has been one of the Nation's fastest growing counties, with a rate of growth during the last decade of 42 percent. Unless the development of infrastructure can be made to keep pace with this explosive population growth, neither environmental or livability goals will be attained.

Owing to the economic downturn, however, the pace of habitat acquisition in Western Riverside and other similarly-situated communities has slowed to a crawl. Revenue which had been generated to finance acquisition of habitat during periods of robust development has also slowed to a trickle, at just the moment when real estate values are at historic lows.

Ready access to capital during this period would enable Western Riverside to complete its habitat acquisition program for half of what it was estimated to cost in 2008, for a savings of $2 billion.

Under this bill, loan guarantee applicants would have to demonstrate their credit-worthiness and the likely success of their habitat acquisition programs. Priority would be given to HCPs in biologically rich regions whose natural attributes are threatened by rapid development. Other than the modest costs of administration, the bill would entail no federal expenditure unless the local government defaulted a very rare occurrence.

The Federal guarantees will assure access to commercial credit at reduced rates of interest, enabling these communities to take advantage of temporarily low prices for habitat. Prompt enactment of this legislation will provide multiple benefits at very low cost to the Federal taxpayer protection of more habitat more quickly, accelerated development of infrastructure with minimum environmental impact, and reduction in the total cost of HCP land acquisition.

I urge my colleagues to support this legislation. I believe it will encourage development and growth and conservation of land and protection of endangered species, at minimal Federal risk. It is exactly the Federal local partnership that we need to use to maximize efficient use of Federal dollars.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 826

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Infrastructure Facilitation and Habitat Conservation Act of 2011''.

**SEC. 2. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PUBLIC ENTITY.—The term ''eligible public entity'' means a political subdivision of a State, including—

(A) a duly established town, township, or county;

(B) an entity established for the purpose of regional governance;

(C) a special purpose entity; and

(D) a joint powers authority, or other entity certified by the Governor of a State, to have authority to implement a habitat conservation plan pursuant to section 10(a) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)).

(2) PROGRAM.—The term ''program'' means the conservation loan and loan guarantee program established by the Secretary under subsection (b)(1).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(b) LOAN AND LOAN GUARANTEE PROGRAM.—

(1) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a program to provide loans and loan guarantees to eligible public entities to enable eligible public entities to acquire interests in real property that are acquired pursuant to habitat conservation plans approved by the Secretary of the Interior under section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539).

(2) APPLICATION; APPROVAL PROCESS.—

(A) APPLICATION.—

(i) IN GENERAL.—To be eligible to receive a loan or loan guarantee under the program, an eligible public entity shall submit to the Secretary an application at such time, in such form and manner, and including such information as the Secretary may require.

(ii) SOLICITATION OF APPLICATIONS.—Not less frequently than once per calendar year, the Secretary shall solicit from eligible public entities applications for loans and loan guarantees in accordance with this section.

(B) APPROVAL PROCESS.—

(i) SUBMISSION OF APPLICATIONS TO SECRETARY OF THE INTERIOR.—As soon as practicable after the date on which the Secretary receives an application under subparagraph (A), the Secretary shall submit the application to the Secretary of the Interior for review.

(ii) REVIEW BY SECRETARY OF THE INTERIOR.—

(I) REVIEW.—As soon as practicable after the date of receipt of an application by the Secretary under clause (i), the Secretary of the Interior shall conduct a review of the application to determine whether—

(aa) the eligible public entity is implementing a habitat conservation plan that has been approved by the Secretary of the Interior under section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539);

(bb) the habitat acquisition program of the eligible public entity would very likely be completed; and

(cc) the eligible public entity has adopted a complementary plan for sustainable infrastructure development that provides for the mitigation of environmental impacts.

(II) REPORT TO SECRETARY.—Not later than 60 days after the date on which the Secretary of the Interior receives an application under subclause (I), the Secretary of the Interior shall submit to the Secretary a report that contains—

(aa) an assessment of each factor described in subclause (I); and

(bb) a recommendation regarding the approval or disapproval of a loan or loan guarantee to the eligible public entity that is the subject of the application.

(III) CONSULTATION WITH SECRETARY OF COMMERCE.—To the extent that the Secretary of the Interior considers to be appropriate to carry out this clause, the Secretary of the Interior may consult with the Secretary of Commerce.

(iii) APPROVAL BY SECRETARY.—

(I) IN GENERAL.—Not later than 120 days after receipt of an application under subparagraph (A), the Secretary shall approve or disapprove the application.

(II) FACTORS.—In approving or disapproving an application of an eligible public entity under subclause (I), the Secretary may consider—

(aa) whether the financial plan of the eligible public entity for habitat acquisition is sound and sustainable;

(bb) whether the eligible public entity has the ability to repay a loan or meet the terms of a loan guarantee under the program;

(cc) any factor that the Secretary determines to be appropriate; and

(dd) the recommendation of the Secretary of the Interior.

(III) PREFERENCE.—In approving or disapproving applications of eligible public entities under subclause (I), the Secretary shall give preference to eligible public entities located in biologically rich regions in which rapid growth and development threaten successful implementation of approved habitat conservation plans, as determined by the Secretary in cooperation with the Secretary of the Interior.

(C) ADMINISTRATION OF LOANS AND LOAN GUARANTEES.—

(i) REPORT TO SECRETARY OF THE INTERIOR.—Not later than 60 days after the date on which the Secretary approves or disapproves an application under subparagraph (B)(iii), the Secretary shall submit to the Secretary of the Interior a report that contains the decision of the Secretary to approve or disapprove the application.

(ii) DUTY OF SECRETARY.—As soon as practicable after the date on which the Secretary approves an application under subparagraph (B)(iii), the Secretary shall—

(I) establish the loan or loan guarantee with respect to the eligible public entity that is the subject of the application (including such terms and conditions as the Secretary may prescribe); and

(II) carry out the administration of the loan or loan guarantee.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section such sums as are necessary.

(d) TERMINATION OF AUTHORITY.—The authority under this section shall terminate on the date that is 10 years after the date of enactment of this Act.

---

By Mr. UDALL of Colorado (for himself and Ms. COLLINGS):

S. 828. A bill to amend the Energy Policy and Conservation Act to establish the Office of Energy Efficiency and Renewable Energy as the lead Federal agency for coordinating Federal, State, and local assistance provided to promote the energy retrofitting of schools; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing a bipartisan bill along with my colleague Senator COLLINS to help improve the health and efficiency of our schools by making them more energy efficient, while creating much-needed jobs in the process. Though it is often over-looked, energy efficiency is a huge job creator. Not only does it create jobs through the purchase and installation of efficient materials, it frees up scarce school finances to retain teachers and important programs.

There are numerous Federal programs and funds already available to schools to help them become more energy efficient. However, as I learned in my travels across Colorado, schools face a morass of programs and agency offices across the government, and it is challenging for schools to take full advantage of them.

The bipartisan Streamlining Energy Efficiency for Schools Act of 2011 will force the government to coordinate their efforts so that schools are less confused and they can better navigate the existing Federal programs and financing options available to them. Put simply, it will streamline the Federal Government while still leaving decisions to the States, school boards and local officials to determine what is best for their schools.

I have seen the benefits of energy efficient buildings first hand when traveling in Colorado. The Cherry Creek School District in Greenwood Village, Colorado has incorporated day lighting techniques and ice storage to cool the buildings during the day. Because of these innovative improvements, the school district has enjoyed significant cost savings. In another example, the Poudre School District in Fort Collins, Colorado, actively promotes sustainable design guidelines, calling it their ''Ethic of Sustainability.'' This program includes an elementary school in Fort Collins that actually uses recycled blue jeans as insulation for the school buildings.

I hope that in passing this bill we will see more examples of these successful and creative projects across the country—projects that will increase the efficiency of our schools and teach our students about the importance of saving energy. I urge my colleagues—of both parties—to join me in supporting this bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 828

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Streamlining Energy Efficiency for Schools Act of 2011''.

**SEC. 2. COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.**

Section 392 of the Energy Policy and Conservation Act (42 U.S.C. 6371a) is amended by adding at the end the following:

''(e) COORDINATION OF ENERGY RETROFITTING ASSISTANCE FOR SCHOOLS.—

''(1) DEFINITION OF SCHOOL.—In this subsection, the term 'school' means—

''(A) an elementary school or secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

''(B) an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

''(C) a school of the defense dependents' education system under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et

seq.) or established under section 2164 of title 10, United States Code;

''(D) a school operated by the Bureau of Indian Affairs;

''(E) a tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511); and

''(F) a Tribal College or University (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))).

''(2) DESIGNATION OF LEAD AGENCY.—The Secretary, acting through the Office of Energy Efficiency and Renewable Energy, shall act as the lead Federal agency for coordinating and disseminating information on existing Federal programs and assistance that may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools.

''(3) REQUIREMENTS.—In carrying out coordination and outreach under paragraph (2), the Secretary shall—

''(A) in consultation and coordination with the appropriate Federal agencies, carry out a review of existing programs and financing mechanisms (including revolving loan funds and loan guarantees) available in or from the Department of Agriculture, the Department of Energy, the Department of Education, the Department of the Treasury, the Internal Revenue Service, the Environmental Protection Agency, and other appropriate Federal agencies with jurisdiction over energy financing and facilitation that are currently used or may be used to help initiate, develop, and finance energy efficiency, renewable energy, and energy retrofitting projects for schools;

''(B) establish a Federal cross-departmental collaborative coordination, education, and outreach effort to streamline communication and promote available Federal opportunities and assistance described in subparagraph (A), for energy efficiency, renewable energy, and energy retrofitting projects that enables States, local educational agencies, and schools—

''(i) to use existing Federal opportunities more effectively; and

''(ii) to form partnerships with Governors, State energy programs, local educational, financial, and energy officials, State and local government officials, nonprofit organizations, and other appropriate entities, to support the initiation of the projects;

''(C) provide technical assistance for States, local educational agencies, and schools to help develop and finance energy efficiency, renewable energy, and energy retrofitting projects—

''(i) to increase the energy efficiency of buildings or facilities;

''(ii) to install systems that individually generate energy from renewable energy resources;

''(iii) to establish partnerships to leverage economies of scale and additional financing mechanisms available to larger clean energy initiatives; or

''(iv) to promote—

''(I) the maintenance of health, environmental quality, and safety in schools, including the ambient air quality, through energy efficiency, renewable energy, and energy retrofit projects; and

''(II) the achievement of expected energy savings and renewable energy production through proper operations and maintenance practices;

''(D) develop and maintain a single online resource website with contact information for relevant technical assistance and support staff in the Office of Energy Efficiency and Renewable Energy for States, local educational agencies, and schools to effectively access and use Federal opportunities and assistance described in subparagraph (A) to develop energy efficiency, renewable energy, and energy retrofitting projects; and

''(E) establish a process for recognition of schools that—

''(i) have successfully implemented energy efficiency, renewable energy, and energy retrofitting projects; and

''(ii) are willing to serve as resources for other local educational agencies and schools to assist initiation of similar efforts.

''(4) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to Congress a report describing the implementation of this subsection.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2012 through 2016.''.

---

By Mr. FRANKEN (for himself, Mr. BROWN of Ohio, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. SANDERS):

S. 831. A bill to amend the Agricultural Marketing Act of 1946 to provide for country of origin labeling for dairy products; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FRANKEN. Mr. President, today, I am reintroducing the Dairy Country Of Origin Labeling Act, or Dairy COOL, with Senator SCHUMER, Senator GILLIBRAND, Senator SHERROD BROWN, and Senator SANDERS.

Our bill is very straightforward; it simply extends country of origin labeling requirements to dairy products. The current country of origin labeling law, which went into effect in 2008, applies to meats, produce, and nuts, but it doesn't include dairy products. Our bill adds dairy products—including milk, cheese, yogurt, ice cream, and butter—to the list.

This bill is about families. Minnesota families should have the right to know where the food they buy was produced. Consumers have this information for meat and produce; they should have it for the dairy products they feed their families every day. Minnesota dairy farmers and family farmers across the Nation should have the right to distinguish their products from imported products.

Hardly a week goes by where you don't hear another story of contaminated food and toys that were imported from foreign countries but only discovered after they were in American homes. Labeling our dairy products lets parents make informed choices at the grocery store. It gives consumers the information they need to be confident about the quality and safety of the food they buy.

Farming is a risky business. Prices have stabilized for now, but less than two years ago, high feed prices and unpredictable price swings threatened the viability of family dairies across the country. This bill isn't a silver bullet, but it does give family farms another tool that will help them compete in a crowded marketplace. And it gives consumers the option to purchase milk and cheese from our own family farms.

So I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 831

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Dairy COOL Act of 2011''.

**SEC. 2. COUNTRY OF ORIGIN LABELING FOR DAIRY PRODUCTS.**

(a) DEFINITIONS.—Section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) in clause (x), by striking ''and'' at the end;

(ii) in clause (xi), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(xii) dairy products.''; and

(B) in subparagraph (B), by inserting ''(other than clause (xii) of that subparagraph)'' after ''subparagraph (A)'';

(2) by redesignating paragraphs (3) through (9) as paragraphs (4) through (10), respectively; and

(3) by inserting after paragraph (2) the following:

''(3) DAIRY PRODUCT.—The term 'dairy product' means—

''(A) fluid milk;

''(B) cheese, including cottage cheese and cream cheese;

''(C) yogurt;

''(D) ice cream;

''(E) butter; and

''(F) any other dairy product.''.

(b) NOTICE OF COUNTRY OF ORIGIN.—Section 282(a) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638a(a)) is amended by adding at the end the following:

''(5) DESIGNATION OF COUNTRY OF ORIGIN FOR DAIRY PRODUCTS.—

''(A) IN GENERAL.—A retailer of a covered commodity that is a dairy product shall designate the origin of the covered commodity as—

''(i) each country in which or from the 1 or more dairy ingredients or dairy components of the covered commodity were produced, originated, or sourced; and

''(ii) each country in which the covered commodity was processed.

''(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—With respect to a covered commodity that is a dairy product produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where the covered commodity was produced shall be sufficient to identify the United States as the country of origin.''.

---

By Ms. COLLINS (for herself and Mrs. MURRAY):

S. 832. A bill to reauthorize certain port security programs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce the SAFE Port Reauthorization Act of 2011. This bill extends important programs that help to protect our nation's critical shipping lanes and seaports from attack and sabotage.

The SAFE Port Reauthorization Act of 2011 is cosponsored by my colleague,

Senator MURRAY. Senator MURRAY and I drafted the original SAFE Port Act in 2005, leading to its enactment in 2006. I am pleased that she has again joined me to extend and strengthen this important law. Several stakeholders have expressed their support for our efforts, including the American Waterways Operators, National Association of Boating Law Administrators, Retail Industry Leaders Association, Association of Marina Industries, National Boating Federation, and National Marine Manufacturers Association.

The scope of what we need to protect is broad. America has 361 seaports—each vital links in our Nation's transportation network. Our seaports move more than 95 percent of overseas trade. In 2010, United States ports logged 57,600 ports-of-call by foreign-flagged cargo vessels, bringing 11 million shipping containers to our shores.

Coming from a State with three international cargo ports—including Portland, the largest port by tonnage in New England—I am keenly aware of the importance of seaports to our national economy and to the communities in which they are located.

Our seaports operate as vital centers of economic activity; they also represent vulnerable targets. As the air cargo plot emanating from Yemen last fall demonstrated, terrorists remain committed to exploiting commercial shipments as a way of moving explosives or weapons of mass destruction.

Maritime shipping containers are a special source of concern. A single obscure container, hidden among a ship's cargo of several hundred containers, could be used to conceal a dirty bomb. In other words, a container could be turned into a 21st century Trojan horse.

The shipping container's security vulnerabilities are so well known that it has also been called ''the poor man's missile,'' because for only a few thousand dollars, a terrorist could ship a weapon or explosive across the Atlantic or the Pacific to a U.S. port.

And the contents of such a container don't have to be something as complex as a nuclear or biological weapon. As former Customs and Border Protection Commissioner Robert Bonner told The New York Times, a single container packed with readily available ammonium sulfate fertilizer and a detonation system could produce 10 times the blast that destroyed the Murrah Federal Building in Oklahoma City.

Whatever the type of weapon, an attack on one or more U.S. ports could cause great loss of life and large numbers of injuries; it could damage our energy supplies and infrastructure; it could cripple retailers and manufacturers dependent on incoming inventory; and it could hamper our ability to move and supply American military forces fighting against the forces of terrorism.

I have had the opportunity to visit seaports and, as one examines some of the Nation's busiest harbors, one sees what a terrorist might call ''high-value targets.'' In February, while touring the Port of Miami and Port Everglades with the Coast Guard, I witnessed firsthand the large and sprawling urban populations, cruise ship docks, container terminals, and bulk fuel facilities that are situated around these ports. At other locations, there are large sports stadiums and ferries operating nearby as well.

Add up these factors, and one realizes immediately the death and destruction that a ship carrying a container hiding a weapon of mass destruction could inflict at a single port.

Of course, a port can be a conduit for an attack as well as a target. A container with dangerous cargo could be loaded on a truck or rail car, or have its contents unpacked at the port and distributed to support attacks elsewhere. In 2008, we saw that the port in Mumbai, India, offered the means for a gang of terrorists to launch an attack on a section of the city's downtown. That attack killed more than 170 people and wounded hundreds more.

To address these security threats, our bill would reauthorize these SAFE Port Act cargo security programs that have proven to be successful the Automated Targeting System that identifies high-risk cargo; the Container Security Initiative that ensures high-risk cargo containers are inspected at ports overseas before they travel to the United States; and the Customs-Trade Partnership Against Terrorism, or C-TPAT, that provides incentives to importers to enhance the security of their cargo from point of origin to destination.

The bill would also strengthen the C-TPAT program by providing new benefits, including offering voluntary security training to industry participants and providing participants an information sharing mechanism on maritime and port security threats, and authorizing Customs and Border Protection to conduct unannounced inspections to ensure that security practices are robust. The cooperation of private industry is vital to protecting supply chains, and C-TPAT is a necessary tool for securing their active cooperation in supply chain security efforts.

The bill also would extend the competitive, risk-based, port security grants that have improved the security of our ports. An authorization for the next 5 years at $300 million per year, as included in the President's budget, is lower than the current $400 million authorization in recognition of the severe budget constraints we face. To address concerns expressed by port authorities and terminal operators from across the country, the bill places deadlines on the Department of Homeland Security to ensure a timely response is provided to port security grant applications, extensions, and cost-share waiver requests.

In addition to continuing and improving critical port security programs, the bill also would strengthen the America's Waterway Watch Program, which promotes voluntary reporting of suspected terrorist activity or suspicious behavior against a vessel, facility, port, or waterway.

Our bill would protect citizens from frivolous lawsuits when they report, in good faith, suspicious behavior that may indicate terrorist activity against the United States. It builds on a provision from the 2007 homeland security law that encourages people to report potential terrorist threats directed against transportation systems by protecting people from those who would misuse our legal system in an attempt to chill the willingness of citizens to come forward and report possible dangers.

In addition, this legislation enhances research and development efforts to improve maritime cargo security. The demonstration project authorized by this law would study the feasibility of using composite materials in cargo containers to improve container integrity and deploy next-generation sensors.

This legislation also addresses the difficulties in administering the mandate of x-raying and scanning for radiation all cargo containers overseas that are destined for the United States by July 2012. Until x-ray scanning technology is proven effective at detecting radiological material and not disruptive of trade, requiring the x-raying of all U.S. bound cargo, regardless of its risk, at every foreign port, is misguided and provides a false sense of security. It would also impose onerous restrictions on the flow of commerce, costing billions with little additional security benefit.

Under the original provisions of the SAFE Port Act, all cargo designated as high-risk at foreign ports is already scanned for radiation and x-rayed. In addition, cargo entering the U.S. at all major seaports is scanned for radiation. These security measures currently in place are part of a layered, risk-based method to ensure cargo entering the U.S. is safe.

This legislation would eliminate the deadline for 100 percent x-raying of containers if the Secretary of Homeland Security certifies the effectiveness of individual security measures of that layered security approach. This is a more reasonable method to secure our cargo until a new method of x-raying containers is proven effective and feasible.

The SAFE Port Reauthorization Act of 2011 will help us to continue an effective, layered, coordinated security system that extends from point of origin to point of destination, and that covers the people, the vessels, the cargo, and the facilities involved in our maritime commerce. It will continue to address a major vulnerability in our homeland security critical infrastructure while preserving the flow of goods on which our economy depends.

I urge my colleagues to support this important legislation.

By Mr. WHITEHOUSE (for himself, Mr. REED, Mr. BROWN of Ohio, Mr. FRANKEN, and Mr. AKAKA):

S. 833. A bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in secondary school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WHITEHOUSE. Mr. President, it is my honor today to introduce the Success in the Middle Act of 2011. This bill recognizes the role of the middle grades as a tipping point in the education of many of our Nation's students, especially those who are at risk of dropping out. Success in the Middle invests much-needed attention and resources in middle grades education, requiring states to create plans to specifically address the unique needs of students in the age group, and focusing on schools that feed students into some of our country's most dropout prone high schools so they are ready for the curriculum and the unique social pressures they will encounter there.

My concern about the middle grades began in a unique place behind my desk in the Rhode Island Attorney General's Office. After serving as the United States Attorney for Rhode Island, where I dealt with cases involving mobsters and white collar crime, I now suddenly had hundreds of juvenile cases coming across my desk. I asked my staff to examine the problem and together we tried to find the root of it. Ultimately, it all seemed to go back to one issue: middle school truancy. In order to better see what was happening in middle schools, my office adopted one, Oliver Hazard Perry Middle School in Providence. We worked hard to create a real relationship between the police department and the school to help get truant kids back in classrooms; we worked with the local utility to get lights in the parking lot so teachers felt safe staying after school; partnered with local businesses to get teachers phones in the classrooms so they could call parents when the kids went missing; began a mentoring program between students and attorneys in my office; and brought in community groups to start afterschool programs.

The experience at Perry helped me realize what an impact the middle grades have on a child's future. It is an age where a child is beginning to make his or her own decisions, but can still be influenced by adults and by enriching experiences in their lives. The middle grades are a time when, if properly directed, students look to their futures and set goals for themselves in order to enter high school ready to achieve that first vital goal: graduation.

When I entered the Senate, one of my first priorities was to continue to advocate for improved middle grades education. In Rhode Island, I convened a small group of teachers, public and private school administrators, union leaders, afterschool experts, and others who shared my deep interest in the middle grades to continue the conversation about how best to improve them. This group examined the issues faced by these students and how curriculum, the professional development of teachers, and the environment of the school affected them on a daily basis. Their work has influenced how I perceive education policy and has been invaluable as we have moved forward with Success in the Middle.

To see just how badly our middle grade students need this help, let us take a look at the facts: Less than 1/3 of 8th grade students scored proficient in reading and math on the 2009 National Assessment on Educational Progress, NAEP, and nearly 30 percent scored below the basic level in math. A lack of basic skills at the end of the middle grades has serious implications students who enter high school two or more years behind have only a 50 percent chance of progressing on time to 10th grade, creating a significant risk of dropping out. Sixth grade students who do not attend school regularly, who frequently receive disciplinary actions, or who fail math or English have a less than 15 percent chance of graduating high school on time and a 20 percent chance of graduating one year late.

This is why investing wisely in the middle grades is so important. Success in the Middle makes that investment, creating a formula grant program that help states invest in proven strategies for the middle grades, including comprehensive school-wide improvement efforts, targeted professional development, and student supports such as extended learning time and personal academic plans. It also requires the creation of early warning and intervention systems for at-risk students and transition plans for the middle grades. Finally, Success in the Middle invests in national research into best practices for the middle grades.

I am proud to introduce Success in the Middle, which in previous Congresses was introduced by then-Senator Obama and by my senior Senator from Rhode Island, JACK REED. I am proud to follow in the footsteps of these champions of education, who have demonstrated the vital need to focus our efforts on the middle grades in order to best serve our Nation's children, especially those most at risk for dropping out.

---

By Ms. KLOBUCHAR (for herself and Mr. GRASSLEY):

S. 839. A bill to ban the sale of certain synthetic drugs; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator KLOBUCHAR, in cosponsoring the Combating Designer Drugs Act of 2011. All too often we are confronted with new and emerging drugs that spread quickly on the scene. However, what is most concerning about this new generation of drugs is how quickly these substances are sold and marketed to kids. Although these substances were created for scientific research they are now packaged as innocent products and sold on the shelves of local stores or via the internet.

Recent reports in the media along with increasing calls to poison control centers and visits to emergency rooms reveals that more and more kids are using products laced with substances that are very dangerous. Although these products are currently legal and can be sold in stores and online, many people who use products are under a false impression that these products are safe because they are legal. However, use of these products is anything but safe.

Last month, a teenager from Blaine, MN, died after overdosing on a substance called 2C-E that he and others used at a party. Police report 10 other individuals were hospitalized after using this substance. According to the Drug Enforcement Administration, 2C-E along with its cousins in the 2C family are used for their hallucinogenic qualities. These drugs are marketed as similar to illegal drugs like LSD or Ecstasy and can be used in similar ways. A popular way to pass these drugs off as safe is by labeling them as ''fake,'' but clearly the victims of this drug have suffered very real consequences.

Last month, I, along with Senator FEINSTEIN, introduced legislation to ban the chemicals found in synthetic or ''fake'' marijuana. This legislation came in part from the death of Indianola, IA, resident David Rozga, who committed suicide shortly after smoking a package of K2, a product laced with synthetic marijuana compounds. Since then the Drug Enforcement Administration has identified more substances that are used in a similar way such as 2C-E and others. The Combating Designer Drugs Act of 2011 is part of the ongoing effort to identify drugs that are being marketed as legal, safe alternatives to illegal drugs and places them among their rightful place as dangerous drugs like meth and cocaine. Specifically, this legislation targets drugs found in the 2C family, which were invented for scientific research but never intended to be used for humans and makes them schedule I controlled substances.

Mr. President, the sale and use of synthetic drugs like those in the 2C family represent a new and dangerous trend in drug abuse. We must take strong action to eliminate the ease in which these substances can reach the market before their use gets out of hand. I urge my colleagues to support this legislation to remove these dangerous drugs from our society.

By Mr. UDALL of Colorado (for himself, Ms. STABENOW, and Mr. MERKLEY):

S. 841. A bill to provide cost-sharing assistance to improve access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small- and medium-sized businesses in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. UDALL of Colorado. Mr. President, I rise today to speak about the Renewable Energy Market Access Program Act, or REMAP Act, which I am re-introducing in the 112th Congress with my colleagues, Senators STABENOW and MERKLEY. This bill is designed to help grow American renewable energy and energy efficiency exports abroad by helping small and medium sized renewable energy businesses promote, export and ultimately penetrate foreign markets. In turn this bill will help grow the American economy and create American jobs.

This effort is a smaller piece of what needs to be a comprehensive and cohesive approach to reduce our trade deficit in clean energy goods and bolster our economy. Despite efforts to do just that, we still struggle to build a manufacturing base that can provide the goods necessary to meet the global demand for renewable energy products. It is astonishing that increasingly, we import more renewable energy goods than we export. A recent Senate report showed that over a 5 year period from 2004–2008, our trade deficit in renewable energy goods increased 350 percent, which is attributed to increased U.S. demand that is met largely by imports from Asia and Europe. Not only are we failing to meet our own domestic demand, but we are slow to take advantage of market opportunities abroad. It is estimated that 90 percent of worldwide investments in renewable energy goods occur in G–20 countries, and the developing world is projected to comprise 80 percent of the world's future energy demand, yet the United States is not well positioned to capture these growing and burgeoning markets for renewable energy goods. If we are truly dedicated to strengthening our capability to grow renewable energy manufacturing and to becoming energy independent, we need to do more. We need to invest strategically at home, and we must also look beyond our shores to build markets for domestic manufacturers markets that can translate into sustainable, well-paying jobs here at home.

My legislation would create the Renewable Energy Market Access Program to focus on equipping small and medium sized enterprises with the tools they need to access foreign markets, thereby strengthening our domestic economy and creating jobs. Through REMAP, trade associations and state-regional trade groups would apply to the U.S. Department of Commerce to enter into cooperative agreements to provide marketing and trade assistance to small- and medium-sized companies in the renewable energy and energy efficiency sectors. The assistance would help facilitate the export of their goods to existing and new foreign markets. The agreements would also offer eligible participants an opportunity to share the costs related to innovative marketing and promotion activities. The public funding for any one application would never exceed 50 percent of the total cost of the proposal, ensuring buy-in from the applicant and an ongoing working relationship with the Department of Commerce. In sum, this bill will help streamline access to the global marketplace for small businesses and help promote American renewable energy and energy efficiency products overseas.

I believe that this legislation takes an important step in the right direction to support the growing renewable energy industry. I have been encouraged by the efforts of my colleagues here in the U.S. Congress and in the Administration to place a strong emphasis on supporting and growing all of America's exports but our future will be in solving our shared energy challenges.

While we look at ways to enhance market access to foreign markets, Congress must also develop sensible policy mechanisms to address unfair trade barriers and other anti-competitive tactics that are used to keep our goods from markets in countries with which we have stable relations. Such tactics should be addressed, but should not keep us from pursuing other opportunities to build foreign markets for American businesses. This is why I urge my colleagues to join me in supporting this legislation to support our small business community in growing our nation's economy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 841

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Renewable Energy Market Access Program Act''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ENERGY EFFICIENCY PRODUCT.—The term ''energy efficiency product'' means any product, technology, or component of a product that—

(A) as compared with products, technologies, or components of products being deployed at the time for widespread commercial use in the country in which the product, technology, or component will be used—

(i) substantially increases the energy efficiency of buildings, industrial or agricultural processes, or electricity transmission, distribution, or end-use consumption; or

(ii) substantially increases the energy efficiency of the transportation system; and

(B) results in no significant incremental adverse effects on public health or the environment.

(2) RENEWABLE ENERGY.—The term ''renewable energy'' means energy generated by a renewable energy resource.

(3) RENEWABLE ENERGY PRODUCT.—The term ''renewable energy product'' means any product, technology, or component of a product used in the development or production of renewable energy.

(4) RENEWABLE ENERGY RESOURCE.—The term ''renewable energy resource'' means solar, wind, ocean, tidal, or geothermal energy, biofuel, biomass, hydropower, or hydrokinetic energy.

(5) SMALL- AND MEDIUM-SIZED BUSINESSES.—The term ''small- and medium-sized businesses'' means—

(A) small business concerns (as that term used in section 3 of the Small Business Act (15 U.S.C. 632)); and

(B) businesses the Secretary of Commerce determines to be small- or medium-sized, based on factors that include the structure of the industry, the amount of competition in the industry, the average size of businesses in the industry, and costs and barriers associated with entering the industry.

**SEC. 3. COST-SHARING ASSISTANCE WITH RESPECT TO THE EXPORTATION OF ENERGY EFFICIENCY PRODUCTS AND RENEWABLE ENERGY PRODUCTS.**

(a) IN GENERAL.—The Under Secretary for International Trade of the Department of Commerce (in this section referred to as the ''Under Secretary'') shall establish and carry out a program to provide cost-sharing assistance to eligible organizations—

(1) to improve access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small- and medium-sized businesses in the United States; and

(2) to assist small- and medium-sized businesses in the United States in obtaining services and other assistance with respect to exporting energy efficiency products and renewable energy products, including services and assistance available from the Department of Commerce and other Federal agencies.

(b) ELIGIBLE ORGANIZATIONS.—An eligible organization is a nonprofit trade association in the United States or a State or regional organization that promotes the exportation and sale of energy efficiency products or renewable energy products.

(c) APPLICATION PROCESS.—An eligible organization shall submit an application for cost-sharing assistance under subsection (a)—

(1) at such time and in such manner as the Under Secretary may require; and

(2) that contains a plan that describes the activities the organization plans to carry out using the cost-sharing assistance provided under subsection (a).

(d) AWARDING COST-SHARING ASSISTANCE.—

(1) IN GENERAL.—The Under Secretary shall establish a process for granting applications for cost-sharing assistance under subsection (a) that includes a competitive review process.

(2) PRIORITY FOR INNOVATIVE IDEAS.—In awarding cost-sharing assistance under subsection (a), the Under Secretary shall give priority to an eligible organization that includes in the plan of the organization submitted under subsection (c)(2) innovative ideas for improving access to the markets of foreign countries for energy efficiency products and renewable energy products exported by small- and medium-sized businesses in the United States.

(e) LEVEL OF COST-SHARING ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), the Under Secretary shall determine an appropriate percentage of the cost of carrying out a plan submitted by an eligible organization under subsection (c)(2) to be provided in the form of assistance under this section.

(2) LIMITATION.—Assistance provided under this section may not exceed 50 percent of the cost of carrying out the plan of an eligible organization.

**SEC. 4. REPORT.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Energy, shall submit to Congress a report on the export promotion needs of businesses in the United States that export energy efficiency products or renewable energy products.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary of Commerce to carry out this Act—

(1) $15,000,000 for fiscal year 2012;
(2) $16,000,000 for fiscal year 2013;
(3) $17,000,000 for fiscal year 2014;
(4) $18,000,000 for fiscal year 2015; and
(5) $19,000,000 for fiscal year 2016.

---

By Mr. BEGICH:

S. 843. A bill to establish outer Continental Shelf lease and permit processing coordination offices, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BEGICH. Mr. President—I wish to speak about legislation I am introducing today aimed at streamlining a cumbersome development process for offshore oil and gas development adjacent to Alaska.

About a month ago, President Obama proposed essentially that when he called for increased domestic oil and gas development and cutting foreign oil imports by a third by 2025. The President even said his administration is ''looking at potential new development in Alaska, both onshore and offshore.''

We Alaskans were glad to hear the President use the ''A'' word—Alaska. As America's energy storehouse for better than a quarter century, we are anxious to continue supplying our nation a stable source of energy just as we have been doing since oil starting flowing through the trans-Alaska pipeline in 1977.

Simply put, Alaska has enormous untapped oil and gas reserves—an estimated 40 to 60 billion barrels of oil on State and Federal lands and waters. That is approaching a decade's worth of U.S. consumption.

We also hold the Nation's largest conventional natural gas reserves—more than 100 trillion cubic feet of this clean-burning fuel.

As is always the case, it is the details that matter. While we welcome the President's interest in increased energy development in our state, his administration—and those which preceded him—have enacted roadblocks to this laudable goal.

In the National Petroleum Reserve-Alaska, ConocoPhillips has been working for years to secure a permit to build a bridge into a petroleum reserve to development oil—only to be stalled by the Army Corps of Engineers and EPA.

Moving to the offshore, Shell has been working for 5 years and invested more than $3 billion for the opportunity to drill exploratory wells in Alaska's Beaufort and Chukchi Seas. They got very close last year but just when it appeared the development had the green light a few weeks ago, an internal EPA Environmental Appeals Board sent the air quality permit back to the drawing board.

Business as usual simply isn't working when it comes to increased oil and gas development in my State.

Accordingly, today I am introducing legislation that would create an office of Federal coordination for the Arctic OCS, modeled after legislation the late Senator Ted Stevens passed establishing a Federal gas pipeline coordinator. This office would have authority to work across the agencies causing Alaska so much heartburn today—the EPA, Army Corps of Engineers and Interior Department.

The Federal OCS coordinator would work with the State of Alaska and affected local governments to streamline development in the Chukchi and Beaufort seas, which hold such promise for future oil and gas development.

Additionally, it would expedite judicial review of claims related to Environmental Protection Agency and Department of Interior permits for development in this area. Let me be clear, this legislation does not prevent citizens from solving disputes in the court system. However, it does recognize that America needs this energy and issues surrounding it should be solved quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 843

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Outer Continental Shelf Permit Processing Coordination Act''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) COORDINATION OFFICE.—The term ''coordination office'' means a regional joint outer Continental Shelf lease and permit processing coordination office established under section 3(a).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

**SEC. 3. OUTER CONTINENTAL SHELF PERMIT PROCESSING COORDINATION OFFICES.**

(a) ESTABLISHMENT.—The Secretary shall establish—

(1) a regional joint outer Continental Shelf lease and permit processing coordination office for the Alaska region of the outer Continental Shelf; and

(2) subject to subsection (c)—

(A) a regional joint outer Continental Shelf lease and permit processing coordination office for the Atlantic region of the outer Continental Shelf; and

(B) a regional joint outer Continental Shelf lease and permit processing coordination office for the Pacific region of the outer Continental Shelf.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall enter into a memorandum of understanding for the purposes of carrying out this section with—

(A) the Secretary of Commerce;

(B) the Chief of Engineers;

(C) the Administrator of the Environmental Protection Agency;

(D) the head of any other Federal agency that may have a role in permitting activities; and

(E) in the case of the coordination office described in subsection (a)(1), the head of each borough government that is located adjacent to any active lease area.

(2) STATE PARTICIPATION.—The Secretary shall request that the Governor of a State adjacent to the applicable outer Continental Shelf region be a signatory to the memorandum of understanding.

(c) DATE OF ESTABLISHMENT.—A coordination office described in subparagraph (A) or (B) of subsection (a)(2) shall not be established until the date on which a proposed lease sale is conducted for the Atlantic or Pacific region of the outer Continental Shelf, as applicable.

(d) DESIGNATION OF QUALIFIED STAFF.—

(1) IN GENERAL.—Each Federal signatory party shall, if appropriate, assign to each of the coordination offices an employee who has expertise in the regulatory issues administered by the office in which the employee is employed relating to leasing and the permitting of oil and gas activities on the outer Continental Shelf by the date that is—

(A) in the case of the coordination office described in subsection (a)(1), not later than 30 days after the date of the signing of the memorandum of understanding relating to the applicable coordination office under subsection (b); or

(B) in the case of a coordination office established under subsection (a)(2), not later than 30 days after the date of establishment of the applicable coordination office under subsection (c).

(2) DUTIES.—An employee assigned under paragraph (1) shall—

(A) not later than 90 days after the date of assignment, report to the applicable coordination office;

(B) be responsible for all issues relating to the jurisdiction of the home office or agency of the employee; and

(C) participate as part of the applicable team of personnel working on proposed oil and gas leasing and permitting, including planning and environmental analyses.

(e) TRANSFER OF FUNDS.—For the purposes of coordination and processing of oil and gas use authorizations for the applicable outer Continental Shelf region, the Secretary may authorize the expenditure or transfer of such funds as are necessary to—

(1) the Secretary of Commerce;

(2) the Chief of Engineers;

(3) the Administrator of the Environmental Protection Agency;

(4) the head of any other Federal agency having a role in permitting activities;

(5) any State adjacent to the applicable outer Continental Shelf region; and

(6) in the case of the coordination office described in subsection (a)(1), the head of each borough government that is located adjacent to any active lease area.

(f) EFFECT.—Nothing in this section—

(1) authorizes the establishment of a regional joint outer Continental Shelf lease and permit processing coordination office for the Gulf of Mexico region of the outer Continental Shelf;

(2) affects the operation of any Federal or State law; or

(3) affects any delegation of authority made by the head of a Federal agency for

employees that are assigned to a coordination office.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated $2,000,000 for the coordination office described in subsection (a)(1) for each of fiscal years 2011 through 2021, to remain available until expended.

(2) OTHER COORDINATION OFFICES.—Notwithstanding any other provision of law—

(A) of the amounts received by the Secretary from the sale of bonus bids in the Atlantic region of the outer Continental Shelf Continental Shelf region, $2,000,000 shall be made available for the applicable coordination office described in subsection (A)(2)(A) for the fiscal year; and

(B) of the amounts received by the Secretary from the sale of bonus bids in the Pacific region of the outer Continental Shelf Continental Shelf region, $2,000,000 shall be made available for the applicable coordination office described in subsection (A)(2)(B) for the fiscal year.

**SEC. 4. JUDICIAL REVIEW.**

(a) EXCLUSIVE JURISDICTION.—Except for review by the Supreme Court on writ of certiorari, the United States Court of Appeals for the District of Columbia Circuit shall have original and exclusive jurisdiction to review any claim relating to an action by the Administrator of the Environmental Protection Agency or the Secretary of the Interior with respect to the review, approval, denial, or issuance of an oil or natural gas lease or permit in the area of the outer Continental Shelf described in section 3(a)(1).

(b) DEADLINE FOR FILING CLAIM.—A claim described in subsection (a) may be brought not later than 60 days after the date of the action giving rise to the claim.

(c) EXPEDITED CONSIDERATION.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) for expedited consideration, taking into account the national interest of enhancing national energy security by providing access to the significant oil and natural gas resources in the area of the outer Continental Shelf described in section 3(a)(1) that are needed to meet the anticipated demand for oil and natural gas.

---

By Mr. LIEBERMAN (for himself and Mr. BENNET):

S. 844. A bill to provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today with my colleague Senator BENNET, to introduce the Race to the Top Act of 2011. The Race to the Top Act will authorize the continuation of the highly successful Race to the Top program that was established by the American Recovery and Reinvestment Act. The bill also expands this successful program to school districts and authorizes the program for 2012 and the succeeding 5 years. Race to the Top calls for competitive grants for States and school districts that invest in bold educational reforms designed to bring about significant improvement in academic outcomes for all students and significant reductions in achievement gaps.

When No Child Left Behind was signed into law nine years ago, we made a national commitment to fix our educational system—a system in which low-income minority students were performing significantly below their higher-income peers. We made a commitment to bring an end to unacceptable achievement gaps and to ensure that each and every child—regardless of race, nationality or family income—could succeed in our public schools and graduate with the skills necessary for success in college or the workforce. Despite the commitments we made, unacceptable achievement gaps persist. Still today our public schools are not preparing our students to succeed in college and the workforce. Each year, 30 percent of American students fail to receive their high school diploma on time and graduation rates are consistently lower for minority students. One-third of our students who do graduate from high school are not ready for college. In international standardized tests involving students from 65 nations, fifteen year olds in the United States rank 31st in mathematics, 23rd in science, and 15th in reading. Improving public education and closing student achievement gaps remains one of the most important issues of our time.

We have made some progress, but until we have equal and excellent educational opportunities for all of our children, regardless of ethnicity or income, we have not done our job. While, in many ways, No Child Left Behind moved us in the right direction, it needs to be updated, and the Elementary and Secondary Education Act must be reauthorized. The continuation of the Race to the Top program should be part of that update.

The positive impact of Race to the Top has been impressive. The competition for Race to the Top money has incentivized States to implement high, internationally benchmarked, core standards and to create a positive climate for public charter schools. Race to the Top recognizes the essential role teachers play in education and has prompted States to get serious about teacher effectiveness, distribution, evaluation, and accountability. And Race to the Top has prompted states to improve policies aimed at turning around America's lowest performing schools.

Under Race to the Top 46 States and the District of Columbia have developed statewide reform plans; States changed laws to increase their ability to intervene in their lowest performing schools; 22 States enacted laws to improve teacher quality, including alternative certification, effectiveness and evaluation systems; 42 States and the District of Columbia have moved forward to adopt high college- and career-ready standards; 16 States have altered laws or policies to create or expand the number of charter schools.

Race to the Top is working. We know it is benefiting States that were successful in receiving funds but it is also working for States that did not receive funds, simply because those States have already enacted changes that will improve education. Many States remain committed to their new educational reforms regardless of their success in securing Race to the Top funding.

Race to the Top can also play a unique role in local reforms. As I indicated earlier, this new bill would support districts that are committed to leading the way with bold comprehensive reform. I know some officials in my home State, Connecticut, were disappointed about not being selected as a Race to the Top winner. But I do believe the children in Connecticut were winners because we have strengthened our State laws, policies, and curriculum to lift our charter school caps, improve Science, Technology, Education, and Mathematics education, and strengthen our teacher evaluation process. I commend our State and local leaders that collaborated in making all of that possible. If we continue the Race to the Top program, as our bill would do, more States, and now districts, will be winners and we can continue this movement towards important educational reform.

Race to the Top has been an effective catalyst for educational reform and has encouraged all stakeholders to come together and work together to improve state agendas. It is essential that we keep the momentum of the first two waves of Race to the Top moving forward. Other States and now districts deserve the opportunity to engage in comprehensive educational reform. Since our goal is to make all schools high quality schools, the real winner in the Race to the Top competition will be students across America.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 844

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Race to the Top Act of 2011''.

**SEC. 2. RACE TO THE TOP.**

(a) IN GENERAL.—Title VI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7301 et seq.) is amended—

(1) by redesignating part C as part D;

(2) by redesignating sections 6301 and 6302 as sections 6401 and 6402, respectively; and

(3) by inserting after part B the following:

**''PART C—RACE TO THE TOP**

**''SEC. 6301. PURPOSES.**

''The purposes of this part are to—

''(1) provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to—

''(A) significant improvements in outcomes for all students, including improvements in student achievement, secondary school graduation rates, postsecondary education enrollment rates. and rates of postsecondary education persistence; and

''(B) significant reductions in achievement gaps among subgroups of students; and

''(2) encourage the broad identification, adoption, use, dissemination, replication, and expansion of effective State and local policies and practices that lead to significant improvement in outcomes for all students, and the elimination of those policies and practices that are not effective in improving student outcomes.

**''SEC. 6302. RESERVATION OF FUNDS.**

''(a) RESERVATION.—From the amount made available to carry out this part for a fiscal year, the Secretary may reserve not more than 10 percent of such amount to carry out activities related to—

''(1) technical assistance;

''(2) outreach and dissemination; and

''(3) prize awards made in accordance with section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719).

''(b) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, funds for prize awards under subsection (a)(3) shall remain available until expended.

**''SEC. 6303. PROGRAM AUTHORIZED.**

''(a) IN GENERAL.—From the amounts made available under section 6308 for a fiscal year and not reserved under section 6302, the Secretary shall award grants, on a competitive basis, to States or local educational agencies, or both, in accordance with section 6304(b), to enable the States or local educational agencies to carry out the purposes of this part.

''(b) GRANT AND SUBGRANT ELIGIBILITY LIMITATIONS.—

''(1) ARRA STATE INCENTIVE GRANTS.—A State that has received a grant under section 14006 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 283) may not receive a grant under this part during the period of its grant under such section.

''(2) NUMBER OF GRANTS.—A State or local educational agency may not receive more than 1 grant under this part per grant period.

''(3) NUMBER OF SUBGRANTS.—A local educational agency may receive 1 grant and 1 subgrant under this part for the same fiscal year.

''(c) DURATION OF GRANTS.—

''(1) IN GENERAL.—A grant under this part shall be awarded for a period of not more than 4 years.

''(2) CONTINUATION OF GRANTS.—A State or local educational agency that is awarded a grant under this part shall not receive grant funds under this part for the second or any subsequent year of the grant unless the State or local educational agency demonstrates to the Secretary, at such time and in such manner as determined by the Secretary, that the State or local educational agency, respectively, is—

''(A) making progress in implementing the plan under section 6304(a)(3) at a rate that the Secretary determines will result in the State or agency fully implementing such plan during the remainder of the grant period; or

''(B) making progress against the performance measures set forth in section 6305 at a rate that the Secretary determines will result in the State or agency reaching its targets and achieving the objectives of the grant during the remainder of the grant period.

**''SEC. 6304. APPLICATIONS.**

''(a) APPLICATIONS.—Each State or local educational agency that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each such application shall include—

''(1) documentation of the applicant's record, as applicable—

''(A) in increasing student achievement, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

''(B) in decreasing achievement gaps, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

''(C) in increasing secondary school graduation rates, including for all subgroups described in section 1111(b)(2)(C)(v)(II);

''(D) in increasing postsecondary education enrollment and persistence rates, including for all subgroups described in section 1111(b)(2)(C)(v)(II); and

''(E) with respect to any other performance measure described in section 6305 that is not included in subparagraphs (A) through (D);

''(2) evidence of conditions of innovation and reform that the applicant has established and the applicant's proposed plan for implementing additional conditions for innovation and reform, including—

''(A) a description of how the applicant has identified and eliminated ineffective practices in the past and the applicant's plan for doing so in the future;

''(B) a description of how the applicant has identified and promoted effective practices in the past and the applicant's plan for doing so in the future; and

''(C) steps the applicant has taken and will take to eliminate statutory, regulatory, procedural, or other barriers and to facilitate the full implementation of the proposed plan under this paragraph;

''(3) a comprehensive and coherent plan for using funds under this part, and other Federal, State, and local funds, to improve the applicant's performance on the measures described in section 6305, consistent with criteria set forth by the Secretary, including how the applicant will, if applicable—

''(A) improve the effectiveness of teachers and school leaders, and promote equity in the distribution of effective teachers and school leaders, in order to ensure that low-income and minority children are not taught by ineffective teachers, and are not in schools led by ineffective leaders, at higher rates than other children;

''(B) strengthen the use of high-quality and timely data to improve instructional practices, policies, and student outcomes, including teacher evaluations;

''(C) implement internationally benchmarked, college- and career-ready elementary and secondary academic standards, including in the areas of assessment, instructional materials, professional development, and strategies that translate the standards into classroom practice;

''(D) turn around the persistently lowest-achieving elementary schools and secondary schools served by the applicant;

''(E) support or coordinate with early learning programs for high-need children from birth through grade 3 to improve school readiness and ensure that students complete grade 3 on track for school success; and

''(F) create or maintain successful conditions for high-performing charter schools and other innovative, autonomous public schools;

''(4)(A) in the case of an applicant that is a State—

''(i) evidence of collaboration between the State, its local educational agencies, schools (as appropriate), parents, teachers, and other stakeholders, in developing the plan described in paragraph (3), including evidence of the commitment and capacity to implement the plan; and

''(ii)(I) the names of the local educational agencies the State has selected to participate in carrying out the plan; or

''(II) a description of how the State will select local educational agencies to participate in carrying out the plan; or

''(B) in the case of an applicant that is a local educational agency, evidence of collaboration between the local educational agency, schools, parents, teachers, and other stakeholders, in developing the plan described in paragraph (3), including evidence of the commitment and capacity to implement the plan;

''(5) the applicant's annual performance measures and targets, consistent with the requirements of section 6305; and

''(6) a description of the applicant's plan to conduct a rigorous evaluation of the effectiveness of activities carried out with funds under this part.

''(b) CRITERIA FOR EVALUATING APPLICATIONS.—

''(1) AWARD BASIS.—The Secretary shall award grants under this part on a competitive basis, based on the quality of the applications submitted under subsection (a), including—

''(A) each applicant's record in the areas described in subsection (a)(1);

''(B) each applicant's record of, and commitment to, establishing conditions for innovation and reform, as described in subsection (a)(2);

''(C) the quality and likelihood of success of each applicant's plan described in subsection (a)(3) in showing improvement in the areas described in subsection (a)(1), including each applicant's capacity to implement the plan and evidence of collaboration as described in subsection (a)(4); and

''(D) each applicant's evaluation plan as described in subsection (a)(6).

''(2) EXPLANATION.—The Secretary shall publish an explanation of how the application review process under this section will ensure an equitable and objective evaluation based on the criteria described in paragraph (1).

''(c) PRIORITY.—In awarding grants to local educational agencies under this part, the Secretary shall give priority to—

''(1) local educational agencies with the highest numbers or percentages of children from families with incomes below the poverty line; and

''(2) local educational agencies that serve schools designated with a school locale code of 41, 42, or 43.

**''SEC. 6305. PERFORMANCE MEASURES.**

''Each State and each local educational agency receiving a grant under this part shall establish performance measures and targets, approved by the Secretary, for the programs and activities carried out under this part. These measures shall, at a minimum, track the State's or local educational agency's progress in—

''(1) implementing its plan described in section 6304(a)(3); and

''(2) improving outcomes for all subgroups described in section 1111(b)(2)(C)(v)(II) including, as applicable, by—

''(A) increasing student achievement;

''(B) decreasing achievement gaps;

''(C) increasing secondary school graduation rates;

''(D) increasing postsecondary education enrollment and persistence rates;

''(E)(i) improving the effectiveness of teachers and school leaders and increasing the retention of effective teachers and school leaders; and

''(ii) promoting equity in the distribution of effective teachers and school leaders in order to ensure that low-income and minority children are not taught by ineffective teachers, and are not in schools led by ineffective leaders, at higher rates than other children; and

''(F) making progress on any other measures identified by the Secretary.

**''SEC. 6306. USES OF FUNDS.**

''(a) GRANTS TO STATES.—Each State that receives a grant under this part shall use—

''(1) not less than 50 percent of the grant funds to make subgrants to the local educational agencies in the State that participate in the State's plan under section 6304(a)(3), based on such local educational agencies' relative shares of funds under part A of title I for the most recent year for which those data are available; and

''(2) not more than 50 percent of the grant funds for any purpose included in the State's plan under section 6304(a)(3).

''(b) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives a grant under this part shall use the grant funds for any purpose included in the local educational agency's plan under section 6304(a)(3).

''(c) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—Each local educational agency that receives a subgrant under this part from a State shall use the subgrant funds for any purpose included in the State's plan under section 6304(a)(3).

**''SEC. 6307. REPORTING.**

''(a) ANNUAL REPORTS.—A State or local educational agency that receives a grant under this part shall submit to the Secretary, at such time and in such manner as the Secretary may require, an annual report including—

''(1) data on the State's or local educational agency's progress in achieving the targets for the performance measures established under section 6305;

''(2) a description of the challenges the State or agency has faced in implementing its program and how it has addressed or plans to address those challenges; and

''(3) findings from the evaluation plan as described in section 6304(a)(6).

''(b) LOCAL REPORTS.—Each local educational agency that receives a subgrant from a State under this part shall submit to the State such information as the State may require to complete the annual report required under subsection (a).

**''SEC. 6308. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to carry out this part $1,350,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

(b) CONFORMING AMENDMENTS.—The table of contents for the Elementary and Secondary Education Act of 1965 (20 U.S.C.7301 et seq.) is amended—

(1) by striking the items relating to part C of title VI; and

(2) by inserting after the item relating to section 6234 the following:

''PART C—RACE TO THE TOP

''Sec. 6301. Purposes.
''Sec. 6302. Reservation of funds.
''Sec. 6303. Program authorized.
''Sec. 6304. Applications.
''Sec. 6305. Performance measures.
''Sec. 6306. Uses of funds.
''Sec. 6307. Reporting.
''Sec. 6308. Authorization of appropriations.

''PART D—GENERAL PROVISIONS

''Sec. 6401. Prohibition against Federal mandates, direction, or control.
''Sec. 6402. Rule of construction on equalized spending.''.

---

By Mr. DURBIN (for himself, Mr. CASEY, Mr. MENENDEZ, Mr. LAUTENBERG, and Mrs. GILLIBRAND):

S. 850. A bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, the month of April is set aside as Autism Awareness Month. This is a time when people and families affected by autism raise awareness about the challenges people with autism face. I am proud today to introduce with my colleagues Senators CASEY, MENENDEZ, LAUTENBERG, and GILLIBRAND the Autism Services and Workforce Acceleration Act of 2011, which authorizes federal funding for services, treatment, support, and research on autism spectrum disorders.

Everywhere I go in Illinois, I meet people whose lives have been affected by autism. My office receives hundreds of letters and phone calls each year from Illinoisans asking Congress to do something to help with the burden that autism brings, and we are hearing from more and more families every year.

Nationally, 1 out of every 110 children has autism. Autism affects children and families physically, psychologically, socially, and financially. It is often a major factor contributing to severe family financial difficulties, marital and family disruption, parental overburden that may lead to neglect and other developmental delays in siblings, as well as educational and employment challenges throughout the autistic person's life cycle.

Unfortunately, parents are not only worried about getting the services they need for their autistic children when they are young. Parents must worry about how to care for their children as they mature into adults. I met two concerned parents from Illinois whose 20-year-old son is profoundly affected by autism and has struggled with major behavioral problems. He was in a special education program at school, but his teachers didn't know how to deal with his behavioral problems and he was suspended on numerous occasions. Eventually, his parents found a school that was a better fit and his behavior improved. He is doing well now, but when he turns 22 he will no longer be eligible for services through the public school system. They are trying to find a place for him in a day program for adults with autism, but there are not enough of these programs, and the waitlists are long. These parents love their son, but worry every day about what will happen to him when they are too old to care for him.

Across the country people with autism confront a precipitous drop in services after early adulthood. We need to help people with autism achieve their full potential by ensuring they can access to vital services that enhance their quality of life. This bill includes a provision that helps youth and adults with autism access essential post-secondary education, vocational training, employment, housing, transportation, and health services.

During the 109th Congress, I cosponsored the Combating Autism Act, which was signed into law in December 2006. That bill called on the Federal Government to increase research into the causes and treatment of autism and to improve training and support for individuals with autism and their caretakers.

The legislature in my home State of Illinois has also listened to the voices of the 26,000 families in the state living with autism. In response to the overwhelming cost of autism-related services, the State passed legislation signed into law in December 2008, requiring health plans to provide coverage for the diagnosis and treatment of autism.

It is time now for the Federal Government to renew and build upon the commitments it has already made to help the millions of families across the nation struggling with autism.

My legislation would support these individuals and families in several ways.

First, the legislation creates a demonstration project to develop Autism Care Programs. These programs are designed to increase access to quality health care services and promote communication among health care providers, educators, and other service providers. Families who choose to access services through these programs would be able to designate a personal care coordinator as a source of contact for their family. This personal care coordinator would help to refer and coordinate a full array of medical, behavioral, mental health, educational and family care services to individuals and families in a single location.

Next, the bill authorizes a grant program to provide services to youth and adults with autism. These services include post-secondary education, vocational and self advocacy skills, employment, residential services, health and wellness, recreational and social activities, transportation, and personal safety. These services will help youth and adults with autism live as independently as possible and improve their quality of life. With the increasing number of children diagnosed with autism, these services will only become more important over time.

The bill authorizes grants to develop a national multimedia campaign to increase public education and awareness about healthy developmental milestones and autism throughout the lifespan. These campaigns will be targeted to general public audience and professional groups such as medical, criminal justice, or emergency professions.

Finally, it creates a national training initiative on autism and a technical assistance center to develop and expand interdisciplinary training and continuing education on autism spectrum disorders.

Taken together, these initiatives would go an enormous way in supporting and improving the lives of individuals with autism and their families.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 850

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

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

(a) SHORT TITLE.—This Act may be cited as the ''Autism Services and Workforce Acceleration Act of 2011''.

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



**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Autism (sometimes called ''classical autism'') is the most common condition in a group of developmental disorders known as autism spectrum disorders.

(2) Autism spectrum disorders include autism as well as Asperger syndrome, Retts syndrome, childhood disintegrative disorder, and pervasive developmental disorder not otherwise specified (usually referred to as PDD–NOS), as well as other related developmental disorders.

(3) Individuals with autism spectrum disorders have the same rights as other individuals to exert control and choice over their own lives, to live independently, and to participate fully in, and contribute to, their communities and society through full integration and inclusion in the economic, political, social, cultural, and educational mainstream of society. Individuals with autism spectrum disorders have the right to a life with dignity and purpose.

(4) While there is no uniform prevalence or severity of symptoms associated with autism spectrum disorders, the National Institutes of Health has determined that autism spectrum disorders are characterized by 3 distinctive behaviors: impaired social interaction, problems with verbal and nonverbal communication, and unusual, repetitive, or severely limited activities and interests.

(5) Both children and adults with autism spectrum disorders can show difficulties in verbal and nonverbal communication, social interactions, and sensory processing. Individuals with autism spectrum disorders exhibit different symptoms or behaviors, which may range from mild to significant, and require varying degrees of support from friends, families, service providers, and communities.

(6) Individuals with autism spectrum disorders often need assistance in the areas of comprehensive early intervention, health, recreation, job training, employment, housing, transportation, and early, primary, and secondary education. Greater coordination and streamlining within the service delivery system will enable individuals with autism spectrum disorders and their families to access assistance from all sectors throughout an individual's lifespan.

(7) A 2009 report from the Centers for Disease Control and Prevention found that the prevalence of autism spectrum disorders is estimated to be 1 in 110 people in the United States.

(8) The Harvard School of Public Health reported that the cost of caring for and treating individuals with autism spectrum disorders in the United States is more than $35,000,000,000 annually (an estimated $3,200,000 over an individual's lifetime).

(9) Although the overall incidence of autism is consistent around the globe, researchers with the Journal of Paediatrics and Child Health have found that males are 4 times more likely to develop an autism spectrum disorder than females. Autism spectrum disorders know no racial, ethnic, or social boundaries, nor differences in family income, lifestyle, or educational levels, and can affect any child.

(10) Individuals with autism spectrum disorders from low-income, rural, and minority communities often face significant obstacles to accurate diagnosis and necessary specialized services, supports, and education.

(11) There is strong consensus within the research community that intensive treatment as soon as possible following diagnosis not only can reduce the cost of lifelong care by two-thirds, but also yields the most positive life outcomes for children with autism spectrum disorders.

(12) Individuals with autism spectrum disorders and their families experience a wide range of medical issues. Few common standards exist for the diagnosis and management of many aspects of clinical care. Behavioral difficulties may be attributed to the overarching disorder rather than to the pain and discomfort of a medical condition, which may go undetected and untreated. The health care and other treatments available in different communities can vary widely. Many families, lacking access to comprehensive and coordinated health care, must fend for themselves to find the best health care, treatments, and services in a complex clinical world.

(13) Effective health care, treatment, and services for individuals with autism spectrum disorders depends upon a continuous exchange among researchers and caregivers. Evidence-based and promising autism practices should move quickly into communities, allowing individuals with autism spectrum disorders and their families to benefit from the newest research and enabling researchers to learn from the life experiences of the people whom their work most directly affects.

(14) There is a critical shortage of appropriately trained personnel across numerous important disciplines who can assess, diagnose, treat, and support children and adults with autism spectrum disorders and their families. Practicing professionals, as well as those in training to become professionals, need the most up-to-date practices informed by the most current research findings.

(15) The appropriate goals of the Nation regarding individuals with autism spectrum disorder are the same as the appropriate goals of the Nation regarding individuals with disabilities in general, as established in the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.): to assure equality of opportunity, full participation, independent living, and economic self-sufficiency for such individuals.

(16) Finally, individuals with autism spectrum disorders are often denied health care benefits solely because of their diagnosis, even though proven, effective treatments for autism spectrum disorders do exist.

**SEC. 3. PARENTAL RIGHTS RULE OF CONSTRUCTION.**

Nothing in this Act shall be construed to modify the legal rights of parents or legal guardians under Federal, State, or local law regarding the care of their children.

**SEC. 4. DEFINITIONS; TECHNICAL AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.**

Part R of title III of the Public Health Service Act (42 U.S.C. 280i et seq.) is amended—

(1) by inserting after the header for part R the following:

**''Subpart 1—Surveillance and Research Program; Education, Early Detection, and Intervention; and Reporting'';**

(2) in section 399AA(d), by striking ''part'' and inserting ''subpart''; and

(3) by adding at the end the following:

**''Subpart 2—Care for People With Autism Spectrum Disorders; Public Education**

**''SEC. 399GG. DEFINITIONS.**

''Except as otherwise provided, in this subpart:

''(1) ADULT WITH AUTISM SPECTRUM DISORDER.—The term 'adult with autism spectrum disorder' means an individual with an autism spectrum disorder who has attained 22 years of age.

''(2) AFFECTED INDIVIDUAL.—The term 'affected individual' means an individual with an autism spectrum disorder.

''(3) AUTISM.—The term 'autism' means an autism spectrum disorder or a related developmental disability.

''(4) AUTISM CARE PROGRAM.—In this subpart, the term 'autism care program' means a program that is directed by a care coordinator who is an expert in autism spectrum disorder treatment and practice and provides an array of medical, psychological, behavioral, educational, and family services to individuals with autism and their families. Such a program shall—

''(A) incorporate the attributes of the care management model;

''(B) offer, through an array of services or through detailed referral and coordinated care arrangements, an autism management team of appropriate providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, and other appropriate personnel; and

''(C) have the capability to achieve improvements in the management and coordination of care for targeted beneficiaries.

''(5) AUTISM MANAGEMENT TEAM.—The term 'autism management team' means a group of autism care providers, including behavioral specialists, physicians, psychologists, social workers, family therapists, nurse practitioners, nurses, educators, other appropriate personnel, and family members who work in a coordinated manner to treat individuals with autism spectrum disorders and their families. Such team shall determine the specific structure and operational model of its specific autism care program, taking into consideration cultural, regional, and geographical factors.

''(6) AUTISM SPECTRUM DISORDER.—The term 'autism spectrum disorder' means a developmental disability that causes substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and which may be characterized by the presence of unusual behaviors and interests. Such term includes autistic disorder, pervasive developmental disorder (not otherwise specified), Asperger syndrome, Retts disorder, childhood disintegrative disorder, and other related developmental disorders.

''(7) CARE MANAGEMENT MODEL.—The term 'care management model' means a model of care that with respect to autism—

''(A) is centered on the relationship between an individual with an autism spectrum disorder and his or her family and their personal autism care coordinator;

''(B) provides services to individuals with autism spectrum disorders to improve the management and coordination of care provided to individuals and their families; and

''(C) has established, where practicable, effective referral relationships between the autism care coordinator and the major medical, educational, and behavioral specialties and ancillary services in the region.

''(8) CHILD WITH AUTISM SPECTRUM DISORDER.—The term 'child with autism spectrum disorder' means an individual with an autism spectrum disorder who has not attained 22 years of age.

''(9) INTERVENTIONS.—The term 'interventions' means the educational methods and positive behavioral support strategies designed to improve or ameliorate symptoms associated with autism spectrum disorders.

''(10) PERSONAL CARE COORDINATOR.—The term 'personal care coordinator' means a physician, nurse, nurse practitioner, psychologist, social worker, family therapist, educator, or other appropriate personnel (as determined by the Secretary) who has extensive expertise in treatment and services for individuals with autism spectrum disorders, who—

''(A) practices in an autism care program; and

''(B) has been trained to coordinate and manage comprehensive autism care for the whole person.

''(11) PROJECT.—The term 'project' means the autism care program demonstration project established under section 399GG–1.

''(12) SERVICES.—The term 'services' means services to assist individuals with autism spectrum disorders to live more independently in their communities and to improve their quality of life.

''(13) TREATMENTS.—The term 'treatments' means the health services, including mental health and behavioral therapy services, designed to improve or ameliorate symptoms associated with autism spectrum disorders.''.

**SEC. 5. AUTISM CARE PROGRAMS DEMONSTRATION PROJECT.**

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 4, is further amended by adding at the end the following:

**''SEC. 399GG–1. AUTISM CARE PROGRAMS DEMONSTRATION PROJECT.**

''(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Autism Services and Workforce Acceleration Act of 2011, the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish a demonstration project for the implementation of an Autism Care Program (referred to in this section as the 'Program') to provide grants and other assistance to improve the effectiveness and efficiency in providing comprehensive care to individuals diagnosed with autism spectrum disorders and their families.

''(b) GOALS.—The Program shall be designed—

''(1) to increase—

''(A) comprehensive autism spectrum disorder care delivery;

''(B) access to appropriate health care services, especially wellness and prevention care, at times convenient for individuals;

''(C) satisfaction of individuals with autism spectrum disorders;

''(D) communication among autism spectrum disorder health care providers, behaviorists, educators, specialists, hospitals, and other autism spectrum disorder care providers;

''(E) academic progress of students with autism spectrum disorders;

''(F) successful transition to postsecondary education, vocational or job training and placement, and comprehensive adult services for individuals with autism spectrum disorders, focusing in particular upon the transitional period for individuals between the ages of 18 and 25;

''(G) the quality of health care services, taking into account nationally developed standards and measures;

''(H) development, review, and promulgation of common clinical standards and guidelines for medical care to individuals with autism spectrum disorders;

''(I) development of clinical research projects to support clinical findings in a search for recommended practices; and

''(J) the quality of life of individuals with autism spectrum disorders, including communication abilities, social skills, community integration, self-determination, and employment and other related services; and

''(2) to decrease—

''(A) inappropriate emergency room utilization;

''(B) avoidable hospitalizations;

''(C) the duplication of health care services;

''(D) the inconvenience of multiple provider locations;

''(E) health disparities and inequalities that individuals with autism spectrum disorders face; and

''(F) preventable and inappropriate involvement with the juvenile and criminal justice systems.

''(c) ELIGIBLE ENTITIES.—To be eligible to receive assistance under the Program, an entity shall—

''(1) be a State or a public or private nonprofit entity;

''(2) coordinate activities with the applicable University Centers for Excellence in Developmental Disabilities, the Council on Developmental Disabilities, and the Protection and Advocacy System;

''(3) demonstrate a capacity to provide services to individuals with developmental disabilities and autism spectrum disorder;

''(4) agree to establish and implement treatments, interventions, and services that—

''(A) enable targeted beneficiaries to designate a personal care coordinator to be their source of first contact and to recommend comprehensive and coordinated care for the whole of the individual;

''(B) provide for the establishment of a coordination of care committee that is composed of clinicians and practitioners trained in and working in autism spectrum disorder intervention;

''(C) establish a network of physicians, psychologists, family therapists, behavioral specialists, social workers, educators, and health centers that have volunteered to participate as consultants to patient-centered autism care programs to provide high-quality care, focusing on autism spectrum disorder care, at the appropriate times and places and in a cost-effective manner;

''(D) work in cooperation with hospitals, local public health departments, and the network of patient-centered autism care programs, to coordinate and provide health care;

''(E) utilize health information technology to facilitate the provision and coordination of health care by network participants; and

''(F) collaborate with other entities to further the goals of the program, particularly by collaborating with entities that provide transitional adult services to individuals between the ages of 18 and 25 with autism spectrum disorder, to ensure successful transition of such individuals to adulthood; and

''(5) submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including—

''(A) a description of the treatments, interventions, or services that the eligible entity proposes to provide under the Program;

''(B) a demonstration of the capacity of the eligible entity to provide or establish such treatments, interventions, and services within such entity;

''(C) a description of the treatments, interventions, or services that are available to individuals with autism in the State;

''(D) a description of the gaps in services that exist in different geographic segments of the State;

''(E) a demonstration of the capacity of the eligible entity to monitor and evaluate the outcomes of the treatments, interventions, and services described in subparagraph (A);

''(F) estimates of the number of individuals and families who will be served by the eligible entity under the Program, including an estimate of the number of such individuals and families in medically underserved areas;

''(G) a description of the ability of the eligible entity to enter into partnerships with community-based or nonprofit providers of treatments, interventions, and services, which may include providers that act as advocates for individuals with autism spectrum disorders and local governments that provide services for individuals with autism spectrum disorders at the community level;

''(H) a description of the ways in which access to such treatments and services may be sustained following the Program period;

''(I) a description of the ways in which the eligible entity plans to collaborate with other entities to develop and sustain an effective protocol for successful transition from children's services to adult services for individuals with autism spectrum disorder, particularly for individuals between the ages of 18 and 25; and

''(J) a description of the compliance of the eligible entity with the integration requirement provided under section 302 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12182).

''(d) GRANTS.—The Secretary shall award 3-year grants to eligible entities whose applications are approved under subsection (c). Such grants shall be used to—

''(1) carry out a program designed to meet the goals described in subsection (b) and the requirements described in subsection (c); and

''(2) facilitate coordination with local communities to be better prepared and positioned to understand and meet the needs of the communities served by autism care programs.

''(e) ADVISORY COUNCILS.—

''(1) IN GENERAL.—Each recipient of a grant under this section shall establish an autism care program advisory council, which shall advise the autism care program regarding policies, priorities, and services.

''(2) MEMBERSHIP.—Each recipient of a grant shall appoint members of the recipient's advisory council, which shall include a variety of autism care program service providers, individuals from the public who are knowledgeable about autism spectrum disorders, individuals receiving services through the Program, and family members of such individuals. At least 60 percent of the membership shall be comprised of individuals who have received, or are receiving, services through the Program or who are family members of such individuals.

''(3) CHAIRPERSON.—The recipient of a grant shall appoint a chairperson to the advisory council of the recipient's autism care program who shall be—

''(A) an individual with autism spectrum disorder who has received, or is receiving, services through the Program; or

''(B) a family member of such an individual.

''(f) EVALUATION.—The Secretary shall enter into a contract with an independent third-party organization with expertise in evaluation activities to conduct an evaluation and, not later than 180 days after the conclusion of the 3-year grant program under this section, submit a report to the Secretary, which may include measures such as whether and to what degree the treatments, interventions, and services provided through the Program have resulted in improved health, educational, employment, and community integration outcomes for individuals with autism spectrum disorders, or other measures, as the Secretary determines appropriate.

''(g) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section, the Secretary shall allocate not more than 7 percent for administrative expenses, including the expenses related to carrying out the evaluation described in subsection (f).

''(h) SUPPLEMENT NOT SUPPLANT.—Amounts provided to an entity under this section shall be used to supplement, not supplant, amounts otherwise expended for existing treatments, interventions, and services for individuals with autism spectrum disorders.''.

**SEC. 6. PLANNING AND DEMONSTRATION GRANTS FOR SERVICES FOR TRANSITIONING YOUTH AND ADULTS.**

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 5, is further amended by adding at the end the following:

**''SEC. 399GG–2. PLANNING AND DEMONSTRATION GRANTS FOR SERVICES FOR TRANSITIONING YOUTH AND ADULTS.**

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The Secretary shall establish the grants described in paragraph (2) in order to enable selected eligible entities to provide appropriate services—

''(A) to youth with autism spectrum disorders who are transitioning from secondary education to careers or postsecondary education (referred to in this section as 'transitioning youth'); and

''(B) to adults with autism spectrum disorders, including individuals who are typically underserved, to enable such individuals to be as independent as possible.

''(2) GRANTS.—The grants described in this paragraph are—

''(A) a one-time, single-year planning grant program for eligible entities; and

''(B) a multiyear service provision demonstration grant program for selected eligible entities.

''(b) PURPOSE OF GRANTS.—Grants shall be awarded to eligible entities to provide all or part of the funding needed to carry out programs that focus on critical aspects of life for transitioning youth and adults with autism spectrum disorders, such as—

''(1) postsecondary education, vocational training, self-advocacy skills, and employment;

''(2) residential services and supports, housing, and transportation;

''(3) nutrition, health and wellness, recreational and social activities; and

''(4) personal safety and the needs of individuals with autism spectrum disorders who become involved with the criminal justice system.

''(c) ELIGIBLE ENTITY.—An eligible entity desiring to receive a grant under this section shall be a State or other public or private nonprofit organization, including an autism care program.

''(d) PLANNING GRANTS.—

''(1) IN GENERAL.—The Secretary shall award one-time grants to eligible entities to support the planning and development of initiatives that will expand and enhance service delivery systems for transitioning youth and adults with autism spectrum disorders.

''(2) APPLICATION.—In order to receive such a grant, an eligible entity shall—

''(A) submit an application at such time and containing such information as the Secretary may require; and

''(B) demonstrate the ability to carry out such planning grant in coordination with the State Developmental Disabilities Council and organizations representing or serving individuals with autism spectrum disorders and their families.

''(e) IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities that have received a planning grant under subsection (d) to enable such entities to provide appropriate services to transitioning youth and adults with autism spectrum disorders.

''(2) APPLICATION.—In order to receive a grant under paragraph (1), the eligible entity shall submit an application at such time and containing such information as the Secretary may require, including—

''(A) the services that the eligible entity proposes to provide and the expected outcomes for individuals with autism spectrum disorders who receive such services;

''(B) the number of individuals and families who will be served by such grant, including an estimate of the individuals and families in underserved areas who will be served by such grant;

''(C) the ways in which services will be coordinated among both public and nonprofit providers of services for transitioning youth and adults with disabilities, including community-based services;

''(D) where applicable, the process through which the eligible entity will distribute funds to a range of community-based or nonprofit providers of services, including local governments, and such entity's capacity to provide such services;

''(E) the process through which the eligible entity will monitor and evaluate the outcome of activities funded through the grant, including the effect of the activities upon adults with autism spectrum disorders who receive such services;

''(F) the plans of the eligible entity to coordinate and streamline transitions from youth to adult services;

''(G) the process by which the eligible entity will ensure compliance with the integration requirement provided under section 302 of the Americans With Disabilities Act of 1990 (42 U.S.C. 12182); and

''(H) a description of how such services may be sustained following the grant period.

''(f) EVALUATION.—The Secretary shall contract with a third-party organization with expertise in evaluation to evaluate such demonstration grant program and, not later than 180 days after the conclusion of the grant program under subsection (e), submit a report to the Secretary. The evaluation and report may include an analysis of whether and to what extent the services provided through the grant program described in this section resulted in improved health, education, employment, and community integration outcomes for adults with autism spectrum disorders, or other measures, as the Secretary determines appropriate.

''(g) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated to carry out this section, the Secretary shall set aside not more than 7 percent for administrative expenses, including the expenses related to carrying out the evaluation described in subsection (f).

''(h) SUPPLEMENT, NOT SUPPLANT.—Demonstration grant funds provided under this section shall supplement, not supplant, existing treatments, interventions, and services for individuals with autism spectrum disorders.''.

**SEC. 7. MULTIMEDIA CAMPAIGN.**

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 6, is further amended by adding at the end the following:

**''SEC. 399GG–3. MULTIMEDIA CAMPAIGN.**

''(a) IN GENERAL.—The Secretary, in order to enhance existing awareness campaigns and provide for the implementation of new campaigns, shall award grants to public and nonprofit private entities for the purpose of carrying out multimedia campaigns to increase public education and awareness and reduce stigma concerning—

''(1) healthy developmental milestones for infants and children that may assist in the early identification of the signs and symptoms of autism spectrum disorders; and

''(2) autism spectrum disorders through the lifespan and the challenges that individuals with autism spectrum disorders face, which may include transitioning into adulthood, securing appropriate job training or postsecondary education, securing and holding jobs, finding suitable housing, interacting with the correctional system, increasing independence, and attaining a good quality of life.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require; and

''(2) provide assurance that the multimedia campaign implemented under such grant will provide information that is tailored to the intended audience, which may be a diverse public audience or a specific audience, such as health professionals, criminal justice professionals, or emergency response professionals.''.

**SEC. 8. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.**

Part R of title III of the Public Health Service Act (42 U.S.C. 280i), as amended by section 7, is further amended by adding at the end the following:

**''SEC. 399GG–4. NATIONAL TRAINING INITIATIVES ON AUTISM SPECTRUM DISORDERS.**

''(a) NATIONAL TRAINING INITIATIVE SUPPLEMENTAL GRANTS.—

''(1) IN GENERAL.—The Secretary shall award multiyear national training initiative supplemental grants to eligible entities so that such entities may provide training and technical assistance and to disseminate information, in order to enable such entities to address the unmet needs of individuals with autism spectrum disorders and their families.

''(2) ELIGIBLE ENTITY.—To be eligible to receive assistance under this section an entity shall—

''(A) be a public or private nonprofit entity, including University Centers for Excellence in Developmental Disabilities and other service, training, and academic entities; and

''(B) submit an application as described in paragraph (3).

''(3) REQUIREMENTS.—An eligible entity that desires to receive a grant under this paragraph shall submit to the Secretary an application containing such agreements and information as the Secretary may require, including agreements that the training program shall—

''(A) provide training and technical assistance in evidence-based practices of effective interventions, services, treatments, and supports to children and adults on the autism spectrum and their families, and evaluate the implementation of such practices;

''(B) provide trainees with an appropriate balance of interdisciplinary academic and community-based experiences;

''(C) have a demonstrated capacity to include individuals with autism spectrum disorders, parents, and family members as part of the training program to ensure that a person and family-centered approach is used;

''(D) provide to the Secretary, in the manner prescribed by the Secretary, data regarding the outcomes of the provision of training and technical assistance;

''(E) demonstrate a capacity to share and disseminate materials and practices that are developed and evaluated to be effective in the provision of training and technical assistance; and

''(F) provide assurances that training, technical assistance, and information dissemination performed under grants made pursuant to this paragraph shall be consistent with the goals established under already existing disability programs authorized under Federal law and conducted in coordination with other relevant State agencies and service providers.

''(4) ACTIVITIES.—An entity that receives a grant under this section shall expand and develop interdisciplinary training and continuing education initiatives for health, allied health, and educational professionals by engaging in the following activities:

''(A) Promoting and engaging in training for health, allied health, and educational professionals to identify, diagnose, and develop interventions for individuals with, or at risk of developing, autism spectrum disorders.

''(B) Expanding the availability of training and dissemination of information regarding effective, lifelong interventions, educational services, and community supports.

''(C) Providing training and technical assistance in collaboration with relevant State, regional, or national agencies, institutions of higher education, and advocacy groups or community-based service providers, including health and allied health professionals, employment providers, direct support professionals, emergency first responder personnel, and law enforcement officials.

''(D) Developing mechanisms to provide training and technical assistance, including for-credit courses, intensive summer institutes, continuing education programs, distance-based programs, and web-based information dissemination strategies.

''(E) Collecting data on the outcomes of training and technical assistance programs to meet statewide needs for the expansion of services to children with autism spectrum disorders and adults with autism spectrum disorders.

''(b) TECHNICAL ASSISTANCE.—The Secretary shall reserve 2 percent of the appropriated funds to make a grant to a national organization with demonstrated capacity for providing training and technical assistance to the entities receiving grants under subsection (a) to enable such entities to—

''(1) assist in national dissemination of specific information, including evidence-based and promising best practices, from interdisciplinary training programs, and when appropriate, other entities whose findings would inform the work performed by entities awarded grants;

''(2) compile and disseminate strategies and materials that prove to be effective in the provision of training and technical assistance so that the entire network can benefit from the models, materials, and practices developed in individual programs;

''(3) assist in the coordination of activities of grantees under this section;

''(4) develop an Internet web portal that will provide linkages to each of the individual training initiatives and provide access to training modules, promising training, and technical assistance practices and other materials developed by grantees;

''(5) convene experts from multiple interdisciplinary training programs and individuals with autism spectrum disorders and their families to discuss and make recommendations with regard to training issues related to the assessment, diagnosis of, treatment, interventions and services for, children and adults with autism spectrum disorders; and

''(6) undertake any other functions that the Secretary determines to be appropriate.

''(c) SUPPLEMENT NOT SUPPLANT.—Amounts provided under this section shall be used to supplement, not supplant, amounts otherwise expended for existing network or organizational structures.''.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for fiscal years 2012 through 2016 such sums as may be necessary to carry out this Act.

---

By Mr. HARKIN (for himself, Mr. BINGAMAN, Mr. BENNET, Mr. FRANKEN, Mr. BROWN of Ohio, and Mrs. GILLIBRAND):

S. 851. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, as we seek to ensure that our students have the knowledge and skills they need to succeed in college and careers, we must revisit how learning time is structured to help them meet the ever-rising expectations and ever-growing demands of the 21st century global economy. The Time for Innovation Matters in Education Act, or TIME Act, would provide high-need schools with the resources they need to expand the school day, week, or year so students have more time to learn. By providing additional time for more in-depth and rigorous learning opportunities in core and other academic subjects, as well as enrichment activities that contribute to a well-rounded education, we can increase students' academic engagement and outcomes to help close our nation's achievement gap. That is why I am pleased to introduce this legislation, which my colleague Rep. DONALD PAYNE will introduce in the House, today.

Under our present school calendar, most American students spend 6 hours a day for 180 days in school each year. This outdated calendar was designed to meet the needs of a farm- and factory-based economy in the early 20th century, and fails to provide students with the learning time needed to complete a rigorous curriculum and meet high standards. In fact, American students spend about 30 percent less time in school than students in other leading nations, leaving American students at a competitive disadvantage. For example, students in China, Japan, and South Korea attend school 40 days more on average than American students and significantly outperform American students on average in math and science. To strengthen our competitiveness and remain a global leader, we must increase how much learning time we provide our students, especially our at-risk students.

The TIME Act would give schools the flexibility to comprehensively redesign and expand their schedules and increase learning time by at least 30 percent to meet students' diverse academic needs and interests. The TIME Act's goal is not merely to encourage schools to add more time at the end of the day, but to take a close look at how they use their time and to redesign the entire school schedule to create a program or curriculum with teaching and learning opportunities to better meet students' needs. This legislation encourages strong partnerships between schools and community partners such as community-based organizations, institutions of higher education, and cultural organizations to help provide students with a broader and richer learning experience, which should include music, fine arts, and physical education—important pursuits that all too often lose ground in our schools due to a focus on reading and math.

Many schools around the country have expanded learning time in their calendars with promising results, such as Boston's Clarence Edwards Middle School, which was one of the lowest-performing schools just a few years ago. But in only three years of expanded learning time, dedicated school leaders and teachers were able to redesign and transform the school into one of the city's and state's highest-performing schools. Students, particularly those who are furthest behind, benefit from more time for learning, and programs that significantly increase the total number of hours in a regular school schedule lead to gains in student academic achievement. In 2006, minority students and students with disabilities in Clarence Edwards scored far below the state averages in English and math, and while English language learners met state averages in math, none were proficient in English. By 2009, every subgroup met or outperformed state averages, in most cases by wide margins.

According to research, expanded learning time is especially important for our high-need students. Students in disadvantaged families show a drop-off in learning over long summer recesses compared to their higher-income classmates, and they fall farther behind each year. These students are also less likely to have parents with the time and resources to help them with their school work. Expanded learning time can help these students accelerate gains and catch up on their learning gaps by expanding the school year and shortening summer recess. In addition to those at risk of falling behind, more time for learning helps students who are on grade level get ahead by providing additional time for enrichment and a broader curriculum. Additional time also enables more students to participate in experiential and interactive learning, internships, and other work-

based and service learning opportunities in their schools and communities, all of which help keep students engaged in school and make school more relevant.

Equally important, expanded learning time initiatives provide teachers with increased opportunities to work collaboratively and to participate in common planning, within and across grades and subjects, to improve instruction, and, in turn, increase student achievement. This extra time in the school schedule empowers teachers to complete the curriculum, meet the needs of all students, and collaborate with colleagues. The TIME Act requires grantees to design comprehensive plans, in collaboration with teachers, to encompass professional development that focuses on changes in teaching practices and curriculum delivery that will result in improved student academic achievement as well as student engagement and success.

To accurately assess the difference these programs make, the TIME Act calls for a rigorous evaluation that will measure several critical performance indicators. We need to know which models and practices produce the best outcomes for students and this evaluation will ensure that we identify and disseminate them nationwide. As we reauthorize the Elementary and Secondary Education Act, I am committed to helping communities offer expanded learning time so that more students can succeed.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

---

By Mr. LEAHY (for himself, Mr. ENZI, Mr. SANDERS, Mr. KOHL, Mr. SCHUMER, and Mrs. GILLIBRAND):

S. 852. A bill to improve the H–2A agricultural worker program for use by dairy workers, sheepherders, and goat herders, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in the 111th Congress, after hearing the concerns of Vermont's dairy farmers, I introduced the H–2A Improvement Act in order to give the dairy industry access to legal foreign workers under our agricultural visa program. I am proud to introduce this legislation once again, and I am especially pleased to have Senator ENZI join me as a cosponsor of this bill. I thank the senior Senator from Wyoming for his support, and I look forward to working with him to advance this legislation. I also thank Senators SANDERS, SCHUMER, KOHL, and GILLIBRAND for their support.

Our bill adds an explicit provision to the H–2A law to allow dairy workers, sheepherders, and goatherders to obtain visas through the H–2A visa program to assist American farmers. Under current law, the dairy industry is completely excluded from obtaining lawful H–2A workers. Under current Department of Labor regulations and guidance, the employers of foreign sheepherders and goatherders in the Western States can use the H–2A program. The authority for these employers to do so is not codified, however, and is therefore subject to the whims of a Federal agency. This legislation will provide the express authority and certainty for these important agricultural industries to use the visa program as Congress intended.

Although milk prices have improved over the past year, dairy farmers still struggle to meet their labor needs. I have heard from Vermont farmers, Vermont's Secretary of Agriculture, and the broader dairy industry about the challenges the current situation presents. I recognize that the H–2A program is imperfect, and I recognize that the best solution is the comprehensive approach in the AgJOBS bill. But basic access to the H–2A program is a better option than what dairy farmers now have, which is no access at all. It is simply illogical to subject such an important agricultural sector to unequal treatment. The denial of access to lawful, willing agricultural workers places a substantial burden on employers.

The H–2A Improvement Act contains provisions designed to accommodate the specific needs of dairy farming, sheepherding, and goatherding. It will allow workers in these industries to enter the United States for an initial employment period of 3 years. The bill grants U.S. Citizenship and Immigration Services the authority to approve a worker for an additional 3-year period as needed. After the first 3 year period is completed, the worker is eligible to petition for lawful permanent residency.

The provisions contained in this bill are very similar to provisions that have been a part of the long pending AgJOBS bill, legislation that I continue to strongly support. But the dairy farmers who continue to operate under this unfair system need help now. Just as much as any other segment of agriculture, they too deserve access to the H–2A program to meet their legitimate labor needs.

For years, I have urged the Department of Labor to use its regulatory authority to give dairy farmers access to H–2A workers. I was disappointed that, despite those requests and the recommendations of the broader dairy community, the final H–2A rule released by the Department in February 2010 failed to extend access to the dairy industry.

As a Senator from a State that prides itself on its dairy products and a long tradition of family farming, it is unacceptable that dairy farmers are put in a position of choosing between their livelihoods and taking risks with a potential employee's immigration status. I strongly believe that the vast majority of dairy farmers want to hire a lawful workforce, and our policy should support these goals.

By expanding the H–2A program to include dairy workers, sheepherders and goatherders, the H–2A Improvement Act would protect both American and foreign workers. It would prevent American workers from having to compete with an unauthorized work force, which enables unscrupulous employers to pay lower wages and make employees work under unsafe labor conditions. It would protect foreign workers by requiring that employers comply with existing H–2A regulations, wage and hour laws, and occupational safety laws. It would grant foreign dairy workers the dignity and stability of lawful status, and the opportunity to step out of the shadows and be productive members of the communities in which they work. Despite the imperfections of the current H–2A system, these are the objectives this legislation strives to achieve.

The H–2A Improvement Act is a straight-forward, targeted fix that makes sure all law abiding farmers in America have the same access to foreign agricultural labors. I recognize that many agricultural employers have legitimate frustrations with the current regulatory process. I intend to maintain my strong support of AgJOBS legislation, which would provide the most immediate and substantial benefit to our Nation's farmers and foreign agricultural workers. But I am unwilling to forego an opportunity to enact meaningful, bipartisan legislation to promote basic fairness for dairy, goat, and sheep farmers under our immigration laws. I hope Senators will support this common sense legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 852

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''H–2A Improvement Act''.

**SEC. 2. NONIMMIGRANT STATUS FOR DAIRY WORKERS, SHEEPHERDERS, AND GOAT HERDERS.**

Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)) is amended by inserting ''who is coming temporarily to the United States to perform agricultural labor or services as a dairy worker, sheepherder, or goat herder, or'' after ''abandoning''.

**SEC. 3. SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.**

Section 218 of the Immigration and Nationality Act (8 U.S.C. 1188) is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

''(h) SPECIAL RULES FOR ALIENS EMPLOYED AS DAIRY WORKERS, SHEEPHERDERS, OR GOAT HERDERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of this Act, an alien admitted as a nonimmigrant under section 101(a)(15)(H)(ii)(a) for employment as a dairy worker, sheepherder, or goat herder—

''(A) may be admitted for an initial period of 3 years; and

''(B) subject to paragraph (3)(E), may have such initial period of admission extended for an additional period of up to 3 years.

''(2) EXEMPTION FROM TEMPORARY OR SEASONAL REQUIREMENT.—Not withstanding section 101(a)(15)(H)(ii)(a), an employer filing a petition to employ H–2A workers in positions as dairy workers, sheepherders, or goat herders shall not be required to show that such positions are of a seasonal or temporary nature.

''(3) ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.—

''(A) ELIGIBLE ALIEN.—In this paragraph, the term 'eligible alien' means an alien who—

''(i) has H–2A worker status based on employment as a dairy worker, sheepherder, or goat herder;

''(ii) has maintained such status in the United States for a not fewer than 33 of the preceding 36 months; and

''(iii) is seeking to receive an immigrant visa under section 203(b)(3)(A)(iii).

''(B) CLASSIFICATION PETITION.—A petition under section 204 for classification of an eligible alien under section 203(b)(3)(A)(iii) may be filed by—

''(i) the alien's employer on behalf of the eligible alien; or

''(ii) the eligible alien.

''(C) NO LABOR CERTIFICATION REQUIRED.—Notwithstanding section 203(b)(3)(C), no determination under section 212(a)(5)(A) is required with respect to an immigrant visa under section 203(b)(3)(A)(iii) for an eligible alien.

''(D) EFFECT OF PETITION.—The filing of a petition described in subparagraph (B) or an application for adjustment of status based on a petition described in subparagraph (B) shall not be a basis fo denying—

''(i) another petition to employ H–2A workers;

''(ii) an extension of nonimmigrant status for a H–2A worker;

''(iii) admission of an alien as an H–2A worker;

''(iv) a request for a visa for an H–2A worker;

''(v) a request from an alien to modify the alien's immigration status to or from status as an H–2A worker; or

''(vi) a request made for an H–2A worker to extend such worker's stay in the United States.

''(E) EXTENSION OF STAY.—The Secretary of Homeland Security shall extend the stay of an eligible alien having a pending or approved petition described in subparagraph (B) in 1-year increments until a final determination is made on the alien's eligibility for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(F) CONSTRUCTION.—Nothing in this paragraph may be construed to prevent an eligible alien from seeking adjustment of status in accordance with any other provision of law.''.

---

By Mr. DURBIN:

S. 856. A bill to amend title XI of the Social Security Act to make available to the public aggregate data on providers of services and suppliers under the Medicare program and to allow qualified individuals and groups access to claims and payment data under the Medicare program for purposes of conducting health research and detecting fraud; to the Committee on Finance.

Mr. DURBIN. Mr. President, Congress will soon debate the budget resolution for fiscal year 2012, and one of the issues under consideration is how to contain the cost of the Medicare program. While there is significant disagreement about some of the proposals already put forward, one part of the solution that members on both sides of the aisle agree on is cracking down on waste, fraud, and abuse.

For several years, the Government Accountability Office has designated Medicare as a high risk program because its size and complexity make it a target for waste, fraud and abuse. Medicare pays 4.5 million claims per work day, so catching false or inflated claims is a challenge. As a result, every year an estimated $30–60 billion in Medicare spending is wasted on fraud and abuse.

Under President Obama, the Executive branch has stepped up its enforcement activities. The Department of Health and Human Services and Department of Justice joined together to form Health Care Fraud Prevention and Enforcement Action Teams to combat Medicare fraud. These strike forces have netted hundreds of potential criminals in the past couple of years.

Nongovernmental groups can also play a role in detecting fraud. Normally, individual Medicare providers' billing data is not available to the public as a result of a 1979 lawsuit that blocked disclosure of this information. But under a special arrangement, The Wall Street Journal and Center for Public Integrity were allowed access to a 5 percent sample of the Medicare payment data.

Even using just this small sliver of the data, the newspaper was able to identify suspicious billing and potential abuses of the Medicare system. However, based on the agreement with CMS, the paper could not name individual physicians.

I think that the exercise by the Wall Street Journal shows that outside group provide a valuable complement to the government's own fraud detection research. That is why I am introducing the Medicare Spending Transparency Act today.

The legislation would increase transparency of the Medicare program by providing two things.

First, it would provide access to aggregated claims data.

It would require CMS to annually publish on its website summary level information about how and what Medicare is paying to individual Medicare providers such as hospitals, physicians and home health agencies.

Information would the include the total amount paid, number of unique patients seen, total number of patient visits, and a summary of the services provided. This will provide a snapshot of Medicare spending to interested groups. It will also discourage fraudulent providers from overbilling Medicare.

Secondly, a complete set of Medicare data would be made available to qualified groups or individuals for the purposes of fraud detection and research. All patient identifying information would be protected, consistent with HIPAA and other privacy laws.

To access this information, the individual or group would have to demonstrate technical capacity to make prudent and productive use of the data. Any published analysis of the data must disclose the names, funding sources, employer or other relevant affiliations, and data analysis methods of the researchers.

This legislation would bring transparency to the Medicare program by providing basic information about how taxpayer dollars are being spent. If nongovernmental groups want to dedicate their own resources to rooting out fraud, we should welcome those efforts. I encourage my colleagues to support this common sense legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 856

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Medicare Spending Transparency Act of 2011''.

**SEC. 2. PUBLIC AVAILABILITY OF AGGREGATE DATA ON MEDICARE PROVIDERS OF SERVICES AND SUPPLIERS.**

(a) PURPOSE.—The purpose of this section is to make aggregate information about providers of services and suppliers under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) publicly available and to provide a new level of transparency in such program.

(b) PUBLIC AVAILABILITY.—Section 1128J of the Social Security Act (42 U.S.C. 1320a–7k) is amended by adding at the end the following new subsection:

''(f) PUBLIC AVAILABILITY OF CERTAIN MEDICARE DATA.—

''(1) IN GENERAL.—The Secretary shall, to the extent consistent with applicable information, privacy, security, and disclosure laws, including the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, make available to the public on the Internet website of the Centers for Medicare & Medicaid Services the following data with respect to title XVIII:

''(A) A complete list of the providers of services and suppliers participating in the program under such title, including the business address of such providers of services and suppliers.

''(B) Aggregate information about each such provider of services and supplier, including—

''(i) the total number of individuals furnished items or services by the provider of services or supplier for which payment was made under such title during the preceding year;

''(ii) the number of unique patient encounters conducted by the provider of services or supplier for which payment was made under such title during the preceding year;

''(iii) the average number of codes billed under such title by the provider of services of supplier per patient encounter during the preceding year;

''(iv) the total amount paid to such provider of services or supplier under such title during the preceding year;

''(v) the top 50 billing codes on claims paid under such title to the provider of services or supplier during the preceding year, as determined by volume, including a description of such codes;

''(vi) the top 50 billing codes on such claims paid during such year, as determined by dollar amount, including a description of such codes; and

''(vii) the top 50 diagnosis and procedure code pairs on such claims paid during such year, as determined by volume, including a description of such codes; and

''(2) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Medicare Spending Transparency Act of 2011, the Secretary shall promulgate regulations to carry out this subsection.''.

**SEC. 3. ACCESS TO MEDICARE CLAIMS AND PAYMENT DATA BY QUALIFIED INDIVIDUALS AND GROUPS.**

(a) PURPOSE.—The purpose of this section is to allow qualified individuals and groups access to information on claims and payment data under the Medicare program for purposes of conducting health research and detecting fraud under such program.

(b) ACCESS TO MEDICARE CLAIMS AND PAYMENT DATA BY QUALIFIED INDIVIDUALS AND GROUPS.—Section 1128J of the Social Security Act (42 U.S.C. 1320a–7k), as amended by section 2, is amended by adding at the end the following new subsection:

''(g) ACCESS TO MEDICARE CLAIMS AND PAYMENT DATA BY QUALIFIED INDIVIDUALS AND GROUPS.—

''(1) IN GENERAL.—For purposes of conducting health research and detecting fraud under title XVIII, and to the extent consistent with applicable information, privacy, security, and disclosure laws, including the regulations promulgated under the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, and subject to any information systems security requirements under such laws or otherwise required by the Secretary, a qualified individual or group shall have access to claims and payment data of the Department of Health and Human Services and its contractors related to title XVIII. Notwithstanding any other provision of law, such data shall include the identity of individual providers of services and suppliers under such title.

''(2) DEFINITION OF QUALIFIED INDIVIDUAL OR GROUP.—

''(A) IN GENERAL.—In this subsection, the term 'qualified individual or group' means an individual or entity that the Secretary has determined, in accordance with subparagraph (B), has relevant experience, knowledge, and technical expertise in medicine, statistics, health care billing, practice patterns, health care fraud detection, and analysis to use data provided to the individual or the entity under this subsection in an appropriate, responsible, and ethical manner and for the purposes described in paragraph (1).

''(B) PROCEDURES.—The Secretary shall establish procedures for determining, in a timely manner, whether an individual or entity is a qualified individual or group.

''(3) PROCEDURES.—The Secretary shall establish procedures for the storage and use of data provided to a qualified individual or group under this subsection. Such procedures shall ensure that, in the case where the qualified individual or group publishes an analysis of such data (or any analysis using such data), the qualified individual or group discloses the following information (in a form and manner, and at a time, specified by the Secretary):

''(A) The name of the qualified individual or group.

''(B) The sources of any funding for the qualified individual or group.

''(C) Any employer or other relevant affiliations of the qualified individual or group.

''(D) The data analysis methods used by the qualified individual or group in the analysis involved.''.

---

By Mr. GRASSLEY (for himself and Mr. CASEY):

S. 857. A bill to amend the Elementary and Secondary Education Act of 1965 to aid gifted and talented learners, including high-ability learners not formally identified as gifted; to the Committee on Health, Education, Labor, and Pensions.

Mr. GRASSLEY. Mr. President, the last reauthorization of the Elementary and Secondary Education Act of 1965 was specifically designed ''To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind.'' Going into the next reauthorization of this law, there has already been much discussion about the extent to which each element of that goal has been achieved. While there is some evidence of a narrowing of the achievement gap between disadvantaged and minority students and their more advantaged peers when it comes to meeting minimum ''proficiency'' goals, the achievement gap among high-ability students has been widening. Some of our most promising students, the scientists, inventors, and problem solvers of the future, are being left behind.

I want to be clear that I am not necessarily talking just about high-achieving students. I am talking about high-ability students with gifts and talents that go beyond simply the ability to master grade level content. There is sometimes a tendency to assume that gifted students are the straight A students and vice versa, the students we needn't worry about because they are doing fine on their own. Sadly, that's far from true. A student may get straight A's because his or her abilities and pace of learning just happen to be exactly matched with the grade level curriculum and pace of instruction. Those are not the students I am talking about. By definition, a gifted and talented students is one who gives evidence of high achievement capability and needs services beyond the standard content provided in the standard way in order to fully develop those capabilities.

In fact, gifted students may significantly underperform. Many high-ability students get poor grades due to boredom. Some drop out of school or exhibit problem behaviors, and gifted students are often well represented in alternative schools. Still, even if they are getting straight A's on content that is not challenging to them, they are still underperforming. That hidden gap between achievement and potential ought to be alarming to all of us who are concerned about our Nation's future economic competitiveness.

On the most recent international tests, students in China topped the charts in math, science, and reading, while U.S. students were in the middle to bottom of the pack. Few American students are reaching the most advanced achievement levels on national and state-level tests, with miniscule numbers of children of color or children from poverty reaching those levels. A dynamic economy needs a steady supply of individuals capable of achieving at advanced levels, yet we rely on imported talent while systematically holding back our brightest young minds here at home.

I would recommend to my colleagues the book Genius Denied by Jan and Bob Davidson of the Davidson Institute in Nevada. It describes the many obstacles faced by some of our brightest students in trying to get an appropriate education. The book tells the story of a boy named Carlos who didn't speak until he was 3½ years old, but then began to speak in complete sentences like a much older child. His mother had been told he might be autistic or have a learning disability, but when she had him tested, she learned he was actually gifted. He learned to read and write with incredible speed and was able to grasp simple algebra problems. However, in his Kindergarten class, they were learning to add single digits by grouping teddy bears. He was miserable, and despite his natural love of learning, he cried to stay home from school. He was teased for being different and the stress of school got to be so great that his hair started falling out. He began talking about wishing that he was dumb or even dead.

The book also talks about a boy named Tim who is dyslexic and also profoundly gifted. His gifts compensated for his inability to read so he was able to earn normal grades, but his school would not make appropriate accommodations for his learning disability because he was achieving at acceptable levels. School officials also maintained they had no obligation to accommodate his gifts. This left Tim frustrated. His zeal for learning waned because his disability held him back while his gifts went undeveloped, but both went unaddressed by his school because he was not failing. Eventually, his mother was forced to pull him out of the public school and educate him at home.

Many schools have special gifted and talented programs with staff trained in gifted education strategies, but a great many others do not. This leads to the uneven availability of appropriate services. Title I schools are far less likely to have any services for gifted students. Is this because there are no high-ability disadvantaged students? Certainly not. There are high-ability students in every school and low income doesn't mean low ability. It is of course appropriate to ensure that struggling students receive the support they need to achieve to their potential, but when disadvantaged high-ability students go unrecognized and unchallenged, thus falling short of the level of achievement they are capable of attaining, the tremendous loss of human

potential is truly tragic both for the students and for our society.

So should every cash-strapped Title I school hire special teachers with a background in gifted and talented education and start offering gifted education programming? Well, that would be ideal, and would likely help improve the academic achievement of all students in those schools, but a lack of funds need not be a barrier to schools meeting the unique learning needs of their high-ability students. For instance, a report by some of the leading experts in the field at the University of Iowa's Belin-Blank Center titled ''A Nation Deceived: How Schools Hold Back America's Brightest Students'' outlines both the problem of schools systematically failing to support their high-ability students and an almost no-cost solution—acceleration. Simply allowing students to take classes with their intellectual peers, where the curriculum is matched to their ability rather than to their age, often results in better academic results as well as happier, better adjusted students. Also, knowing that all teachers have high-ability students with unique learning needs in their classrooms, there is a great need for professional development opportunities to incorporate the ability to recognize and meet those needs.

Today, I am introducing a bill, with Senator CASEY of Pennsylvania, to ensure that Federal education policy no longer overlooks the needs of high-ability students. It's called the TALENT Act, which stands for: To Aid Gifted and High-Ability Learners by Empowering the Nation's Teachers. My bill corrects the lack of focus on high-ability students, especially those students in underserved settings, including rural communities, by including them in the school, district, and state planning process that already exists under the Elementary and Secondary Education Act. It also raises the expectation that teachers have the skills to address the special learning needs of various populations of students, including gifted and high-ability learners. To that end, my bill provides for professional development grants to help general education teachers and other school personnel better understand how to recognize and respond to the needs of high-ability students. Finally, because we have much to learn about how best to address the very unique learning needs of this often overlooked population of students, my bill retools and builds upon the goals and purpose of the existing Javits Gifted and Talented Students Education Act so that we continue to explore and test strategies to identify and serve high-ability students from underserved groups. These strategies can then be put into the hands of teachers across the country.

Meeting the needs of our brightest students, the ones our country is counting on for our future prosperity, is not a luxury, it is a necessity. That isn't a justification for embarking on some sort of new spending and sticking them with the bill, however. Instead, my legislation would accomplish its goals in a cost-effective way by amending existing law to account for the needs of gifted and high-ability learners as well as retooling the old Javits program to have a greater impact. For too long, Federal education policy has been so focused on preventing failure that we have neglected to promote and encourage success. We can no longer afford to ignore the needs of our brightest students and thus squander their potential. My legislation will put our country on track to tap that potential which is so essential to the future happiness of the students and the future prosperity of our Nation.

---

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 860. A bill to ensure that methodologies and technologies used by the Bureau of Customs and Border Protection to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEVIN. Mr. President, I have been fighting over the past several years to stop the thousands of trash shipments entering into Michigan from Canada. This year brought some welcome good news: Canada has stopped shipping its city trash to Michigan, eliminating about 1.5 million tons of trash a year that had been dumped into Michigan landfills, and taking more than 40,000 trucks a year off Michigan roads. The end of these shipments fulfills a 2005 agreement that Senator STABENOW and I reached with Ontario officials to end all shipments of municipally managed trash to Michigan by the end of 2010.

However, private trash shipments from Canada are still being brought into Michigan. Tons of waste from private companies, including from construction, industry, and commercial sources, are being imported into Michigan for disposal in our landfills. Most of these shipments enter at three border crossings in Michigan: Port Huron, Sault Ste Marie, and Detroit. The loads of municipal solid waste are more than just a nuisance. These trash trucks from Canada pose a threat to our environment, health, and security.

This legislation Senator STABENOW and I are introducing today would require the Bureau of Customs and Border Protection of the Department of Homeland Security to report to Congress on the methodologies used by the Bureau to screen for the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste. The report would need to indicate whether the techniques used by the Bureau to screen for these dangerous materials in municipal solid waste are as effective as the methodologies used by the Bureau to screen for such materials in other items of commerce entering the United States. If the Bureau of Customs cannot demonstrate that screening of municipal waste shipments is adequate, then they have 6 months to implement the technologies to implement adequate screening procedures. If such measures are not implemented, then the Secretary of Homeland Security shall deny entry of any commercial motor vehicle carrying municipal solid waste from Canada until the Secretary certifies that the methods and technology used to inspect the trash trucks are as effective as the methods and technology used to inspect other vehicles.

I believe this legislation will help to protect the people of this country, and I hope this Congress will act quickly on this legislation.

Mr. President, I ask for unanimous consent that the text of the bill be printed in the RECORD.

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

S. 860

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

**SECTION 1. SCREENING OF MUNICIPAL SOLID WASTE.**

(a) DEFINITIONS.—In this section:

(1) BUREAU.—The term '' Bureau'' means the Bureau of Customs and Border Protection.

(2) COMMERCIAL MOTOR VEHICLE.—The term ''commercial motor vehicle'' has the meaning given the term in section 31101 of title 49, United States Code.

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau.

(4) MUNICIPAL SOLID WASTE.—The term ''municipal solid waste'' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Commissioner shall submit to Congress a report that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering the United States through commercial motor vehicle transport; and

(2) if the report indicates that the methodologies and technologies used to screen municipal solid waste are less effective than those used to screen other items of commerce, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of municipal solid waste, including actions necessary to meet the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Commissioner fails to fully implement an action identified under subsection (b)(2) before the earlier of the date that is 180 days after the date on which the report under subsection (b) is required to be submitted or the date that is 180 days after

the date on which the report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for those materials in other items of commerce entering into the United States through commercial motor vehicle transport.

---

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 861. A bill to restore the natural resources, ecosystems, fisheries, marine habitats, and coastal wetland of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, and for other purposes; to the Committee on Environment and Public Works.

Ms. LANDRIEU. Mr. President, I am going to speak for 2 or 3 minutes in a brief introduction, and then turn it over to my colleague from Louisiana. We are both very excited and enthusiastic to present to the Senate and to Congress work that has been underway for almost a year.

As you know, next week on April 20, we will be marking the 1-year anniversary of the Deepwater Horizon explosion, which killed 11 men—they are still in our thoughts and prayers, and their families to this day—injured dozens of others and shocked millions with the explosion that occurred a year ago next Wednesday.

There are many steps our Nation has to take and must take to respond to that horrific incident. Senator VITTER and I are on the floor today to introduce the Restore the Gulf Coast Act of 2011, which we believe is one of the most important things that needs to be done in response to this incident.

It was frankly long overdue even before this tragedy happened, and I will briefly explain. This gulf coast is a very important coast of America.

I know all of the people of our coasts believe they are all important—but we who live on the gulf coast are particularly proud of the coast of Texas, Louisiana, Mississippi, Alabama, and Florida because on this coast not only do we have port and maritime activities, which is true of every coast, we also support the Nation in hosting a very important domestic oil and gas industry, which is primarily offshore, but a great deal on shore, both close and on our marshes.

In addition, we have a very vibrant and robust fishing industry, both commercial and recreational. We have ecotourism and migratory bird routes from the south going north. Obviously this is a flyway for migratory birds and extremely important to wildlife enthusiasts and hunters and fishermen. May I also add—and not let us forget—the tourism industry. So we say proudly in the gulf coast, we are America's working coast. We seek a balance between mining and exploring for and using our natural resources, and balancing that so this coast can be sustainable.

This is a great opportunity for the Nation to do right by the gulf coast. It is a great opportunity for the polluters to step up and do the right thing. It is a great opportunity to give a break to taxpayers because the bill Senator VITTER and I are putting forward—and we hope our other colleagues will join us in—will basically say the fine BP is going to pay—and maybe other contractors as well—that 80 percent of that fine should go to the area where the injury occurred.

I am going to take the next minute to put up this horrifying picture that people will remember because a year ago this is what the site looked like when the Deepwater Horizon exploded and 5 million barrels of oil escaped from this tragedy and marred the beaches and marshes and ocean, and we are still recovering, and will for years.

But because of the 5 million barrels of oil that were spilled, this polluter, BP, and its contractors are going to have to pay a very serious fine to the Federal Government. We believe that fine is best directed to help the environment which was injured and to get the taxpayers off the hook and put the polluters on the hook for picking up this tab, and to do so in a way that is fair to the Gulf Coast States. That is what Senator VITTER will speak about in more detail.

Let me show you one picture, happily. Today, the beaches along the gulf coast—in large measure—look like this, as shown in this picture. This is the way they normally look. Because not only do we drill for oil and gas off of our waters, but our children swim in this water. We recreate and have picnics along the beach. This is the way we would like this beach to look for decades to come.

If we are successful in getting our bill passed through the Congress and signed by the President in the near future, this is possible, along with pictures like this one I show you, which represents a great and proud industry: the shrimping industry on the gulf coast, which supplies fresh seafood for restaurants all over our Nation and, in some cases, the world.

So at this point, let me turn it to Senator VITTER for some more detail. I want to say, it has been a pleasure and I thank the Senator for his support. We want this to be a bipartisan effort. Both the industry and environmental groups are very interested in working with us on this issue. We think it is the right policy for our country.

I yield to Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I am proud to join my colleague Senator LANDRIEU in introducing today this RESTORE the Gulf Coast Act of 2011. I want to also thank her and compliment her on her leadership on this issue. Senator LANDRIEU has been developing this legislation tirelessly since the tragedy, working with many others who will soon be cosponsors, we hope, in this effort.

I also want to recognize Congressman STEVE SCALISE and his Louisiana House colleagues for having similar legislation in the House.

As we near this 1-year anniversary of the disaster, first we need to remember the victims, the human victims—the 11 people who lost their lives and their families. Those families still have a huge hole in their lives, and we need to continue to remember them and pray for them.

But we also need to help restore the affected area. A lot of other lives were impacted through the environmental and economic devastation. We need to work on that as well.

This RESTORE the Gulf Coast Act of 2011 would go a long way in restoring those lives, in healing those impacts. This was a horrible tragedy, and, of course, the physical, the environmental damage was borne by these five Gulf Coast States. Therefore, we think it is more than fair that 80 percent of the fines directly related to this event—which would not have been incurred, would not be in existence but for this tragedy—be dedicated to restoration along the gulf coast.

Senator LANDRIEU, with my support, and others, has worked out a very fair formula to impact all of the Gulf Coast States in a positive way. We think it is more than fair because it assures some minimum funding to all of the affected States and then has another pot of money that is specifically focused on direct impacts. We think this is a very fair way to go about it. It also dovetails with the work that has been going on in the States and federally through the President's commission on impacts.

So we think this would be an excellent way to approach it. It is more than fair to the Federal Government and to the Federal taxpayer because the money retained that is still flowing to the Federal Treasury more than covers all the expenses of the Federal Government related to this event. It goes well beyond those direct expenses.

Again, I thank my colleague for her leadership, and I ask all of our colleagues to come together around this effort. This concept has been explicitly endorsed by President Obama. This concept has been explicitly endorsed by the President's commission on the oil-spill. All of those folks have absolutely said, yes, 80 percent of these Clean Water Act fines need to stay on the gulf coast for much-needed restoration. This legislation will get that done in a fair, straightforward way. I urge all of my colleagues to support it and help pass it in the next few weeks and months.

Mr. President, with that, I turn the floor back to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I see other colleagues on the floor waiting to speak so I will try to wrap up these remarks in about 5 minutes. But I do want to add a few things and thank my colleague again. He is on the committee that will take this bill into consideration. That committee is chaired by Senator BARBARA BOXER. I want to thank her, our colleague from California, the Chair of the EPW Committee, and her staff, who have been working with us very closely over the last year as we fashioned this approach. I think the Senator, of course, will speak for herself, but I think it is in her philosophy that the polluters should pay, not the taxpayer, and that the area that was injured should be the area that receives the response. It is important that the environment that was injured should be first attended to first. That is the essence and nature of our bill.

But to put a couple of other things in the RECORD, Senator VITTER mentioned this, but it is worth repeating. President Obama has already endorsed this general concept, and I want to thank him for his early leadership on this issue. I had some real reservations early on about the national oilspill commission. I honestly did not think there were enough people representing the industry perspective, only the environmental perspective. But I was happy to see that commission report came out fairly balanced. Both Bob Graham, who is a former colleague of ours from Florida, and Bill Reilly, the former EPA Director under President Bush, came to the same conclusion: that one of the best ways to spend this fine money would be restoring this very important coastal area. This should not just be for the gulf coast but for the Nation. Frankly, the world should take notice and to try to find a path forward for coastal communities to have sustainable economies.

This is an important question, not just for the gulf coast, not just for the east coast, not just for the west coast, but I might say, this might be one of the great questions in the world today. 60 percent or more of the population of the world lives near coastlines. The question of how can people live there productively, safely, and how the environment can sustain them in that growth and development is an important question to get answers to.

Let me say, as a resident of the gulf coast, we do not have enough answers. We do not have enough money to ask questions. That is what this money will go for: some science and technology, some basic research, and, most importantly, some money to restore our coast—to do the right things by this environment.

I want to recognize the entities that support this cause. Secretary Ray Mabus, the Secretary of the Navy added to his portfolio to examine this issue, and he, too, arrived at the same conclusion: that a very excellent and smart way to spend some of these fine moneys would be on these programs.

Just a couple of minutes more to put some facts into the RECORD; and other Senators from other States—Florida, Texas, Mississippi, and Alabama—can enter their own data.

I think it is important for people to understand, when we talk about the coast of Louisiana, just the coast of Louisiana—this is going to be hard for people to believe, but it is actually true—if you count the tidal miles of Louisiana, which is about 7,000 tidal miles from the tip here, as shown on this map, all the way over to Texas from our Mississippi border—7,000 tidal miles—if you stretch that out, it is the same as going from Miami to Seattle. I need people to get that in their mind.

I know this looks like a little shore because it is not a big shore like California or Florida. But the nature of this shore—because it is not just a beach; it is America's greatest wetlands and marshes—if you stretched it out with all of its inlets and bays and estuaries, it would go from Miami to Seattle.

This area is threatened, and has been for years. Yes, the oil and gas industry, unfortunately, has contributed to some of this damage. But it is also because the Mississippi River flows through here, and it has been dammed and tamed as best as men and women can try to tame natural things. The hydraulics have changed. The sea level has risen. This area is under great threat.

Mr. President, 1,500 square miles have been lost since 1930; 25 square miles of wetlands each year, which means a football field every 30 minutes. This is an urgent matter. There is no loss of land anywhere in the continental United States that has as much threat to it as there is to this coast. We have struggled for years to find a revenue stream to help fix it. We understand the rest of the country says: Why should we fix it? It is not our coast. But what we say back is: This coast is important to the whole Nation. It drains 40 percent of the continent. It is the greatest river system in North America. No one can get wheat out of Kansas or Iowa without coming through this Mississippi River. So there is a national interest.

Seventeen percent of GDP is basically supported and created by this gulf coast economy.

We are also willing to pay our own way as well. Our parishes have taxed themselves. The State has set up a constitutional safeguard, a lockbox—if we had only done that with Social Security. We are happy to have a lockbox for the wetlands money that comes in, so it can only be used for that purpose. So we are very proud of the actions our locals have taken. Now it is time for the Federal Government to act.

A few more statistics: 30 percent of the commercial fisheries in the United States come off this coast, and $1.7 billion in economic impact for recreational fishing—again, over 50 percent of the domestic oil and gas, because we drill for oil and gas here, that keep lights on and electricity flowing in Chambers such as this, in rooms and buildings all over our country. So that is why this is so important.

I am going to add some other statistics for the RECORD about some of the economic impacts of this. Again, this is an important coast to the country and it is an important effort for the world for us in America to get this right. Think about the drilling that is occurring off the coast of Africa or Brazil or Australia or Israel and what happens. Let's prevent any explosions. Let's prevent these disasters. We are struggling to do that, and the record is pretty good, despite the criticism that comes, and that is a speech for another day.

But the question is, When there is an accident, when this happens, how do we take that penalty money and invest it in the coast so it is more resilient and it will benefit people in every way over a long period of time in a very balanced fashion.

I conclude by urging my colleagues along the gulf coast, from Florida to Alabama to Mississippi and Texas, Republicans and Democrats alike, Members of the House as well, to step forward and join me and Senator VITTER. We are open to ideas and thoughts about how the money should be allocated but within general sets of principles we have outlined today. I wish to, again, thank Senator BOXER whose committee will consider this in the very near future. We are hoping for a hearing in the very near future and then a markup on this bill to move it forward to the President's desk.

Mr. President, I ask unanimous consent to have printed in the RECORD some further statistics about this horrific spill and our valuable coast.

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

On April 20, 11 men died in a massive oil rig explosion in the Gulf of Mexico.

For 3 months, oil flowed uncontrollably into the waters of the Gulf of Mexico. 4.9 million barrels of oil was discharged during the spill. That equates to 50,000 barrels of oil each day.

600 miles of the Gulf coastline were oiled. More than half of that coastline is in Louisiana.

320 miles of Louisiana's coastline were oiled and some oil is still lingering in the marshes near Bay Jimmy on the east side of Plaquemine Parish.

6,814 dead animals have been collected, including 6,104 birds, 609 sea turtles, 100 dolphins and other mammals, and 1 other reptile.

86,985 square miles of waters were closed to fishing. Approximately 36% of Federal waters in the Gulf of Mexico were closed to fishing for months.

30 percent of commercial fisheries in the United States are located in the Gulf of Mexico.

It is estimated that $2.5 billion were lost in our Gulf of Mexico fishing industry.

$23 billion is estimated in impacts to tourism across the Gulf Coast over a three-year

period, as estimated by the U.S. Travel Association.

The Gulf Coast accounts for a $1.7 billion economic impact to the nation from recreational fishing.

30 percent of the nation's crude oil supply and 34 percent of the natural gas consumed in the U.S. are produced in Louisiana or adjacent Outer Continental Shelf (OCS).

Nearly 50 percent of all the domestically produced oil and gas that fuels this nation comes from the Gulf of Mexico.

$8 to 10 billion in direct OCS revenues go to the U.S. Treasury each year.

$3 trillion is contributed to the national economy by the Gulf Coast.

12 million people live in coastal Louisiana.

17 percent of the National GDP comes from the Gulf Coast.

1,900 square miles of land have been lost in Louisiana since 1930.

25 square miles of wetlands are lost each year—or a football field-sized area every 30 minutes.

---

By Mr. NELSON of Florida:

S. 862. A bill to provide for a comprehensive Gulf of Mexico restoration plan, and for other purposes; to the Committee on Environment and Public Works.

Mr. NELSON Of Florida. Mr. President, I rise today, 360 days after the Deepwater Horizon oil rig exploded in the Gulf of Mexico, taking the lives of 11 Americans and forever changing the lives of their friends and families. Following the explosion, hundreds of millions of gallons of oil spewed out of that monster well for months, devastating the environment and the economy of the Gulf Coast. It is my hope and my belief that by the passage of time, the hard work and dedication of individuals, and the power of mother nature, the Gulf Coast will recover. But it will not be immediate.

I can't believe Congress hasn't addressed things like liability, and that some in Congress still are dead set on carrying out the oil industry's agenda, regardless of all the safety, economic and environmental concerns. Meantime, the companies say we need to allow additional offshore drilling. What they don't say is we have already given them tens of millions of additional acres in the Gulf of Mexico where they haven't even started drilling yet.

Under current law, the party responsible for an oil spill will be assessed fines for violations of the Clean Water Act. Those fines go to the Oil Spill Liability Trust Fund. But several folks have suggested that those fines should go to the Gulf Coast—to restore the environment, provide economic recovery, and to make the Gulf more resilient to disasters—including the Secretary of the Navy Ray Mabus, and the President's Oil Spill Commission headed up by Senator Bob Graham and Bill Reilly. Just like some of the lessons we learned after the Exxon-Valdez oil spill led to the passage of landmark laws, we need to take the lessons of the Deepwater Horizon oil spill and restore the Gulf.

So today, before the 1 year anniversary of the Deepwater Horizon, I am introducing a bill to put the Gulf Coast back to work and return it to the healthy, vibrant ecosystem it used to be—complete with sugar white sand beaches and some of the best fishing in the world. I have heard from city commissioners, hotel workers, fishermen and Americans that visit our beautiful Gulf coast that this is the right thing to do. The Gulf of Mexico Recovery, Restoration, and Resiliency Act will get funding to local governments for environmental education, restoration and research, as well as workforce development, and tourism promotion projects. It will create a Council with state and federal members to develop a comprehensive plan for the Gulf of Mexico. This bill will ensure long-term cooperative monitoring of the status of our fishery resources—where fishermen will work alongside scientists to protect their livelihoods by collecting the best data.

Most importantly, this bill will bring together all of the folks who care about the Gulf and provide them with the funding to restore it. Specifically, the bill creates a Citizen's Advisory Committee and a Science Advisory Committee to provide input on the direction of Gulf restoration activities. Our federal resource partners like the Department of Interior, the National Oceanic and Atmospheric Administration, and the Environmental Protection Agency will all have a seat at the table. Our State and local voices will be heard and have opportunities to undertake projects that support a healthy Gulf and a vibrant coastal economy.

It was heartbreaking less than a year ago to watch as oil spewed into the Gulf of Mexico, to hear of dead dolphins washing ashore, and to speak with folks who have lost their businesses because nobody came to the beach last summer. But it is also gives me hope to know that Gulf residents are a resilient, hard-working type. I know that if we can get them the tools and a strong plan for rebuilding, the Gulf will start to recover. We can make it right by sending the Clean Water Act fines to the areas that took the hit. So I'm asking that my Senate colleagues will support my efforts to help restore this national treasure, and I look forward to working towards that goal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 862

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Comprehensive Gulf of Mexico Recovery, Restoration, and Resiliency Act''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) CITIZENS' ADVISORY COMMITTEE.—The term ''Citizens' Advisory Committee'' means the Gulf of Mexico Regional Citizens' Advisory Committee established by section 8(a).

(2) CLEAN ENERGY PRODUCTION AND DEVELOPMENT.—The term ''clean energy production and development'' means any electricity generation, transmission, storage, heating, cooling, industrial process, or manufacturing project the primary purpose of which is the deployment, development, or production of an energy system or technology that avoids, reduces, or sequesters air pollutants or anthropogenic greenhouse gases.

(3) COUNCIL.—The term ''Council'' means the Gulf of Mexico Recovery Council established by section 3(a).

(4) ELIGIBLE ENTITY.—The term ''eligible entity'' means an organization that—

(A) is a consortium of 1 or more public and private institutions of higher education in a Gulf State;

(B) is formally established by a board of higher education in a Gulf State for the purpose of collaborating on marine science research;

(C) carries out 1 or more operations that are physically located in the Gulf coast; and

(D) demonstrates experience arising from—

(i) the conduct of the types of activities described in section 6; and

(ii) the ability to carry out each requirement described in subsections (c), (d), and (e) of section 6.

(5) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(6) FISHERY ENDOWMENT.—The term ''Fishery Endowment'' means the Gulf of Mexico Fishery Endowment established under section 7(a).

(7) FUND.—The term ''Fund'' means the Gulf of Mexico Recovery Fund established by section 4(a).

(8) GULF.—The term ''Gulf'' means the submerged land of the outer Continental Shelf, and the areas of the exclusive economic zone of the United States, within the Gulf of Mexico, including associated coastal watersheds, estuaries, beaches, and wetlands.

(9) GULF COAST.—The term ''Gulf coast'' means—

(A) each coastal zone (as determined pursuant to the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)) of each Gulf State (including water adjacent to the Gulf State); and

(B) submerged land of the outer Continental Shelf located in the Gulf of Mexico.

(10) GULF OIL SPILL.—The term ''Gulf oil spill'' means the discharge of oil and the use of oil dispersants that began in 2010 in connection with the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment.

(11) GULF STATE.—The term ''Gulf State'' means any of the States of—

(A) Alabama;

(B) Florida;

(C) Louisiana;

(D) Mississippi; and

(E) Texas.

(12) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(13) LOCAL POLITICAL SUBDIVISION.—The term ''local political subdivision'' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State.

(14) NATURAL RESOURCE TRUSTEE.—The term ''natural resource trustee'' means each of the Federal and State trustees designated under title I of the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) with respect to natural resource damages relating to the Gulf oil spill.

(15) OBSERVATION SYSTEM.—The term ''Observation System'' means the Gulf of Mexico

Observation System established under section 6(a).

(16) PLAN.—The term ''Plan'' means the Comprehensive Gulf of Mexico Recovery Plan developed under section 5(a).

(17) STRATEGY.—The term ''Strategy'' means the regional ecosystem restoration strategy developed by the Gulf Coast Ecosystem Restoration Task Force established by Executive Order 13554 (16 U.S.C. 1451 note; relating to the Gulf Coast Ecosystem Restoration Task Force).

**SEC. 3. GULF OF MEXICO RECOVERY COUNCIL.**

(a) ESTABLISHMENT.—There is established the Gulf of Mexico Recovery Council.

(b) MEMBERSHIP.—The Council shall be composed of each member of the Gulf Coast Ecosystem Restoration Task Force established by Executive Order 13554 (16 U.S.C. 1451 note; relating to the Gulf Coast Ecosystem Restoration Task Force).

(c) CHAIRPERSON.—The President shall select a Chairperson from among the members of the Council.

(d) DUTIES.—The Council, in coordination with the natural resource trustees, shall—

(1) develop the Plan;

(2) establish guidelines for the provision of, and provide, grants in accordance with subsection (e);

(3) establish the Observation System;

(4) establish the Fishery Endowment;

(5) coordinate the sharing of scientific information and other research associated with Gulf coast economic development, ecosystem restoration, and public health rehabilitation;

(6) form partnerships with Federal and State agencies, institutions of higher education, research consortia, private companies, and other relevant entities; and

(7) submit to the appropriate committees of Congress an annual report under subsection (f).

(e) GRANTS.—

(1) IN GENERAL.—Using amounts made available for expenditure from the Fund for a fiscal year, the Council shall provide grants in accordance with this subsection.

(2) GRANTS TO LOCAL POLITICAL SUBDIVISIONS.—

(A) IN GENERAL.—For each fiscal year, of the amounts made available for expenditure from the Fund, the Council shall use 45 percent of the amounts to provide grants to local political subdivisions.

(B) REQUEST FOR GRANT PROPOSALS.—Not later than 30 days after the date of enactment of this Act, and every 180 days thereafter until such time as the percentage of amounts specified in subparagraph (A) for a fiscal year has been provided in the form of grants under this paragraph, the Council shall issue to each local political subdivision affected by the Gulf oil spill, as determined by the Council, a request for proposal for grants for activities relating to Gulf coast economic development, ecosystem restoration, and public health rehabilitation, including—

(i) environmental restoration and remediation (including remediation in coastal and marine ecosystems);

(ii) academic and applied research regarding the economy, environment, and public health of the local political subdivision;

(iii) seafood marketing;

(iv) tourism and tourism marketing;

(v) coastal land acquisition;

(vi) ecosystem resource planning;

(vii) renewable and clean energy production and development, energy conservation, and related retrofitting projects;

(viii) workforce development; and

(ix) environmental education.

(C) CONSISTENCY WITH REGIONAL ECOSYSTEM RESTORATION STRATEGY.—The Council shall ensure that any funds made available under this paragraph shall be used for projects and activities that are consistent with the Strategy.

(D) TIMING OF PROVISION OF GRANTS.—The Council shall provide a grant under this paragraph not later than 120 days after the date on which the Council receives a proposal for the grant described in subparagraph (B).

(3) GRANTS FROM COUNCIL FOR PLAN AND OBSERVATION SYSTEM.—

(A) IN GENERAL.—For each fiscal year, of the amounts made available for expenditure from the Fund, the Council shall use 50 percent of the amounts to provide grants for use in—

(i) funding projects, programs, or activities to meet the goals described in section 5(b); and

(ii) carrying out section 6.

(B) ELIGIBLE RECIPIENTS.—The Council may provide a grant under this paragraph—

(i) for a purpose described in subparagraph (A)(i), to—

(I) a Federal or State agency;

(II) an institution of higher education; or

(III) a local political subdivision; and

(ii) for the purpose described in subparagraph (A)(ii), to eligible entities selected by the Council under section 6(b)(2)(A).

(C) CONDITION FOR RECEIPT OF GRANT.—As a condition on the receipt of a grant under this paragraph, and eligible recipient described in subparagraph (B)(i) shall agree to coordinate with the Council to develop and modify proposed projects to address needs under, and achieve the goals of, the Plan.

(4) METHOD OF ALLOCATION.—

(A) IN GENERAL.—The Council shall allocate the amounts to be used within each Gulf State under this paragraph in accordance with subparagraph (B).

(B) ALLOCATION.—

(i) PROPORTIONATE SHARE OF LENGTH OF GULF COAST SHORELINE.—Of the amounts allocated to a Gulf State described in subparagraph (A) for each fiscal year, 60 percent shall be allocated based on the proportion that, as determined by the Council based on the most recently available data from, or accepted by, the Office of Coast Survey of the National Oceanic and Atmospheric Administration—

(I) the aggregate length of the Gulf coast shoreline of the Gulf State; bears to

(II) the aggregate length of the Gulf coast shoreline of all Gulf States.

(ii) PROPORTIONATE SHARE OF AGGREGATE POPULATION.—Of the amounts allocated to a Gulf State described in subparagraph (A) for each fiscal year, 40 percent shall be allocated based on the proportion that, as determined by the Council based on data collected during the most recent decennial census—

(I) the aggregate population of all counties located, in whole or in part, within the designated Gulf coast boundaries of the Gulf State; bears to

(II) the aggregate population of all counties located, in whole or in part, within the designated Gulf coast boundaries in all Gulf States.

(iii) ADJUSTMENT AUTHORITY.—In carrying out this paragraph for a fiscal year, the Council may increase or decrease the percentages of funds provided under clauses (i) and (ii) for the fiscal year by not more than 5 percent, based on the severity of impacts of the Gulf oil spill on a particular Gulf State, as determined by the Council, on the condition that the total of the percentages under those clauses remains 100 percent after all such increases and decreases.

(5) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount of any grant provided under this subsection may be used for administrative expenses.

(6) FISHERY ENDOWMENT.—For each fiscal year, an amount equal to 5 percent of the amounts in the Fund shall be—

(A) deposited by the Council in a subaccount in the Treasury; and

(B) made available to the Administrator of the National Oceanic and Atmospheric Administration and the Regional Gulf of Mexico Fishery Management Council for use in administering and implementing the Fishery Endowment.

(f) ANNUAL REPORTS.—Not later than September 30, 2012, and annually thereafter, the Council shall submit to the appropriate committees of Congress a report that, for the period covered by the report, contains a description of each—

(1) activity of the Council, including each grant provided by the Council under subsection (e); and

(2) policy, plan, activity, and project carried out under this Act.

(g) AUTHORITY TO TRANSFER FUND.—The Council may transfer amounts from the Fund to Federal agencies for the purpose of carrying out this Act, including for the purposes of—

(1) carrying out Plan;

(2) administering the Fishery Endowment; and

(3) administering the Observation System.

(h) NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Council.

**SEC. 4. GULF OF MEXICO RECOVERY FUND.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''Gulf of Mexico Recovery Fund'', to be administered by the Council for authorized uses described in subsection (c).

(b) TRANSFERS TO FUND.—Notwithstanding any other provision of law, the Secretary of the Treasury shall deposit in the Fund amounts equal to not less than 100 percent of any amounts collected by the United States before, on, or after the date of enactment of this Act, and available on or after the date of enactment of this Act, as penalties, settlements, or fines under sections 309 and 311 of the Federal Water Pollution Control Act (33 U.S.C. 1319, 1321) in relation to the Gulf oil spill.

(c) AUTHORIZED USES.—Amounts in the Fund shall be available to the Council for the conduct of activities relating to Gulf coast economic development, ecosystem restoration, and public health rehabilitation in accordance with this Act, including the provision of grants under section 3(e).

**SEC. 5. COMPREHENSIVE GULF OF MEXICO RECOVERY PLAN.**

(a) DEVELOPMENT OF PLAN.—In accordance with subsection (b), the Council, in accordance with the Strategy and taking into consideration the advice of the Scientific Advisory Committee and the Citizens' Advisory Committee, shall develop a comprehensive plan to restore, revitalize, and increase the resiliency of the Gulf of Mexico ecosystem.

(b) GOALS.—The goals of the Plan shall include, with respect to the Gulf coast—

(1) ecosystem monitoring; and

(2) ecosystem recovery and resiliency, with an emphasis on a holistic, comprehensive approach covering coastal, nearshore, deep water.

(c) IMPLEMENTATION.—The Council shall provide grants under section 4(c)(3)(A) for use in funding projects, programs, or activities to meet the goals described in subsection (b).

**SEC. 6. GULF OF MEXICO OBSERVATION SYSTEM.**

(a) ESTABLISHMENT.—The Council shall establish the Gulf of Mexico Observation System to observe, monitor, and map the Gulf in a comprehensive manner.

(b) ADMINISTRATION.—The Observation System shall be—

(1) implemented through a Gulf of Mexico Exploration Research Center; and

(2) administered by 1 or more eligible entities that—

(A) are selected by the Council based on an application demonstrating the ability of the eligible entity to carry out this section; and

(B) receive a grant for that purpose under section 3(e)(3)(A)(ii).

(c) FACILITATION OF EXISTING TECHNOLOGIES.—An eligible entity administering the Observation System under subsection (b) shall facilitate the use of existing technologies to quickly increase, to the maximum extent practicable, observation and monitoring capabilities in the Gulf.

(d) DEVELOPMENT OF NEW TECHNOLOGIES.—An eligible entity administering the Observation System under subsection (b) shall facilitate the development of new monitoring technologies.

(e) COORDINATION WITH NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The Council shall ensure that the Observation System is developed in coordination with the National Integrated Coastal and Ocean Observation System established under section 12304(a) of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3603(a)).

**SEC. 7. GULF OF MEXICO FISHERY ENDOWMENT.**

(a) ESTABLISHMENT.—As soon as practicable after the date of enactment of this Act, the Council shall establish a fishery endowment to ensure, to the maximum extent practicable, the long-term sustainability of fish stocks and the recreational, commercial, and charter fishing industry in the Gulf of Mexico.

(b) FUNDING.—For each fiscal year, of the amounts made available for expenditure from the subaccount described in section 3(e)(6)(A), 95 percent of the interest accrued in the subaccount may be expended for, with respect to the Gulf of Mexico—

(1) data collection and stock assessments;

(2) pilot programs for—

(A) fishery independent data; and

(B) spawning aggregations reduction;

(3) cooperative research; and

(4) training and education on sustainable fishing practices and gear use.

(c) ADMINISTRATION; IMPLEMENTATION.—The Fishery Endowment shall be—

(1) administered by the Administrator of the National Oceanic and Atmospheric Administration; and

(2) implemented by the Regional Gulf of Mexico Fishery Management Council.

**SEC. 8. CITIZENS ADVISORY COMMITTEE.**

(a) ESTABLISHMENT.—There is established the Citizens' Advisory Committee.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Citizens' Advisory Committee shall be composed of 39 members, of whom—

(A) 30 members shall be voting members—

(i) of whom—

(I) 6 members shall be residents of, and represent, the State of Alabama;

(II) 6 members shall be residents of, and represent, the State of Florida;

(III) 6 members shall be residents of, and represent, the State of Louisiana;

(IV) 6 members shall be residents of, and represent, the State of Mississippi; and

(V) 6 members shall be residents of, and represent, the State of Texas; and

(ii) each of whom shall represent an interest of the State of which the member represents, including an interest relating to—

(I) the commercial fin fish and shellfish industry;

(II) the charter fishing industry;

(III) the restaurant, hotel, and tourism industries;

(IV) indigenous peoples communities;

(V) the marine and coastal conservation community; and

(VI) incorporated and unincorporated municipalities; and

(B) 9 members shall be nonvoting members, of whom—

(i) 1 member shall be appointed by, and represent, the Secretary of the department in which the Coast Guard is operating;

(ii) 1 member shall be appointed by, and represent, the Administrator of the Environmental Protection Agency;

(iii) 1 member shall be appointed by, and represent, the Administrator of the National Oceanic and Atmospheric Administration;

(iv) 1 member shall be appointed by, and represent, the Secretary of the Interior;

(v) 1 member shall be appointed by, and represent, the lead maritime environmental and natural resources management and enforcement agency of the State of Alabama;

(vi) 1 member shall be appointed by, and represent, the lead maritime environmental and natural resources management and enforcement agency of the State of Florida;

(vii) 1 member shall be appointed by, and represent, the lead maritime environmental and natural resources management and enforcement agency of the State of Louisiana;

(viii) 1 member shall be appointed by, and represent, the lead maritime environmental and natural resources management and enforcement agency of the State of Mississippi; and

(ix) 1 member shall be appointed by, and represent, the lead maritime environmental and natural resources management and enforcement agency of the State of Texas.

(2) GEOGRAPHIC BALANCE.—Voting and nonvoting members representing States shall be appointed equally from each State represented on the Citizens' Advisory Committee.

(c) TERMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the voting members of the Citizens' Advisory Committee shall be appointed for a term of 3 years.

(2) INITIAL APPOINTMENTS.—To establish the terms of the group of first appointments of voting members to the Citizens' Advisory Committee, a drawing of lots among the initial members shall be conducted under which—

(A) ⅓ of the group shall serve for a period of 3 years;

(B) ⅓ of the group shall serve for a period of 2 years; and

(C) ⅓ of the group shall serve for a period 1 year.

(3) DURATION OF COMMITTEE.—The authority of the Citizens' Advisory Committee shall continue during the lifetime of energy development, transportation, and facility removal activities in the Gulf of Mexico.

(d) ADMINISTRATION.—

(1) IN GENERAL.—The Citizens' Advisory Committee shall—

(A) elect a Chairperson from among the members of the Citizens' Advisory Committee;

(B) select a staff; and

(C) make policies with regard to the internal operating procedures of the Citizens' Advisory Committee.

(2) SELF-GOVERNANCE.—

(A) INITIAL MEETING.—After the date on which the Secretary of the department in which the Coast Guard is operating conducts an initial organizational meeting for the Citizens' Advisory Committee, the Citizens' Advisory Committee shall be self-governing.

(B) INITIAL MEETING.—Not later than 60 days after the date on which all members of the Citizens' Advisory Committee have been appointed, the Citizens' Advisory Committee shall hold the initial meeting of the Citizens' Advisory Committee.

(C) PERIODIC MEETINGS.—The Citizens' Advisory Committee shall conduct meetings not less frequently than 1 meeting per calendar year.

(3) TRANSPARENCY.—Subject to subsection (e)(2), the Citizens' Advisory Committee shall—

(A) conduct the operations of the Citizens' Advisory Committee in a manner that is accessible by the public;

(B) ensure that each work product adopted by the Citizens' Advisory Committee is publicly accessible;

(C) conduct not less than 1 meeting during each calendar year that is open to the public, for which the Citizens' Advisory Committee shall provide public notice not later than 30 days before the date of the meeting; and

(D) maintain a public website containing, at a minimum—

(i) recommendations made by the Citizens' Advisory Committee, and information as to whether the recommendations have been adopted (including an explanation of each reason of the Citizens' Advisory Committee for not adopting a recommendation);

(ii) a description of plans under review, carried out in a manner that does not disclose any confidential or privileged information;

(iii) a statement of industry standards; and

(iv) an interactive component that enables the public—

(I) to submit questions and comments; and

(II) to report problems.

(4) CONFLICTS OF INTEREST.—An individual selected as a voting member of the Citizens' Advisory Committee may not engage in any activity that may conflict with the execution of the functions or duties of the individual as a member of the Citizens' Advisory Committee.

(e) INFORMATION FROM FEDERAL AGENCIES AND INDUSTRY.—

(1) IN GENERAL.—The Citizens' Advisory Committee may request directly from any Federal agency information, suggestions, estimates, and statistics to carry out this section.

(2) ACCESS.—The Citizens' Advisory Committee shall have access to—

(A) facilities and nonproprietary records of the oil and gas industry that are relevant to the proper execution of the duties of the Citizens' Advisory Committee under this section; and

(B) records containing proprietary information if—

(i) the records are relevant to the proper execution of the duties of the Citizens' Advisory Committee under this section; and

(ii) the proprietary information is redacted to the extent necessary and appropriate.

(f) COMMITTEE RECOMMENDATIONS.—All recommendations of the Committee shall only be advisory.

(g) LOCATION AND COMPENSATION.—

(1) OFFICE LOCATIONS.—The Council shall establish offices in 1 or more Gulf States, as the Citizens' Advisory Committee determines to be necessary and appropriate to carry out the operations of the Citizens' Advisory Committee.

(2) COMPENSATION.—A member of the Citizens' Advisory Committee shall—

(A) serve without compensation; and

(B) be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code (except by express authorization of the Citizens' Advisory Committee in any case in which the rates are inadequate to reimburse a member not eligible for travel rates of the Federal Government).

(h) REPORTS.—

(1) DUTY OF COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 3 years after the date of establishment of the Citizens' Advisory Committee, and every 3 years thereafter, the Comptroller General of the United States shall submit to the President and the appropriate committees of Congress a report that contains a description of, for the period covered by the report, the operations and expenditures of the Citizens' Advisory Committee in carrying out this section (including any recommendation of the Comptroller General of the United States).

(2) DUTY OF CITIZENS' ADVISORY COMMITTEE.—Not later than 2 years after the date of establishment of the Citizens' Advisory Committee, and every 2 years thereafter, the Citizens' Advisory Committee shall submit to the appropriate committees of Congress a report that contains, for the period covered by the report, a description of—

(A) the extent of achievement of safe operations in the Gulf of oil and gas activities;

(B) unresolved problems and concerns with operations, activities, and plans; and

(C) the operations and expenditures, needs, issues, and recommendations of the Citizens' Advisory Committee.

**SEC. 9. SCIENTIFIC ADVISORY COMMITTEE.**

(a) ESTABLISHMENT.—There is established the Scientific Advisory Committee to provide advice to the Council regarding the science behind the Plan and long-term monitoring and restoration of the Gulf coast ecosystem.

(b) MEMBERSHIP.—The Scientific Advisory Committee shall be composed of 16 members, of whom—

(1) 10 shall be voting members, of whom—

(A) with respect to the State of Alabama, 2 members shall be appointed by the State, of whom—

(i) 1 shall be a scientist employed by an institution of higher education located in the State; and

(ii) 1 shall be a representative of the environmental protection or quality agency of the State;

(B) with respect to the State of Florida, 2 members shall be appointed by the State, of whom—

(i) 1 shall be a scientist employed by an institution of higher education located in the State; and

(ii) 1 shall be a representative of the environmental protection or quality agency of the State;

(C) with respect to the State of Louisiana, 2 members shall be appointed by the State, of whom—

(i) 1 shall be a scientist employed by an institution of higher education located in the State; and

(ii) 1 shall be a representative of the environmental protection or quality agency of the State;

(D) with respect to the State of Mississippi, 2 members shall be appointed by the State, of whom—

(i) 1 shall be a scientist employed by an institution of higher education located in the State; and

(ii) 1 shall be a representative of the environmental protection or quality agency of the State; and

(E) with respect to the State of Texas, 2 members shall be appointed by the State, of whom—

(i) 1 shall be a scientist employed by an institution of higher education located in the State; and

(ii) 1 shall be a representative of the environmental protection or quality agency of the State; and

(2) 4 shall be nonvoting members, of whom—

(A) 1 member shall be appointed by the Administrator of the National Oceanic and Atmospheric Administration;

(B) 1 member shall be appointed by the Administrator of the Environmental Protection Agency;

(C) 1 member shall be appointed by the Director of the National Institute for Standards and Technology; and

(D) 1 member shall be appointed by the Secretary of the Interior.

(c) DUTIES.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Scientific Advisory Committee shall prepare and submit to the Council a report that describes, for the period covered by the report, the science regarding—

(1) impacts to the Gulf and Gulf coast from the Gulf oil spill;

(2) the progress of restoration activities for the Gulf and Gulf coast; and

(3) the implementation of the Plan.

**SEC. 10. EFFECT ON OTHER LAW.**

Nothing in this section supersedes or otherwise affects any provision of Federal law, including, in particular, laws providing recovery for injury to natural resources under the Oil Pollution Act of 1990 (33 U.S.C 2701 et seq.).

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 145—DESIGNATING APRIL 15, 2011, AS ''NATIONAL TEA PARTY DAY''

Mr. VITTER (for himself and Mr. LEE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 145

Whereas the deficit, as of April 15, 2011, is the third consecutive deficit in excess of $1,000,000,000,000 in 3 years, and in the history of the United States;

Whereas the taxpayers of the United States understand that the so-called ''Stimulus Bill'', the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), included a laundry list of spending projects that has only increased our national debt;

Whereas passage of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) was undertaken with guarantees of restricting unemployment to levels equal to or less than 8 percent, yet unemployment rates have consistently exceeded 8 percent;

Whereas Congress should pass, and the States should ratify, a balanced budget amendment to the Constitution to ensure structural reform that will force Congress and the President to balance the budget;

Whereas future bailouts of Wall Street have been codified by the Dodd–Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203);

Whereas the taxpayers of the United States understand that the bailouts of Wall Street by the United States Government have been ineffective and a waste of taxpayer funding;

Whereas the Federal Government must borrow approximately 40 cents of every dollar of Federal spending, causing our Nation to continue on an unsustainable path of increasing debt;

Whereas Congress should enact permanently lower tax rates and a simpler tax code so that taxpayers and business owners no longer face heavy compliance costs and the uncertainty of tax rates that increase automatically;

Whereas the taxpayers of the United States agree that the United States Government should stop wasteful spending, reduce the tax burden on families and businesses, and focus on policies that will lead to job creation and economic growth; and

Whereas taxpayers in the United States are expressing their opposition to efforts to raise taxes, the unsustainable debt, the failure to enact systematic budget reforms, and skyrocketing spending by the United States Government by organizing ''Taxed Enough Already'' parties, also known as ''TEA'' parties: Now, therefore, be it

*Resolved,* That the Senate designates April 15, 2011, as ''National TEA Party Day''.

### SENATE RESOLUTION 146—EXPRESSING THE SENSE OF THE SENATE THAT IT IS NOT IN THE VITAL INTEREST OF THE UNITED STATES TO INTERVENE MILITARILY IN LIBYA, CALLING ON NATO TO ENSURE THAT MEMBER STATES DEDICATE THE RESOURCES NECESSARY TO ENSURE THAT OBJECTIVES AS OUTLINED IN THE UNITED NATIONS RESOLUTIONS 1970 AND 1973 ARE ACCOMPLISHED, AND TO URGE MEMBERS OF THE ARAB LEAGUE WHO HAVE YET TO PARTICIPATE IN OPERATIONS OVER LIBYA TO PROVIDE ADDITIONAL MILITARY AND FINANCIAL ASSISTANCE

Mr. ENSIGN (for himself, Mrs. HUTCHISON, and Mr. MANCHIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 146

Whereas, on March 28, 2011, President Barack Obama, in an address to the Nation, said ''. . . at my direction, America led an effort with our allies at the United Nations Security Council to pass a historic resolution that authorized a no-fly zone to stop the regime's attacks from the air and further authorized all necessary measures to protect the Libyan people'';

Whereas, in that same address to the Nation, President Obama said he ordered military action to prevent ''. . . a massacre that would have reverberated across the region and stained the conscience of the world'';

Whereas, on March 19, 2011, following passage of United Nations Resolution 1973, the United States began conducting air and sea strikes against Libya in what was labeled Operation Odyssey Dawn;

Whereas President Obama has not sought from Congress authorization for the use of military force against Libya;

Whereas passage of a non-binding, simple resolution by the Senate is not equivalent to an authorization for the use of military force, passed by both the House and the Senate and signed by the President;

Whereas Senate Resolution 85 (112th Congress) should not be interpreted as an expression of congressional consent for United States military intervention in Libya;

Whereas, on March 31, 2011, the United States Armed Forces transferred command of air operations over Libya to the North Atlantic Treaty Organization (NATO) under Operation Unified Protector;

Whereas, at the time of the transfer to NATO, the United States had conducted 1,206 sorties and launched 216 Tomahawk missiles, while other NATO forces had conducted 784 sorties and launched 7 Tomahawk missiles;

Whereas the United States Armed Forces have performed and continue to perform

their assigned missions brilliantly and have once again demonstrated that they are the best in the world;

Whereas, prior to the United States transferring command to NATO, President Obama stated, ''Going forward, the lead in enforcing the no-fly zone and protecting civilians on the ground will transition to our allies and partners, and I am fully confident that our coalition will keep the pressure on Qaddafi's remaining forces.'';

Whereas, President Obama also stated that the United States would ''play a supporting role'' following transition to NATO, and that because of this transition, the risk and cost of this operation would be reduced significantly;

Whereas, after April 2, 2011, no United States combat aircraft were to fly strike missions over Libya unless specifically requested by NATO;

Whereas, after April 2, 2011, NATO immediately requested and was granted approval for a 48-hour extension of United States strike aircraft for participation in operations over Libya;

Whereas United States combat aircraft are currently scheduled to remain on standby in the region, in the event NATO commanders request additional assistance;

Whereas, Abdel Fattah Younes, head of the rebel forces, stated on April 5, 2011 that NATO has been ''disappointing'' and ''slow'' in calling in airstrikes, which have allowed Moammar Qaddafi's military to gain momentum and push back rebel forces;

Whereas, of the 21 members in the Arab League, only 2 countries have contributed any military resources to support United Nations Resolutions 1970 and 1973; and

Whereas it is in the interest of Arab nations to work with coalition forces to work to end violence, attacks, and abuses of civilians in Libya: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) United States military intervention in Libya, as explained by the President, is not in the vital interests of the United States;

(2) the President should have consulted with members of Congress prior to committing the United States Armed Forces either independently or as a major part of NATO operations;

(3) the President should obtain authorization from Congress before providing further military and financial support to operations in Libya and should not assume that such an authorization would equate to the United States Armed Forces leading any future strike or support operations;

(4) Prior to further involvement of United States military personnel or equipment, fellow NATO members and other nations that have a vital interest in the region should agree to provide a substantial portion of the military and financial burdens associated with Operation Unified Protector; and

(5) members of the Arab League should ensure that all of their military resources are available to enforce United Nations Resolutions 1970 and 1973 (2011).

## SENATE RESOLUTION 147—RECOGNIZING THE CELEBRATION OF NATIONAL STUDENT EMPLOYMENT WEEK AT THE UNIVERSITY OF MINNESOTA DULUTH

Ms. KLOBUCHAR submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 147

Whereas National Student Employment Week offers the University of Minnesota Duluth the opportunity to recognize students who work while attending college;

Whereas the University of Minnesota Duluth is committed to increasing awareness of student employment as an educational experience for students, as well as an alternative to financial aid;

Whereas there are nearly 1,500 student employees at University of Minnesota Duluth;

Whereas the University of Minnesota Duluth recognizes how important student employees are to their employers; and

Whereas National Student Employment Week is celebrated the week of April 11 through 17, 2011: Now, therefore, be it

*Resolved*, That the Senate recognizes the celebration of National Student Employment Week at the University of Minnesota Duluth.

## SENATE RESOLUTION 148—CALLING ON THE PRESIDENT TO SUBMIT TO CONGRESS A DETAILED DESCRIPTION OF UNITED STATES POLICY OBJECTIVES IN LIBYA, BOTH DURING AND AFTER MUAMMAR QADDAFI'S RULE, AND A PLAN TO ACHIEVE THEM, AND TO SEEK CONGRESSIONAL AUTHORIZATION FOR THE USE OF MILITARY FORCE AGAINST LIBYA

Mr. CORNYN (for himself, Ms. COLLINS, Mr. BLUNT, Mr. LEE, Mr. ROBERTS, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 148

Whereas, on February 15, 2011, protests against longtime Libyan dictator Muammar Qaddafi began in Benghazi, Libya, following the arrest of human rights advocate Fathi Tarbel;

Whereas, on March 10, 2011, rebels in Libya, armed with outdated anti-aircraft guns and facing overwhelming firepower from Qaddafi forces, were forced to retreat from strongholds in eastern Libya, while doctors in Libya reported that civilian casualties had doubled, mostly as the result of airstrikes ordered by Qaddafi;

Whereas, on March 10, 2011, France became the first country to recognize the Libyan Transitional National Council, organized by the Libyan rebel leadership, as the legitimate government of Libya;

Whereas, on March 12, 2011, Amr Moussa, secretary general of the Arab League, announced, ''The Arab League has officially requested the United Nations Security Council to impose a no-fly zone against any military action against the Libyan people.'';

Whereas, on March 16, 2011, Muammar Qaddafi's forces neared the rebel stronghold of Benghazi, and Saif al-Islam, Qaddafi's son, vowed that ''everything will be over in 48 hours'';

Whereas, on March 16, 2011, following United Nations Security Council negotiations, U.S. Permanent Representative to the United Nations Susan Rice announced United States support for a no-fly zone, stating, ''But the U.S. view is that we need to be prepared to contemplate steps that include, but perhaps go beyond, a no-fly zone.'';

Whereas, on March 17, 2011, the United Nations Security Council voted to approve a no-fly zone over Libya, passing United Nations Security Council Resolution 1973, which authorized ''all necessary measures'' to protect civilians;

Whereas, on March 19, 2011, President Barack Obama authorized United States military operations against Libya, and Operation Odyssey Dawn commenced;

Whereas, on March 19, 2011, the United States Armed Forces began air and sea strikes against targets along the coast of Libya against Libyan air defenses;

Whereas, on March 21, 2011, President Obama sent a letter notifying Congress that he had ordered strikes on Libya and outlining United States military actions in Libya during the preceding 48 hours;

Whereas, on March 23, 2011, Muammar Qaddafi's forces shelled the town of Misrata, held by Libyan rebels, killing dozens of civilians;

Whereas, on March 24, 2011, coalition forces hit military targets deep inside Libya, but failed to prevent Qaddafi's tanks from re-entering Misrata and besieging its main hospital;

Whereas, on March 24, 2011, North Atlantic Treaty Organisation (NATO) Secretary-General Anders Fogh Rasmussen announced that NATO would take command of enforcing the no-fly zone over Libya and was considering taking control of the full United Nations-backed military mission;

Whereas, on March 30, 2011, forces loyal to Muammar Qaddafi pressed further east with an artillery offensive, pushing Libyan rebels back more than 95 miles towards Brega;

Whereas, on March 31, 2011, United States Africa Command, which had led the initial phases of military operations against Libya under Operation Odyssey Dawn, transferred command and control of international air operations over Libya to NATO;

Whereas, as of March 31, 2011, Operation Unified Protector, under sole command of NATO, is now responsible for the arms embargo, no-fly zone, and actions to protect civilians in Libya;

Whereas, as of April 4, 2011, in support of Operation Odyssey Dawn and Operation Unified Protector, the United States had flown approximately 1,600 military sorties and, as of April 7, 2011, had launched 228 Tomahawk Land Attack Missiles and spent approximately $632,000,000;

Whereas President Obama has repeatedly indicated that his policy on Libya is that Muammar Qaddafi should no longer serve as the leader of the Government of Libya;

Whereas, on February 26, 2011, 11 days after the protests began, President Obama discussed the situation in Libya with Chancellor of Germany Angela Merkel and, according to a White House statement, said, ''When a leader's only means of staying in power is to use mass violence against his own people, he has lost the legitimacy to rule and needs to do what is right for his country by leaving now.'';

Whereas, on March 3, 2011, President Obama, at a joint press conference with President of Mexico Felipe Calderon, said, ''Muammar Qaddafi has lost the legitimacy to lead and he must leave. . . [W]e will continue to send the clear message that it's time for Qaddafi to go.'';

Whereas, on March 18, 2011, President Obama, at a joint press conference with President of Chile Sebastian Pinera, said, ''I have also stated that it is U.S. policy that Qaddafi needs to go. And we got a wide range of tools in addition to our military efforts to support that policy.'';

Whereas, on March 28, 2011, President Obama, in an address to the Nation, began to draw a distinction between United States political and military objectives in Libya, saying, ''There is no question that Libya—and the world—would be better off with Qaddafi out of power. I, along with many other world leaders, have embraced that goal, and will actively pursue it through non-military means.'';

Whereas, on March 29, 2011, President Obama, in an interview on NBC Nightly News, continued to draw this distinction, saying, ''Our primary military goal is to protect civilian populations and to set up the no-fly zone. Our primary strategic goal is for Qaddafi to step down so that the Libyan people have an opportunity to live a decent life.'';

Whereas, despite President Obama's policy that Muammar Qaddafi should no longer serve as the leader of the Government of Libya, President Obama has not presented Congress with a plan to achieve that policy objective;

Whereas President Obama has not sought from Congress any type of authorization for the use of military force against Libya;

Whereas passage of a non-binding, simple resolution by the Senate is not equivalent to an authorization for the use of military force, passed by both the Senate and the House of Representatives and signed by the President; and

Whereas senior officials in the Obama Administration, including Secretary of State Hillary Rodham Clinton, Secretary of Defense Robert Gates, and Harold Koh, the Department of State's Legal Adviser, have incorrectly pointed to the Senate passage of a non-binding resolution, Senate Resolution 85 (112th Congress), as an expression of congressional consent for the United States military intervention in Libya: Now, therefore, be it

*Resolved,* That it is the sense of the Senate that—

(1) the President should submit to Congress—

(A) a detailed description of United States policy objectives in Libya, both during and after Muammar Qaddafi's rule;

(B) a detailed plan to achieve those objectives;

(C) a detailed estimate of the full cost of the United States military operations in Libya and any other actions required to implement the plan; and

(D) a detailed description of the limitations the President has placed on the nature, duration, and scope of United States military operations in Libya, as referenced in his March 21, 2011, letter to Congress; and

(2) the President should seek a congressional authorization for the use of military force against Libya.

Mr. CORNYN. Mr. President, moments ago, I sent to the desk a resolution on my behalf, as well as that of Senator COLLINS, Senator BLUNT, Senator LEE, Senator ROBERTS, and Senator INHOFE, relating to the military operations in Libya. I would like to speak for a few moments about that and about my concerns.

Like all of our colleagues, I respect our troops and honor them and, of course, their sense of duty, which obligates them to do whatever the Commander in Chief has directed them to do. And, of course, I respect the role of our President as Commander in Chief. But I have grown increasingly concerned that the role of Congress in consultation and in communication with the White House on matters of such grave import to our country and our men and women in uniform as intervening in a foreign country—that the powers of Congress have seemingly been ignored or certainly eroded.

We know this is not new. Since the end of World War II, to my recollection, the U.S. Congress has never exercised its authority under article I, section 8 of the Constitution to declare war. Instead, when our nation has been involved in military operations, we have had something other than a war declared by Congress, but most often with communication and consultation and even authorization by the Congress.

I believe it is imperative, particularly in light of the events subsequent to our intervention in Libya, that the President should submit a plan to Congress on Libya. I believe the President should also come to Congress and ask for a congressional authorization for our continued participation, even in a NATO mission of which the United States bears a disproportionate responsibility.

Like many Americans, I admire the Libyans who protested against Muammar Qaddafi beginning on February 15 of this year. And the timeline, I believe, is important. February 15. They showed they wanted the same things as people in Tunisia, Egypt, Bahrain, Syria, Iran, and so many other nations in the Middle East; that is, a chance to live in freedom and to have a voice in determining their own future.

But, like many Americans, I was also concerned that the people of Libya got so little encouragement from our own President. True, President Obama said on March 3 that Qaddafi had lost legitimacy and he ''must step down from power and leave'' immediately. That was on March 3. He indicated this was the policy of the U.S.—that regime change was our goal in Libya—regime change. But he obviously had no plan to accomplish that goal or to further assist the Libyan people in accomplishing it themselves, other than handing the responsibility off to NATO. Now, this is not like handing it off to some third party that is alien to us or not part of us. We—the United States—are a significant part of NATO's operations. For example, in Afghanistan, basically for every one coalition troop from other NATO countries, there are two American troops, and we bear the proportionate financial responsibility as well.

The President watched as Qaddafi forces regained the momentum against those who had taken up arms against the regime. France—France—became the first nation to recognize the Libyan Transitional National Council as the legitimate government of Libya on March 10. And then the Arab League asked that a no-fly zone be imposed over Libya on March 12. Finally, on March 17—this was almost a month after the first protests against Qaddafi in Libya—the United Nations Security Council approved a no-fly zone over Libya, as well as necessary measures to protect civilians in that country.

U.N. Security Council resolutions take a lot of time to negotiate. There is obviously the need for a lot of consultation between the nations making up the U.N. Security Council. That is why I am only left to wonder why it was during this period of time that the President made so little effort to consult with Congress in a substantive way. I admit he appeared to act like he checked the box once or twice. He sent us a letter on March 21—2 days after Operation Odyssey Dawn began—letting us know what we could have learned from reading the newspaper and watching cable television, that he had ordered strikes on Libya. But the level of consultation with Congress about Libya was nothing like what we had in the years leading up to U.S. military involvement in Iraq and Afghanistan, where Congress issued an explicit authorization for use of military force at the request of the President of the United States.

This is not just a constitutional powers matter. I think this is also a matter of communicating with the American people about the reasons for our intervention in Libya and expressing to the American people what the plan is so they can do what they naturally want to do; that is, provide support for our men and women in uniform, particularly when they are in harm's way.

The President waited until 9 days after our planes and missiles were in the air to make his case to the American people in a speech at the National Defense University. During that speech, the President began to draw a very confusing distinction between our political and military objectives in Libya, saying:

> There is no question that Libya—and the world—will be better off with Qaddafi out of power. I, along with many other world leaders, have embraced that goal, and will actively pursue it through non-military means.

Or, as he put it in an interview the next day, he said:

> Our primary military goal is to protect civilian populations and to set up the no-fly zone. Our primary strategic goal is for Qaddafi to step down so that the Libyan people have an opportunity to live a decent life.

I bet I am not the only person in the country who is confused by this dichotomy between our military goals and our strategic goals. I think they should be the same.

We know the American people still have many questions about what we are doing in Libya and why. As a matter of fact, I met this morning with some Texas Army National Guardsmen who were visiting the Capitol just today, who asked me a question on this very subject because they are confused. If our men and women in uniform are confused about the President's objective, and the American people do not understand what it is either, it means there has not been a good case made explaining the need for military intervention and the ongoing operations. But do not take my word for it. According to a Pew Research poll on April 3, only 30 percent of Americans believe the United States or our allies have a clear goal in Libya—30 percent. Our troops deserve more clarity.

The President told our troops that their involvement in Libya would last a matter of days, not weeks. These men

and women, as we all acknowledge, are the finest fighting force in the world. They can accomplish any mission given to them. But they can also tell the difference between days and weeks. Our troops can tell that they are still responsible for about 25 percent of the NATO support missions in Libya. They hear the voices calling for NATO to expand its operations. And then they know that any expansion of NATO's mission, in scope or duration, puts more of them in harm's way. They simply deserve more clarity, as do the American people.

So I think the Congress, on behalf of the American people, consistent with our constitutional responsibilities and our shared power in matters as serious as this, deserve a plan from the President of the United States, so he can present it to us and we can have what we sorely need, which is a genuine debate about our role in the future—the way forward in Libya.

So what should that plan look like? I will make a few suggestions. I believe a credible plan should contain a detailed description of U.S. policy objectives in Libya both during and after Qaddafi's rule. It should include a detailed plan to achieve those objectives. And particularly in these times when we are struggling with enormous debt and deficits, it should include a detailed estimate of the costs of U.S. military operations in Libya and any other actions required to implement the plan.

Congress, of course, has the responsibility for the federal purse strings and would be asked to appropriate the money, so I think it is entirely appropriate that the President present to us a plan that we can debate and vote on in the form of an authorization.

I think a credible plan should also include a detailed description of the limitations the President has placed on the nature, duration, and scope of U.S. military operations in Libya—the limitations he referred to in his letter of March 21 to Congress.

A plan from the President would, of course, be a catalyst for a long-overdue debate right here in the Halls of what we call occasionally the world's greatest deliberative body. But we cannot deliberate without debate and without an honest appraisal of where we are and where we are going. In fact, it is clear, just by referring back to the debate we had on Iraq and Afghanistan, that the amount of time devoted in this body to Libya is dwarfed by the fulsome debates we had over a period of years relative to our military operations in Iraq and Afghanistan.

Now, what questions should a Senate debate over Libya hope to address? Well, I can think of a few.

Was the Secretary of Defense correct when he said Libya is not a vital interest for the United States?

Is the situation on the ground in Libya—as reported by the news—basically now a stalemate? Remember that the initial U.S. commander of coalition operations in Libya, General Carter Ham, testified before the Armed Services Committee just last week. He agreed with that assessment that it was essentially now a stalemate.

I think this is, to me, the simplest, the most direct question: If the President's goal was to stop Qaddafi from killing Libyans, civilians rebelling against him and protesting against his tyrannical rule, how in the world do we stop the killing without stopping the killer? That would be Muammar Qaddafi. How can we stop the killing of civilians until we achieve the objective of removing him by any means necessary?

I think it is also appropriate to inquire as to whether the Pottery Barn rule applies in Libya. Colin Powell, former Secretary of State and Chairman of the Joint Chiefs of Staff, once observed that, Once you break it, you own it, the so-called Pottery Barn rule.

Has the administration's focus on Libya distracted it from our ongoing efforts in Afghanistan and Iraq, which are both vital interests? We have committed huge amounts of blood and treasure to success in both of those countries, and I think Congress needs to know, and we need to have a fulsome debate, about whether this mission in Libya has distracted from those other two vital missions.

We also need to talk about whether NATO's performance in Libya has jeopardized its effectiveness and reputation. Is there a risk that the alliance is already splitting because of caveats or restrictions that some of the coalition members are placing on their participation in the ongoing intervention in Libya?

Finally, I think we need to know, because certainly everything that happens becomes precedent for some future action, whether there is something that one might call an ''Obama doctrine.'' Is it that the United States will use military force when requested by our allies such as France or, perhaps, international bodies such as the Arab League or the United Nations, but not otherwise? Is it something like the United States will protect civilians when they capture the world's media attention, but ignore their suffering otherwise? Is it something that explains why, for example, we are engaged in Libya but not engaged in Syria?

Remember that Syria is a nation that is slaughtering its own civilians—a humanitarian crisis, I would submit. It is a known state sponsor of terrorism, so designated by the U.S. Department of State, and it is a well-known and notorious conduit for arms from Iran to the Lebanese Hezbollah. Whatever the Obama doctrine is, why doesn't it apply to Syria? We need to ask those questions and I think we need and deserve—and the American people even more so deserve—answers.

I believe our debate in the Senate should result in a vote on a congressional authorization for the President's plan, whatever that is, in Libya, but we ought to have a conversation, we ought to communicate, we ought to have a consultation, not allow the President to treat Congress like a potted plant when it comes to intervening in a foreign nation in a military fashion. I believe the President should ask Congress for an authorization, and I believe we should vote on one.

I certainly don't believe that what we have done so far, which is pass a simple resolution without much notice or debate, is sufficient. Frankly, I don't understand why some of my colleagues are so willing to acquiesce to the President, thereby conceding to the executive branch all authority in dealing with a matter of this gravity and seriousness.

I believe a robust debate about Libya would be good for the Senate, it would be good for the House of Representatives, I think it would be good for the American people, and I think it would be good for the President. If the President takes action knowing that the American people and the Congress are behind his plan, that is good for America, and that is what we need.

I am afraid, though, that the President is taking the support of the American people for granted. The American people instinctively want to support our Commander in Chief, but history shows our military operations are most successful when the people of the United States are behind them. When the American people are not—when they become disengaged or disillusioned—success becomes much more difficult, not just in Libya but for future missions as well. I hope the President will act in such a way that shows respect for Congress as a coequal branch of government, and for the American people, who expect that their representatives will debate questions of this gravity in the open and ask the questions they themselves would ask before their sons and daughters are put in danger. I hope the American people will have the benefit of a vigorous debate on Libya in the Senate.

It is with that objective in mind that my colleagues and I have submitted a resolution. I know there are other resolutions. I believe the Senator from Connecticut and the Senator from Massachusetts and the Senator from Arizona have another one. I am advised that Senator ENSIGN from Nevada and Senator HUTCHISON from Texas have another one. I think we need to consider all of those views and have a debate and vote on these issues.

## SENATE RESOLUTION 149—RECOGNIZING AND SUPPORTING THE GOALS AND IDEALS OF SEXUAL ASSAULT AWARENESS MONTH

Mr. CASEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 149

Whereas on average, a person is sexually assaulted in the United States every 2 ½ minutes;

Whereas the Department of Justice reports that more than 200,000 people in the United States are sexually assaulted each year;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,908 reports of sexual assault involving members of the Armed Forces in fiscal year 2008, representing an 8 percent increase from fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under 18 years of age, and 80 percent are under the 30 years of age;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas women, children, and men suffer multiple types of sexual violence, including acquaintance, stranger, spousal, and gang rape, incest, child sexual molestation, forced prostitution, trafficking, forced pornography, ritual abuse, sexual harassment, and stalking;

Whereas it is estimated that the percentage of completed or attempted rape victimization among women in institutions of higher education is between 20 and 25 percent over the course of a college career;

Whereas, in addition to the immediate physical and emotional costs, sexual assault has associated consequences that may include post-traumatic stress disorder, substance abuse, major depression, homelessness, eating disorders, and suicide;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attack to law enforcement agencies;

Whereas ⅔ of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas, because of advances in DNA technology, law enforcement agencies have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can lead to the incarceration of rapists and therefore prevent those individuals from committing further crimes;

Whereas national, State, territory, and tribal coalitions, community-based rape crisis centers, and other organizations across the United States are committed to increasing public awareness of sexual violence and its prevalence, and to eliminating sexual violence through prevention and education;

Whereas important partnerships have been formed among criminal and juvenile justice agencies, health professionals, public health workers, educators, first responders, and victim service providers;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault;

Whereas in 2011, the Department of Defense and the Rape, Abuse & Incest National Network (RAINN) launched the DoD Safe Helpline, which provides live, one-on-one help to members of the United States Armed Forces who have been sexually assaulted;

Whereas the DoD Safe Helpline provides live help to active duty personnel and other members of the DoD community worldwide by phone (877-995-5247) and online at SafeHelpline.org, as well as installation-based referrals via texting;

Whereas, according to a 2010 survey of rape crisis centers by the National Alliance to End Sexual Violence, 72 percent of programs have experienced a reduction in funding over 2009 levels, 56 percent have experienced a reduction in staffing, 23 percent have a waiting list for services, and funding and staffing cuts have resulted in an overall 50 percent reduction in the provision of institutional advocacy services;

Whereas individual and collective efforts reflect the dream of the people of the United States for a nation where individuals and organizations actively work to prevent all forms of sexual violence and no sexual assault victim goes unserved or ever feels that there is no path to justice; and

Whereas April is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

*Resolved,* That—

(1) it is the sense of the Senate that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of survivors of sexual assault, and the prosecution of perpetrators of sexual assault;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to survivors of sexual assault, and increasing the number of successful prosecutions of perpetrators of sexual assault; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) the Senate strongly recommends that national and community organizations, businesses in the private sector, institutions of higher education, and the media promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) the Senate supports the goals and ideals of National Sexual Assault Awareness and Prevention Month.

## SENATE RESOLUTION 150—CALLING FOR THE PROTECTION OF RELIGIOUS MINORITY RIGHTS AND FREEDOMS IN THE ARAB WORLD

Mr. INHOFE submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 150

Whereas, on January 25, 2011, in Tahrir Square, Egyptian protestors found their voice when they successfully ended the 30-plus year rule of President Mubarak and began the work of creating a true democratic government, a government that supports and protects inalienable rights and freedoms, including the freedom of religion;

Whereas the fervor and spirit of these revolutions have taken wing in other Arab nations such as Tunisia, Libya, and Syria;

Whereas, reminiscent of the 1968 ''Prague Spring'' in the former Czechoslovakia, many have called this revolutionary period an ''Arab Spring'', where ordinary citizens have taken to the streets demanding an end to corruption, political cronyism, and government repression;

Whereas, in the midst of newly acquired freedoms, including those of speech, press, and assembly, it is extremely important that religious minorities in these countries be protected from violence and guaranteed the freedom to practice their religion and to express religious thought;

Whereas Article 18 of the Universal Declaration of Human Rights recognizes that ''[e]veryone has the right to freedom of thought, conscience, and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance'';

Whereas the freedom to worship by minority religious communities in Arab nations has come under repeated and deadly attack in recent months;

Whereas, on November 1, 2010, the deadliest ever recorded attack on Iraqi Christians occurred at the Sayidat al-Nejat Catholic Cathedral located in central Baghdad, where militants stormed the church and detonated 2 suicide vests filled with ball bearings, killing 58 and wounding 78 parishioners;

Whereas, on January 1, 2011, a suicide bomber blew himself up in front of the Saint George and Bishop Peter Church in Cairo, killing 21 Egyptian Coptic Christians, a Christian minority group that accounts for 9 percent of Egypt's population of 80,000,000;

Whereas the freedom to proselytize by minority religious communities in Arab nations has also come under repeated and deadly attack in recent months through so-called blasphemy laws that are punishable by death;

Whereas, on January 4, 2011, Governor Salman Tasser, who courageously sought to release Aasia Bibi, a Christian woman and mother of 5 who was sentenced to death under Pakistan's blasphemy laws, was gunned down by his own security guard because of his support for reforming the blasphemy laws; and

Whereas, on March 2, 2011, Shahbaz Bhatti, Pakistan's only Christian cabinet member and passionate supporter of interfaith tolerance and repeal of Pakistan's blasphemy law, was assassinated by multiple gunmen, leaving his body and vehicle riddled with 80 bullets and anti-Christian pamphlets strewn over his body: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes, in this spirit of Arab Spring revolution, that religious minority freedoms and rights must be protected; and

(2) urges in the strongest terms that the United States Government lead the international effort to repeal existing blasphemy laws.

## SENATE RESOLUTION 151—CONGRATULATING THE UNIVERSITY OF MINNESOTA DULUTH MEN'S ICE HOCKEY TEAM ON WINNING THEIR FIRST NATIONAL COLLEGIATE ATHLETIC ASSOCIATION (NCAA) DIVISION I MEN'S HOCKEY NATIONAL CHAMPIONSHIP

Ms. KLOBUCHAR submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 151

Whereas on Saturday, April 9, 2011, the University of Minnesota Duluth won the 2011 NCAA Division I Men's Ice Hockey Championship;

Whereas this is the first national championship for the University of Minnesota Duluth Bulldogs men's ice hockey team (the ''University of Minnesota Duluth'');

Whereas the University of Minnesota Duluth won the Frozen Four championship game with a 3 to 2 sudden death win over the University of Michigan;

Whereas on Thursday, April 7, 2011, the University of Minnesota Duluth defeated the University of Notre Dame in the Frozen Four semifinal game with a score of 4 to 3 to advance to the national championship game;

Whereas the game was played before a sell-out crowd of more than 19,200 fans at the Xcel Energy Center in St. Paul, Minnesota;

Whereas the University of Minnesota Duluth finished the 2010-2011 season with the most wins since the 2003-2004 season;

Whereas in the 2010-2011 season the University of Minnesota Duluth had the most fans for a home schedule in 50 Division I seasons, averaging more than 6,800 fans;

Whereas the University of Minnesota Duluth never lost more than 1 game in a row, a first in program history; and

Whereas the University of Minnesota Duluth had 6 wins and 1 loss in the postseason, closing with 4 straight wins and beating the top 2 teams in the Eastern College Athletic Conference in the East Regional and the top 2 teams in the Central Collegiate Hockey Association in the Frozen Four: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication helped the University of Minnesota Duluth win the 2011 NCAA Division I Men's Hockey National Championship; and

(2) recognizes University of Minnesota Duluth Chancellor Lendley Black and Athletic Director Bob Nielson, who have shown great leadership in bringing athletic success to the University of Minnesota Duluth.

## SENATE RESOLUTION 152—DESIGNATING APRIL 30, 2011, AS ''DIA DE LOS NINOS: CELEBRATING YOUNG AMERICANS''

Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. REID of Nevada, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 152

Whereas many nations throughout the world, and especially within the Western hemisphere, celebrate ''Dia de los Niños'', or ''Day of the Children'', on the 30th of April, in recognition and celebration of their country's future – their children;

Whereas children represent the hopes and dreams of the people of the United States and children are the center of families in the United States;

Whereas the people of the United States should nurture and invest in children to preserve and enhance economic prosperity, democracy, and the American spirit;

Whereas according to the 2010 Census report, there are more than 50,000,000 individuals of Hispanic descent living in the United States, more than 17,000,000 of whom are children;

Whereas Hispanics in the United States, the youngest and fastest growing ethnic community in the Nation, continue the tradition of honoring their children on Dia de los Niños, and wish to share this custom with the rest of the Nation;

Whereas the primary teachers of family values, morality, and culture are parents and family members, and we rely on children to pass on family values, morals, and culture to future generations;

Whereas the importance of literacy and education are most often communicated to children through family members;

Whereas families should be encouraged to engage in family and community activities that include extended and elderly family members, and that encourage children to explore and develop confidence;

Whereas the designation of a day to honor the children of the United States will help affirm for the people of the United States the significance of family, education, and community;

Whereas the designation of a day of special recognition for the children of the United States will provide an opportunity for children to reflect on their future, to articulate their aspirations, and to find comfort and security in the support of their family members and communities;

Whereas the National Latino Children's Institute, serving as a voice for children, has worked with cities throughout the Nation to declare April 30, 2011, to be ''Dia de los Niños: Celebrating Young Americans'', a day to bring together Hispanics and other communities nationwide to celebrate and uplift children; and

Whereas the children of a nation are the responsibility of all of its people, and people should be encouraged to celebrate the gifts of children to society: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates April 30, 2011, as ''Dia de los Niños: Celebrating Young Americans''; and

(2) calls on the people of the United States to join with all children, families, organizations, communities, churches, cities, and States across the Nation to observe the day with appropriate ceremonies, including activities that—

(A) center around children, and are free or minimal in cost so as to encourage and facilitate the participation of all people;

(B) are positive and uplifting, and help children express their hopes and dreams;

(C) provide opportunities for children of all backgrounds to learn about one another's cultures and to share ideas;

(D) include all members of the family, especially extended and elderly family members, so as to promote greater communication among the generations within a family, enabling children to appreciate and benefit from the experiences and wisdom of their elderly family members;

(E) provide opportunities for families within a community to get acquainted; and

(F) provide children with the support they need to develop skills and confidence, and to find the inner strength and the will and fire of the human spirit to make their dreams come true.

## SENATE RESOLUTION 153—RECOGNIZING THE 25TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

Mr. LUGAR (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 153

Whereas at 1:23 A.M. on April 26, 1986, during an experiment, a major explosion occurred at the Chernobyl Nuclear Power Plant in Unit 4, a RBMK 1000-type, graphite-moderated nuclear power reactor in Pripyat;

Whereas the initial explosion dispersed a stream of radioactive particles over nearby towns, farms, and eventually to many other countries;

Whereas 500,000 brave firefighters, engineers, technicians, and emergency workers worked for more than 6 months to minimize one of the worst civilian nuclear disasters in history;

Whereas radioactivity emanating from the Chernobyl disaster has been detected in Belarus, Poland, Russia, Scandinavia, and other areas;

Whereas since the disaster, serious health, environmental, and socioeconomic repercussions have been identified in many areas near the Chernobyl plant;

Whereas the Chernobyl Forum, an initiative by the International Atomic Energy Agency in cooperation with the World Health Organization, numerous United Nations agencies, and the governments of Ukraine, Belarus, and Russia, was launched in 2003 to examine the scientific evidence of human and environmental effects of the nuclear disaster at Chernobyl;

Whereas the Chernobyl Forum's examination of the catastrophe has contributed to the understanding of the effects caused by the nuclear disaster;

Whereas the Chernobyl Forum found that more than 5,000,000 people lived in ''contaminated'' areas in Ukraine, Belarus, Russia, and other countries;

Whereas the lives and wellness of people in the affected areas continue to be impacted by the catastrophic Chernobyl nuclear disaster;

Whereas the government of the United States, the people of the United States, and the international community have provided contributions to humanitarian organizations to address the effects of the Chernobyl disaster;

Whereas the Chernobyl Shelter Fund (CSF) was established in December 1997 by the G7, in cooperation with Ukraine;

Whereas the purpose of the CSF has been to construct a safe confinement over the damaged Chernobyl Unit 4 and to convert the site to a stable and environmentally safe condition;

Whereas the Nuclear Safety Account (NSA), supported by the United States and 16 other donors, finances the Interim Spent Fuel Storage Facility that allows for the decommissioning of Chernobyl Units 1 through 3;

Whereas April 26, 2011, is the 25th anniversary of the Chernobyl nuclear disaster; and

Whereas the ongoing crisis in Japan at the Fukushima nuclear power plant serves as a reminder to the United States and the international community of the need to make strong commitments to nuclear security throughout the world: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the 25th anniversary of the Chernobyl nuclear disaster and the courage of the Ukrainian people in persevering to address the consequences of the disaster;

(2) commends efforts to mitigate the consequences of the Chernobyl nuclear disaster, including the assistance that the United States and the international community have given to the Chernobyl Shelter Fund and the Interim Spent Fuel Storage Facility; and

(3) requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the Ambassador of Ukraine to the United States.

## SENATE RESOLUTION 154—DESIGNATING JULY 8, 2011, AS ''COLLECTOR CAR APPRECIATION DAY'' AND RECOGNIZING THAT THE COLLECTION AND RESTORATION OF HISTORIC AND CLASSIC CARS IS AN IMPORTANT PART OF PRESERVING THE TECHNOLOGICAL ACHIEVEMENTS AND CULTURAL HERITAGE OF THE UNITED STATES

Mr. TESTER (for himself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 154

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the Nation and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of this Nation by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now therefore, be it

*Resolved*, That the Senate—

(1) designates July 8, 2011, as ''Collector Car Appreciation Day'';

(2) recognizes that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; and

(3) encourages the people of the United States to engage in events and commemorations of ''Collector Car Appreciation Day'' that create opportunities for collector car owners to educate young people on the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

## SENATE RESOLUTION 155—DESIGNATING APRIL 23, 2011, AS ''NATIONAL ADOPT A LIBRARY DAY''

Mr. WEBB (for himself, Ms. SNOWE, Mr. COCHRAN, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 155

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to use books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and the support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate the donation of books to schools and libraries across the United States, in order to extend the joy of reading to millions of people in the United States and to prevent used books from being thrown away;

Whereas as of the date of agreement to this resolution, the libraries of the United States have provided valuable resources to individuals who are affected by the economic crisis by encouraging continued education and job training; and

Whereas several States that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as ''Adopt A Library Day'': Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 23, 2011, as ''National Adopt A Library Day'';

(2) honors the organizations that facilitate donations to schools and libraries;

(3) urges people in the United States who own unused books to donate such books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe ''National Adopt A Library Day'' with appropriate ceremonies and activities.

## SENATE RESOLUTION 156—DESIGNATING APRIL 15 THROUGH 17, 2011, AS ''GLOBAL YOUTH SERVICE DAYS''

Ms. MURKOWSKI (for herself, Mr. BEGICH, Mrs. FEINSTEIN, Mr. UDALL of Colorado, Mr. AKAKA, Ms. MIKULSKI, Mr. LEVIN, Ms. STABENOW, Mr. COCHRAN, Mrs. MURRAY, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 156

Whereas Global Youth Service Days is an annual campaign that celebrates and mobilizes the millions of young people who improve their communities each day through community service and service-learning programs;

Whereas the goals of Global Youth Service Days are—

(1) to mobilize and support young people to address the needs of their communities, their countries, and the world through community service and service-learning;

(2) to mobilize and support schools and organizations to provide meaningful opportunities for youth engagement;

(3) to educate the public, the media, and policymakers about the year-round contributions of young people as community leaders;

(4) to recognize and celebrate young people as community assets, resources, leaders, and problem-solvers; and

(5) to inspire and sustain a lifelong commitment to service and civic engagement;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and the only service event dedicated to engaging young people ages 5 through 25;

Whereas, in 2011, Global Youth Service Days is being observed for the 23rd consecutive year in the United States and for the 12th year globally in more than 100 countries;

Whereas Global Youth Service Days provides an opportunity for young people to position themselves as assets, resources, active citizens, and community leaders through the application of their knowledge, idealism, energy, creativity, and unique perspective to improving their communities by addressing a myriad of critical issues, such as childhood obesity, illiteracy, hunger, environmental degradation, public safety, and disaster preparedness;

Whereas, in 2011, thousands of participants in schools and community-based organizations plan to hold Global Youth Service Days activities as part of a Semester of Service, an extended service-learning campaign launched on Martin Luther King, Jr. Day of Service, in which young people spend the semester addressing a meaningful community need connected to intentional learning goals or academic standards over the course of at least 70 hours;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of the Global Youth Service Network of the Youth Service America, including more than 200 national and international partners, 100 State and local lead agencies, and thousands of local schools, afterschool programs, youth development organizations, community organizations, faith-based organizations, government agencies, businesses, neighborhood associations, and families;

Whereas, in 2011, Youth Service America intends to distribute more than $1,000,000 in grants to more than 800 projects led by young people, including State Farm GYSD Lead Agency and Good Neighbor grants, UnitedHealth Heroes grants, Sodexo Youth and Lead Organizer grants, Disney Friends for Change grants, Learn and Serve America STEMester of Service grants, NEA Youth Leaders for Literacy grants, and MLK Semester of Service Lead Organizer Grants;

Whereas high quality community service and service-learning programs increase—

(1) the academic engagement and achievement of young people;

(2) the workforce readiness and 21st century skills of young people;

(3) the civic knowledge and engagement of young people;

(4) the intercultural understanding and global citizenship of young people; and

(5) the connectedness and commitment of young people to their communities; and

Whereas section 198(g) of the National and Community Service Act of 1990 (42 U.S.C. 12653(g)) recognizes Global Youth Service Days as national days of service and calls on the Corporation for National and Community Service, other Federal agencies and departments, and the President of the United States to recognize and support youth-led activities on the designated days: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes and commends the significant contributions of young people of the United States and encourages the continued engagement and support of young people dedicated to serving their neighbors, their communities, and the United States;

(2) designates April 15 through 17, 2011, as ''Global Youth Service Days''; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging young people to participate in community service and service-learning projects and to join their peers in those projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities as an investment in the future of the United States.

## SENATE RESOLUTION 157—DESIGNATING APRIL 21, 2011, AS ''POWERTALK 21 DAY''

Ms. KLOBUCHAR (for herself and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 157

Whereas the goal of PowerTalk 21 Day is to encourage parents and caregivers to embrace their important role in influencing the decisions of the young people of the United States about drinking alcohol;

Whereas high school students who use alcohol or other substances are 5 times more likely to drop out of school or believe good grades are not important;

Whereas teen alcohol use kills about 6,000 people each year, more than all other illegal drugs combined; and

Whereas 74 percent of kids say that their parents are their primary influence when it comes to decisions about drinking alcohol: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates April 21, 2011, as ''PowerTalk 21 Day'';

(2) recognizes the importance of parents talking with their teens about alcohol; and

(3) urges all people of the United States to join in the efforts to raise awareness of the importance of parents and teens talking together about alcohol in order to reduce the risks and dangers posed to teens and communities by underage drinking.

## SENATE CONCURRENT RESOLUTION 13—HONORING THE SERVICE AND SACRIFICE OF MEMBERS OF THE UNITED STATES ARMED FORCES WHO ARE SERVING IN, OR HAVE SERVED IN, OPERATION ENDURING FREEDOM, OPERATION IRAQI FREEDOM, AND OPERATION NEW DAWN

Mr. ISAKSON (for himself, Mr. BEGICH, Mr. BOOZMAN, Mr. BROWN of Massachusetts, Mr. BURR, Mr. JOHANNS, Mr. MORAN, Mrs. MURRAY, Mr. SANDERS, and Mr. WEBB) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 13

Whereas over 2,000,000 members of the United States Armed Forces have deployed to theaters of war since the commencement of Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn;

Whereas hundreds of thousands of members of the United States Armed Forces have deployed for multiple tours of duty, leaving their homes, their families, and in many cases, their civilian jobs;

Whereas more than 5,500 members of the United States Armed Forces have made the ultimate sacrifice for the United States while serving in Iraq or Afghanistan;

Whereas tens of thousands of members of the United States Armed Forces have been seriously wounded in the line of duty while serving in Iraq or Afghanistan;

Whereas the members of the United States Armed Forces who have participated in Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn have answered the call to duty of the United States, serving bravely and nobly and, in most cases, without fanfare or acclaim;

Whereas those members of the United States Armed Forces and veterans have personified the virtues of patriotism, service, duty, courage, and sacrifice; and

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

*Resolved by the Senate (the House of Representatives concurring),* That Congress—

(1) honors the members of the United States Armed Forces who are serving in, or have served in, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation New Dawn; and

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces and veterans and to hold those members and veterans in a special place of honor, both now and in the future.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 295. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 296. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 186 proposed by Mr. CORNYN to the bill S. 493, supra; which was ordered to lie on the table.

SA 297. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 298. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 299. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 300. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 199 proposed by Mr. PAUL to the bill S. 493, supra; which was ordered to lie on the table.

SA 301. Mr. REID (for Ms. SNOWE) proposed an amendment to the resolution S. Res. 109, honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious.

SA 302. Mr. REID (for Ms. SNOWE) proposed an amendment to the resolution S. Res. 109, supra.

## TEXT OF AMENDMENTS

**SA 295.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. _____. INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.**

(a) IN GENERAL.—Section 421(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(1)) is amended by striking '', but does not include independent regulatory agencies''.

(b) EXEMPTION FOR MONETARY POLICY.—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

**''SEC. 6. EXEMPTION FOR MONETARY POLICY.**

''Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

**SA 296.** Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 186 proposed by Mr. CORNYN to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. _____. INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.**

(a) IN GENERAL.—Section 421(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(1)) is amended by striking '', but does not include independent regulatory agencies''.

(b) EXEMPTION FOR MONETARY POLICY.—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

**''SEC. 6. EXEMPTION FOR MONETARY POLICY.**

''Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

**SA 297.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, strike line 18 and all that follows through page 91, line 6, and insert the following:

''(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1), except that, for purposes of this subparagraph, subparagraphs (A), (B), (C), and (E) of subsection (a)(1) shall be applied by substituting 'SBIR program and STTR program' for 'SBIR program' each place it appears;

''(B) evaluate, for the STTR program—

''(i) the partnerships created between small businesses and research institutions, including the number of new partnerships created, the effectiveness of partnerships in achieving technical objectives of research projects and the degree of difficulty or ease in negotiating details of cooperative research agreements, including issues relating to intellectual property rights; and

''(ii) the effectiveness of the program at transferring technology and capabilities developed by Federal funding from research institutions to small business concerns;

''(C) study the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

''(D) estimate, to the extent practicable, the number of jobs created by the SBIR programs and STTR programs of the agencies; and

''(E) make recommendations with respect to the issues described in subparagraphs (B) and (C) of this subparagraph and subparagraphs (A), (D), and (E) of subsection (a)(2), except that, for purposes of this subparagraph, subparagraphs (A), (D), and (E) of subsection (a)(2) shall be applied by substituting

'SBIR program and STTR program' for 'SBIR program' each place it appears.

''(2) CONSULTATION.—An agreement under paragraph (1) shall require the National Research Council to ensure there is participation by and consultation with the small business community, the Administration, and other interested parties as described in subsection (b).

''(3) REPORTING.—An agreement under paragraph (1) shall require that not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter, the National Research Council shall submit to the head of each agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science, Space, and Technology of the House of Representatives a report regarding the study conducted under paragraph (1) that contains the recommendations described in paragraph (1).''.

---

**SA 298.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, line 13, strike the quotation marks and the second period and insert the following:

''(4) REPORTS.—For each of the 3 full fiscal years beginning after the date of enactment of this subsection, each Federal agency that uses funds in accordance with this subsection shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science, Space, and Technology and the Committee on Small Business of the House of Representatives a report that includes—

''(A) the total amount used in accordance with this subsection; and

''(B) the amount used for each of the activities described in subparagraphs (A) through (K) of paragraph (1).''.

---

**SA 299.** Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE—SMALL BUSINESS REGULATORY FREEDOM**

**SEC. __01. FINDINGS.**

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals $1,750,000,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including indirect economic impacts and the potential for job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job loss.

**SEC. __02. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.**

Section 601 of title 5, United States Code, is amended by adding at the end the following:

''(9) the term 'economic impact' means, with respect to a proposed or final rule—

''(A) the economic effects on small entities directly regulated by the rule; and

''(B) the reasonably foreseeable economic effects of the rule on small entities that—

''(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

''(ii) are directly regulated by other governmental entities as a result of the rule; or

''(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.''.

**SEC. __03. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.**

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting ''603,'' after ''601,'';

(2) in paragraph (2), by inserting ''603,'' after ''601,'';

(3) by striking paragraph (3) and inserting the following:

''(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

''(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

''(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.''; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking '', and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is in compliance with the requirements of section 603 or 605.''.

**SEC. __04. PERIODIC REVIEW.**

Section 610 of title 5, United States Code, is amended to read as follows:

**''§ 610. Periodic review of rules**

''(a)(1) Not later than 180 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, each agency shall establish a plan for the periodic review of—

''(A) each rule issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

''(B) any small entity compliance guide required to be published by the agency under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

''(2) In reviewing rules and small entity compliance guides under paragraph (1), the agency shall determine whether the rules and guides should—

''(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

''(B) continue in effect without change.

''(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

''(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

''(b) Each plan established under subsection (a) shall provide for—

''(1) the review of each rule and small entity compliance guide described in subsection (a)(1) in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011—

''(A) not later than 9 years after the date of publication of the plan in the Federal Register; and

''(B) every 9 years thereafter; and

''(2) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the SBIR/STTR Reauthorization Act of 2011—

''(A) not later than 9 years after the publication of the final rule in the Federal Register; and

''(B) every 9 years thereafter.

''(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

''(1) the continued need for the rule;

''(2) the nature of complaints received by the agency from small entities concerning the rule;

''(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

''(4) the complexity of the rule;

''(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

''(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

''(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

''(8) the economic impact of the rule, including—

''(A) the estimated number of small entities to which the rule will apply;

''(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

''(C) the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including—

''(i) an estimate of the classes of small entities that will be subject to the requirement; and

''(ii) the type of professional skills necessary for preparation of the report or record.

''(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

''(A) Congress; and

''(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

''(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

''(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

''(1) a brief description of each rule or guide;

''(2) for each rule, the reason why the head of the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

''(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

''(f)(1) Not later than 6 months after each date described in subsection (b)(1), the Inspector General for each agency shall—

''(A) determine whether the agency has conducted the review required under subsection (b) appropriately; and

''(B) notify the head of the agency of—

''(i) the results of the determination under subparagraph (A); and

''(ii) any issues preventing the Inspector General from determining that the agency has conducted the review under subsection (b) appropriately.

''(2)(A) Not later than 6 months after the date on which the head of an agency receives a notice under paragraph (1)(B) that the agency has not conducted the review under subsection (b) appropriately, the agency shall address the issues identified in the notice.

''(B) Not later than 30 days after the last day of the 6-month period described in subparagraph (A), the Inspector General for an agency that receives a notice described in subparagraph (A) shall—

''(i) determine whether the agency has addressed the issues identified in the notice; and

''(ii) notify Congress if the Inspector General determines that the agency has not addressed the issues identified in the notice; and

''(C) Not later than 30 days after the date on which the Inspector General for an agency transmits a notice under subparagraph (B)(ii), an amount equal to 1 percent of the amount appropriated for the fiscal year to the appropriations account of the agency that is used to pay salaries shall be rescinded.

''(D) Nothing in this paragraph may be construed to prevent Congress from acting to prevent a rescission under subparagraph (C).''.

**SEC. __05. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ADDITIONAL AGENCIES.**

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''a covered agency'' the first place it appears and inserting ''an agency designated under subsection (d)''; and

(B) by striking ''a covered agency'' each place it appears and inserting ''the agency'';

(2) by striking subsection (d), as amended by section 1100G(a) of Public Law 111–203 (124 Stat. 2112), and inserting the following:

''(d)(1)(A) On and after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the Environmental Protection Agency and the Occupational Safety and Health Administration of the Department of Labor shall be—

''(i) agencies designated under this subsection; and

''(ii) subject to the requirements of subsection (b).

''(B) On and after the designated transfer date established under section 1062 of Public Law 111–203 (12 U.S.C. 5582), the Bureau of Consumer Financial Protection shall be—

''(i) an agency designated under this subsection; and

''(ii) subject to the requirements of subsection (b).

''(2) The Chief Counsel for Advocacy shall designate as agencies that shall be subject to the requirements of subsection (b) on and after the date of the designation—

''(A) 3 agencies for the first year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011;

''(B) in addition to the agencies designated under subparagraph (A), 3 agencies for the second year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011; and

''(C) in addition to the agencies designated under subparagraphs (A) and (B), 3 agencies for the third year after the date of enactment of the SBIR/STTR Reauthorization Act of 2011.

''(3) The Chief Counsel for Advocacy shall designate agencies under paragraph (2) based on the economic impact of the rules of the agency on small entities, beginning with agencies with the largest economic impact on small entities.''; and

(3) in subsection (e)(1), by striking ''the covered agency'' and inserting ''the agency''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 603.—Section 603(d) of title 5, United States Code, as added by section 1100G(b) of Public Law 111–203 (124 Stat. 2112), is amended—

(A) in paragraph (1), by striking ''a covered agency, as defined in section 609(d)(2)'' and inserting ''the Bureau of Consumer Financial Protection''; and

(B) in paragraph (2), by striking ''A covered agency, as defined in section 609(d)(2),'' and inserting ''The Bureau of Consumer Financial Protection''.

(2) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111–203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking ''a covered agency, as defined in section 609(d)(2)'' and inserting ''the Bureau of Consumer Financial Protection''; and

(ii) by striking ''the agency'' and inserting ''the Bureau''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and apply on and after the designated transfer date established under section 1062 of Public Law 111–203 (12 U.S.C. 5582).

**SEC. __06. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.**

Section 601(2) of title 5, United States Code, is amended by inserting after ''public comment'' the following: ''and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)''.

**SEC. __07. REQUIRING THE INTERNAL REVENUE SERVICE TO CONSIDER SMALL ENTITY IMPACT.**

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking ''but only'' and all that follows through the period at the end and inserting ''but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.''.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section 3 of this Act, is amended—

(1) in paragraph (6), by striking ''and'' at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

''(7) the term 'collection of information' has the meaning given that term in section 3502(3) of title 44;

''(8) the term 'recordkeeping requirement' has the meaning given that term in section 3502(13) of title 44; and''.

**SEC. __08. REPORTING ON ENFORCEMENT ACTIONS RELATING TO SMALL ENTITIES.**

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended—

(1) in subsection (a)—

(A) by striking ''Each agency'' and inserting the following:

''(1) ESTABLISHMENT OF POLICY OR PROGRAM.—Each agency''; and

(B) by adding at the end the following:

''(2) REVIEW OF CIVIL PENALTIES.—Not later than 2 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 2 years thereafter, each agency regulating the activities of small entities shall review the civil penalties imposed by the agency for violations of a statutory or regulatory requirement by a small entity to determine whether a reduction or waiver of the civil penalties is appropriate.''; and

(2) in subsection (c)—

(A) by striking ''Agencies shall report'' and all that follows through ''the scope'' and inserting ''Not later than 2 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope''; and

(B) by striking ''and the total amount of penalty reductions and waivers'' and inserting ''the total amount of penalty reductions and waivers, and the results of the most recent review under subsection (a)(2)''.

**SEC. __09. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.**

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, as amended by section 1100G(b) of Public Law 111–203 (124 Stat. 2112), is amended—

(1) by striking subsection (b) and inserting the following:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job loss by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.''; and

(2) by adding at the end the following:

''(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

''(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

''(2) if no submission to the Office of Information and Regulatory Affairs is required—

''(A) a reasonable period before publication of the rule by the agency; and

''(B) in any event, not later than 3 months before the date on which the agency publishes the rule.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting ''detailed'' before ''description'' each place it appears;

(B) in paragraph (2)—

(i) by inserting ''detailed'' before ''statement'' each place it appears; and

(ii) by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis'';

(C) in paragraph (4), by striking ''an explanation'' and inserting ''a detailed explanation''; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111–240; 124 Stat. 2251), by inserting ''detailed'' before ''statement''.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

''(b) The agency shall—

''(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

''(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement under section 602, 603, or 604.''.

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking ''statement providing the factual'' and inserting ''detailed statement providing the factual and legal''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

**''§ 607. Quantification requirements**

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job loss, and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement regarding the potential for job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.''.

**SEC. __10. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.**

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

''(A) publishing an initial regulatory flexibility analysis for public comment; or

''(B) re-proposing the rule with an initial regulatory flexibility analysis.

''(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

''(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

''(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

''(C) the number of affected small entities for which that cost will be significant.

''(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

''(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

''(B) consult with the Chief Counsel for Advocacy of the Small Business Administration on the accuracy of the certification and statement.''.

**SEC. __11. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.**

Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (6) the following:

''(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rulemaking under section 553 of title 5, United States Code, with respect to the action.''.

**SEC. __12. FUNDING AND OFFSETS.**

(a) AUTHORIZATION.—There are authorized to be appropriated to the Small Business Administration, for any costs of carrying out this title and the amendments made by this title (including the costs of hiring additional employees)—

(1) $1,000,000 for fiscal year 2012;

(2) $2,000,000 for fiscal year 2013; and

(3) $3,000,000 for fiscal year 2014.

(b) REPEALS.—In order to offset the costs of carrying out this title and the amendments made by this title and to reduce the Federal deficit, the following provisions of law are repealed, effective on the date of enactment of this Act:

(1) Section 21(n) of the Small Business Act (15 U.S.C. 648).

(2) Section 27 of the Small Business Act (15 U.S.C. 654).

(3) Section 1203(c) of the Energy Security and Efficiency Act of 2007 (15 U.S.C. 657h(c)).

**SEC. __13. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) HEADING.—Section 605 of title 5, United States Code, is amended in the section heading by striking ''**Avoidance**'' and all that follows and inserting the following: ''**Incorporations by reference and certification.**''.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

''605. Incorporations by reference and certifications.'';

and

(2) by striking the item relating to section 607 inserting the following:

''607. Quantification requirements.''.

---

**SA 300.** Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 199 proposed by Mr. PAUL to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 6 of the amendment, after line 12, add the following:

**SEC. __26. NATIONAL SECURITY WAIVER.**

(a) NATIONAL SECURITY WAIVER.—The funding restrictions in sections 6, 8, 10, and 16 may be waived by the Secretary of Defense for programs or activities determined by the Secretary to be vital to the national security of the United States.

(b) CONGRESSIONAL EARMARKS OFFSET.—

(1) IN GENERAL.—Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect.

(2) DEFINITION.—For purposes of this subsection, the term ''earmark'' means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV.

(3) REDUCTION REQUIRED.—Any funds appropriated in fiscal year 2011 to any program shall be reduced by the total amount of congressional earmarks or congressionally directed spending items contained within a committee report or jointly explanatory statement accompanying such an Act that provided appropriations to the program in fiscal year 2010.

(4) RESCISSION.—The amounts reduced by paragraph (3) are rescinded and returned to the Treasury.

(5) PRIOR LAW.—Paragraphs (3) and (4) shall not apply to any programs or accounts that were reduced in the same manner by the Further Continuing Appropriations Amendments, 2011 (Public Law 112–4) or any other Act that takes effect prior to date of enactment of this Act.

---

**SA 301.** Mr. REID (for Ms. SNOWE) proposed an amendment to the resolution S. Res. 109, honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious; as follows:

On page 4, beginning on line 12, strike ''and supports'' and all that follows through ''these rights'' on line 14.

---

**SA 302.** Mr. REID (for Ms. SNOWE) proposed an amendment to the resolution S. Res. 109, honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious; as follows:

In the ninth whereas clause of the preamble, strike ''the United Nations Security Council and''.

## NOTICE OF INTENT

Mr. DEMINT. Mr. President, I submit the following notice in writing: In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, Paragraph 2, for the purpose of proposing and considering DeMint Amendment No. 165 to S. 493, including germaneness requirements.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on April 14, 2011.

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

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 14, 2011.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on April 14, 2011, at 2:30 p.m., to hold a hearing entitled, ''Assessing the FY 2012 Budget for Africa.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 14, 2011, at 10 a.m., to conduct a hearing entitled, ''Federal Regulation: How Best to Advance the Public Interest?''.

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

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on April 14, 2011, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on April 14, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an exective business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 14, 2011, at 2:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Mr. LEE. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Mitchell McBride, an intern on my staff.

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 59, 60, 63, 64, 65, 66, 68, 85, 87, 88, 89, 90, 91, 92, 93, 94, 96, 98, 99, 100, 101, 104, 105, and all the nominations on the Secretary's desk in the Marine Corps, Army, Navy, and Air Force; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

OFFICE OF SPECIAL COUNSEL

Carolyn N. Lerner, of Maryland, to be Special Counsel, Office of Special Counsel, for the term of five years.

NATIONAL SCIENCE FOUNDATION

Kelvin K. Droegemeier, of Oklahoma, to be a Member of the National Science Board, National Science Foundation for a term expiring May 10, 2016.

DEPARTMENT OF COMMERCE

Kathryn D. Sullivan, of Ohio, to be an Assistant Secretary of Commerce.

MARINE MAMMAL COMMISSION

Frances M.D. Gulland, of California, to be a Member of the Marine Mammal Commission for a term expiring May 13, 2012.

DEPARTMENT OF TRANSPORTATION

Ann D. Begeman, of Virginia, to be a Member of the Surface Transportation Board for a term expiring December 31, 2015.

FEDERAL MARITIME COMMISSION

Mario Cordero, of California, to be a Federal Maritime Commissioner for the term expiring June 30, 2014.

Rebecca F. Dye, of North Carolina, to be a Federal Maritime Commissioner for the term expiring June 30, 2015.

DEPARTMENT OF ENERGY

Peter Bruce Lyons, of New Mexico, to be an Assistant Secretary of Energy (Nuclear Energy).

DEPARTMENT OF STATE

Nils Maarten Parin Daulaire, of Virginia, to be Representative of the United States on the Executive Board of the World Health Organization.

Joseph M. Torsella, of Pennsylvania, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador.

Joseph M. Torsella, of Pennsylvania, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

Kurt Walter Tong, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as United States Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum.

Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom.

Robert Patterson, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Turkmenistan.

Jonathan Scott Gration, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Michelle D. Gavin, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

DEPARTMENT OF HOMELAND SECURITY

Rafael Borras, of Maryland, to be Under Secretary for Management, Department of Homeland Security.

IN THE ARMY

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

*To be general*

Lt. Gen. Robert W. Cone

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the

grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. David S. Fadok

IN THE ARMY

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

*To be general*

Lt. Gen. David M. Rodriguez

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

*To be brigadier general*

Colonel Norvell V. Coots
Colonel Dennis D. Doyle
Colonel Brian C. Lein

EXECUTIVE OFFICE OF THE PRESIDENT

Katharine G. Abraham, of Iowa, to be a Member of the Council of Economic Advisers, vice Christina Duckworth Romer.

Carl Shapiro, of California, to be a Member of the Council of Economic Advisers.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN365 AIR FORCE nominations (52) beginning TRAVIS R. ADAMS, and ending ILAINA M. WINGLER, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2011.

PN366 AIR FORCE nominations (109) beginning FREDERICK C. ABAN, and ending CATHERINE L. WYNN, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2011.

PN381 AIR FORCE nominations (2) beginning ALLAN K. DOAN, and ending ANDREW L. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN382 AIR FORCE nominations (4) beginning BUDI R. BAHUREKSA, and ending MUHAMMAD A. SHEIKH, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2011.

IN THE ARMY

PN353 ARMY nomination of Michael K. Pyle, which was received by the Senate and appeared in the Congressional Record of March 16, 2011.

PN354 ARMY nomination of Janet Manning, which was received by the Senate and appeared in the Congressional Record of March 16, 2011.

PN355 ARMY nominations (58) beginning JOHN H. BARKEMEYER, and ending D010566, which nominations were received by the Senate and appeared in the Congressional Record of March 16, 2011.

PN368 ARMY nominations (3) beginning MICHAEL G. POND, and ending WILLIAM M. STEPHENS, which nominations were received by the Senate and appeared in the Congressional Record of March 30, 2011.

PN383 ARMY nomination of Juan J. Derojas, which was received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN384 ARMY nomination of David S. Goins, which was received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN385 ARMY nomination of Kimberly A. Speck, which was received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN386 ARMY nomination of Lyndall J. Soule, which was received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN387 ARMY nominations (2) beginning JAMES J. HOULIHAN, and ending JASON S. KIM, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN388 ARMY nominations (3) beginning JOSHUA P. STAUFFER, and ending BRIDGET C. WOLFE, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN389 ARMY nominations (3) beginning EDWIN ROBINS, and ending JEFFREY M. TIEDE, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN390 ARMY nominations (4) beginning RICHARD J. SCHOONMAKER, and ending EDWARD W. LUMPKINS, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN391 ARMY nominations (4) beginning JOHN H. BORDES, and ending EDNA J. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN392 ARMY nominations (13) beginning RICHARD R. JORDAN, and ending APRIL B. TURNER, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN424 ARMY nominations (5) beginning CARLSON A. BRADLEY, and ending SYLVESTER E. WALLER, which nominations were received by the Senate and appeared in the Congressional Record of April 8, 2011.

IN THE MARINE CORPS

PN194 MARINE CORPS nominations (2) beginning Peter G. Bailiff, and ending Timothy D. Sechrest, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN266 MARINE CORPS nominations (139) beginning JOE H. ADKINS, JR., and ending JAMES B. ZIENTEK, which nominations were received by the Senate and appeared in the Congressional Record of February 16, 2011.

IN THE NAVY

PN371 NAVY nomination of Medrina B. Gilliam, which was received by the Senate and appeared in the Congressional Record of March 30, 2011.

PN393 NAVY nomination of David S. Plurad, which was received by the Senate and appeared in the Congressional Record of March 31, 2011.

PN394 NAVY nominations (3) beginning JAMES P. KITZMILLER, and ending JONATHAN D. SZCZESNY, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2011.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, May 2, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 74 and 76; that there be 1 hour of debate equally divided in the usual form; that upon the use or yielding back of time, Calendar No. 74 be confirmed and the Senate proceed to vote without intervening action or debate on Calendar No. 76; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

## CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. REID. I ask unanimous consent that the Senate proceed to H. Con. Res. 43.

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

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 43) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

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

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this measure be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 43) was agreed to, as follows:

H. CON. RES. 43

*Resolved by the House of Representatives (the Senate concurring),* That when the House adjourns on the legislative day of Friday, April 15, 2011, or Saturday, April 16, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, May 2, 2011, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, April 14, 2011, through Friday, April 29, 2011, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, May 2, 2011, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

## AMENDING THE RONALD REAGAN CENTENNIAL COMMISSION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 1308.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1308) to amend the Ronald Reagan Centennial Commission Act to extend the termination date for the Commission, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and that any statements related to this bill be printed in the RECORD.

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

The bill (H.R. 1308) was ordered to a third reading, was read the third time, and passed.

## FOOD SAFETY ACCOUNTABILITY ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 21, S. 216.

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

The assistant legislative clerk read as follows:

A bill (S. 216) to increase criminal penalties for certain knowing and intentional violations relating to food that is misbranded or adulterated.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

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

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Food Safety Accountability Act of 2011''.*

***SEC. 2. CRIMINAL PENALTIES.***

*Section 303(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(a)) is amended—*

*(1) in paragraph (1), by striking ''Any'' and inserting ''Except as provided in paragraph (2) or (3), any'';*

*(2) in paragraph (2), by striking ''Notwithstanding the provisions of paragraph (1) of this section, if'' and inserting ''If''; and*

*(3) by adding at the end the following:*

*''(3) Any person who violates subsection (a), (b), (c), or (k) of section 301 with respect to any food—*

*''(A) knowingly and intentionally to defraud or mislead; and*

*''(B) with conscious or reckless disregard of a risk of death or serious bodily injury,*

*shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.''.*

Mr. LEAHY. Mr. President, today, the Senate will pass the Food Safety Accountability Act, an important bill to hold criminals who poison our food supply accountable for their crimes. I would like to thank Senators KLOBUCHAR, FRANKEN, DURBIN, FEINSTEIN, KOHL, and BLUMENTHAL for their support. Senators HATCH, SESSIONS, COBURN, and GRASSLEY had concerns about the breadth of the bill, and we were able to work together to address those concerns. The bill received unanimous, bipartisan support when it was reported out of the Judiciary Committee, and I am pleased that it has now received similar support from the Senate. I urge the House to quickly take up the Senate bill and join us in taking this important step toward protecting our food supply.

The Food Safety Accountability Act increases the sentences that prosecutors can seek for people who violate our food safety laws in those cases where there is conscious or reckless disregard of a risk of death or serious bodily injury. Last summer, a salmonella outbreak caused hundreds of people to fall ill and triggered a national egg recall. The cause of the outbreak is still under investigation, but salmonella poisoning is all too common and sometimes results from inexcusable knowing conduct like that carefully targeted by the Food Safety Accountability Act.

In the last Congress, a mother from Vermont, Gabrielle Meunier, testified before the Senate Agriculture Committee about her 7-year-old son, Christopher, who became severely ill and was hospitalized for 6 days after he developed salmonella poisoning from peanut crackers 2 years ago. Thankfully, Christopher recovered, but Mrs. Meunier's story highlighted improvements that are needed in our food safety system. No parent should have to go through what Mrs. Meunier experienced. The American people should be confident that the food they buy for their families is safe.

Current statutes do not provide sufficient criminal sanctions for those who knowingly violate our food safety laws. Knowingly distributing adulterated food is already illegal, but it is merely a misdemeanor right now, and the Sentencing Commission has found that it generally does not result in jail time. The fines and recalls that usually result from criminal violations under current law fall short in protecting the public from harmful products. Too often, those who are willing to endanger our children in pursuit of profits view such fines or recalls as merely the cost of doing business.

The company responsible for the eggs at the root of the last summer's salmonella crisis has a long history of environmental, immigration, labor, and food safety violations. It is clear that fines are not enough to protect the public and effectively deter this unacceptable conduct. We need to make sure that those who knowingly poison the food supply will go to jail. This bill will help to do that. This bill significantly increases the chances that those who commit food safety crimes will face jail time, rather than a slap on the wrist, for their criminal conduct.

Food safety received considerable attention last year, and I was pleased that Congress finally passed comprehensive food safety reforms. But our work is not done. On behalf of the hundreds of individuals sickened by recent salmonella outbreaks, I urge the House to quickly pass the Food Safety Accountability Act and join the Senate in continuing to improve our food safety system.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The committee amendment in the nature of a substitute was agreed to.

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

The bill (S. 216), as amended, was passed.

## HONORING AND SUPPORTING WOMEN IN NORTH AFRICA AND THE MIDDLE EAST

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 33, S. Res. 109.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 109) honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious.

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

Mr. REID. Mr. President, I ask unanimous consent that the amendments at the desk be agreed to, the resolution, as amended, be agreed to, the preamble, as amended, be agreed to, and the motions to reconsider be laid upon the table.

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

The amendments (Nos. 301 and 302) were agreed to, as follows:

AMENDMENT NO. 301

(Purpose: To amend the resolution)

On page 4, beginning on line 12, strike '', and supports'' and all that follows through ''these rights'' on line 14.

AMENDMENT NO. 302

(Purpose: To amend the preamble)

In the ninth whereas clause of the preamble, strike ''the United Nations Security Council and''.

The resolution (S. Res. 109), as amended, was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 109

Whereas, in the course of peaceful protests in countries throughout North Africa and

the Middle East, women have stood shoulder-to-shoulder with men to advance their rights;

Whereas Secretary of State Hillary Rodham Clinton has said, ''The rights of women and girls is the unfinished business of the 21st Century.'';

Whereas, in late December 2010 and January 2011, Tunisia underwent a political upheaval, dubbed the ''Jasmine Revolution,'' resulting in the fleeing of President of Tunisia Zine El Abidine Ben Ali from the country on January 14, 2011;

Whereas one of the first voices of the ''Jasmine Revolution'' was the sister of Mohammad Bouazizi, the young man whose death led to many of the peaceful protests in Tunisia;

Whereas, on January 25, 2011, demonstrations began across Egypt with thousands of protesters peacefully calling for a new government, free and fair elections, significant constitutional and political reforms, greater economic opportunity, and an end to government corruption;

Whereas women in Egypt have utilized social media to galvanize support among men and women for peaceful protest;

Whereas huge crowds came out to protest peacefully in Egypt, and women were among those that faced tear gas and who pitched their tents and slept in the cold in Tahrir Square;

Whereas hundreds of women took part in a rally in Cairo on March 8, 2011, the 100th Anniversary of International Women's Day, to remind women in Egypt that they must have a voice in their nation's future;

Whereas, on February 25, 2011, the international community condemned the violence and use of force against civilians in Libya;

Whereas, according to press reports, women in Libya have been working behind the scenes making a profound difference to promote reform and keep the momentum of the uprising alive, listening to worried fathers whose sons are fighting on the frontlines, keeping up with the day-to-day clashes and casualty numbers, and holding meetings about health and education issues, as well as participating in the demonstrations themselves;

Whereas, according to press reports, women are among the leaders of demonstrations calling for reform in Yemen;

Whereas women's groups in countries such as Morocco, Jordan, Lebanon, and Iran have attempted to harness critical support regarding legislation affecting their rights;

Whereas women around the world continue to face significant obstacles in all aspects of their lives, including denial of basic human rights, discrimination, and gender-based violence;

Whereas women, young and old, have marched in the streets of countries from Tunisia to Iran demanding freedom from oppression; and

Whereas women across North Africa and the Middle East aspire for freedom, democracy, and rule of law: Now, therefore, be it

*Resolved,* That the Senate—

(1) honors the women in North Africa and the Middle East who have worked to ensure that women are guaranteed equality and basic human rights;

(2) recognizes that the empowerment of women is inextricably linked to the potential of nations to generate economic growth and sustainable democracy;

(3) acknowledges that women in North Africa and the Middle East are demanding to be included in making choices that will affect their own lives and their families;

(4) reaffirms the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet;

(5) celebrates this year's centennial anniversary of International Women's Day, a global day to celebrate the economic, political, and social achievements of women past, present, and future, and a day to recognize the obstacles that women still face in the struggle for equal rights and opportunities;

(6) condemns any efforts to provoke or instigate violence against women, and calls upon all parties to refrain from all violent and criminal acts; and

(7) underscores the vital importance of women's rights and political participation as leaders in North Africa and the Middle East consider constitutional reforms and shape new governments.

## NATIONAL CHILD ABUSE PREVENTION MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 127, and the Senate proceed to the matter.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 127) designating April 2011 as ''National Child Abuse Prevention Month.''

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 127

Whereas in 2009, approximately 702,000 children were determined to be victims of abuse or neglect;

Whereas in 2009, an estimated 1,770 children died as a result of abuse or neglect;

Whereas in 2009, an estimated 80.8 percent of the children who died due to abuse or neglect were under the age of 4;

Whereas in 2009, of the children under the age of 4 who died due to abuse or neglect, 46.2 percent were under the age of 1;

Whereas abused or neglected children have a higher risk for developing health problems in adulthood, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused or neglected children—

(1) are 11 times more likely to be arrested for criminal behavior as juveniles; and

(2) are 2.7 times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated ⅓ of abused or neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse or neglect may be far less costly than—

(1) the emotional and physical damage inflicted on children who have been abused or neglected;

(2) providing other services to abused or neglected children, including child protective, law enforcement, court, foster care, or health care services; or

(3) providing treatment to adults recovering from child abuse; and

Whereas child abuse and neglect have long-term economic and societal costs: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates April 2011 as ''National Child Abuse Prevention Month'';

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse and neglect, including by identifying risk factors and developing prevention strategies;

(3) supports the proclamation issued by President Obama declaring April 2011 to be ''National Child Abuse Prevention Month''; and

(4) should increase public awareness of prevention programs relating to child abuse and neglect, and continue to work with States to reduce the incidence of child abuse and neglect in the United States.

## PUBLIC SERVICE RECOGNITION WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 35, S. Res. 128.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 128) expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2011.

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

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the matter be printed in the RECORD.

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

The resolution (S. Res. 128) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 128

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist our Nation's veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 1 through 7, 2011, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 27th anniversary: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

## CALLING ON THE UNITED NATIONS TO RESCIND THE GOLDSTONE REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 138 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 138) calling on the United Nations to rescind the Goldstone report, and for other purposes.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 138) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 138

Whereas, on January 12, 2009, the United Nations Human Rights Council passed Resolution S–9/1, authorizing a ''fact-finding mission'' regarding the conduct of the Government of Israel during Operation Cast Lead between December 27, 2008, and January 18, 2009;

Whereas that resolution prejudged the outcome of the fact finding mission by mandating that it investigate ''violations of international human rights law and international humanitarian law by the occupying power, Israel, against the Palestinian people'';

Whereas, on September 15, 2009, the ''United Nations Fact Finding Mission on the Gaza Conflict'' released its report, now known as the ''Goldstone report'', named for its chair, South African Jurist Richard Goldstone;

Whereas the report made numerous unsubstantiated assertions against Israel, in particular accusing the Government of Israel of committing war crimes by deliberately targeting civilians during its operations in Gaza;

Whereas the report downplayed the overwhelming evidence that Hamas deliberately used Palestinian civilians and civilian institutions as human shields against Israel and deliberately targeted Israeli civilians with rocket fire for over eight years prior to the operation;

Whereas the United Nations Human Rights Council voted to welcome the report, to endorse its recommendations, and to condemn Israel without mentioning Hamas;

Whereas, as a result of the report, the United Nations General Assembly has passed two resolutions endorsing the report's findings, the United Nations Secretary-General has been requested to submit several reports on implementation of its recommendations, and the Human Rights Council is scheduled to follow up on implementation of the report during future sessions;

Whereas the findings of the Goldstone report and the subsequent and continued United Nations member state actions following up on those findings have caused and continue to cause extensive harm to Israel's standing in the world and could potentially create legal problems for Israel and its leaders;

Whereas Justice Richard Goldstone publicly retracted the central claims of the report he authored in an op-ed in The Washington Post on April 2, 2011;

Whereas Justice Goldstone wrote in that article that if he ''had known then what I know now, the Goldstone Report would have been a different document'';

Whereas Justice Goldstone concluded that, contrary to his report's findings, the Government of Israel did not intentionally target civilians in the Gaza Strip as a matter of policy;

Whereas, in contrast, Justice Goldstone states that the crimes committed by Hamas were clearly intentional, were targeted at civilians, and constitute a violation of international law;

Whereas Justice Goldstone also conceded that the number of civilian casualties in Gaza was far smaller than the report alleged;

Whereas Justice Goldstone admitted that Israel investigated the findings in the report, while expressing disappointment that Hamas has not taken any steps to look into the report's findings; and

Whereas Justice Goldstone concluded that ''Israel, like any other sovereign nation, has the right and obligation to defend itself and its citizens'': Now, therefore, be it

*Resolved*, That the Senate—

(1) calls on the United Nations Human Rights Council members to reflect the author's repudiation of the Goldstone report's central findings, rescind the report, and reconsider further Council actions with respect to the report's findings;

(2) urges United Nations Secretary-General Ban Ki Moon to work with United Nations member states to reform the United Nations Human Rights Council so that it no longer unfairly, disproportionately, and falsely criticizes Israel on a regular basis;

(3) requests Secretary-General Ban Ki Moon to do all in his power to redress the damage to Israel's reputation caused by the Goldstone report;

(4) asks the Secretary-General to do all he can to urge member states to prevent any further United Nations action on the report's findings; and

(5) urges the United States to take a leadership role in getting the United Nations and its bodies to prevent any further action on the report's findings and limit the damage that this libelous report has caused to our close ally Israel and to the reputation of the United Nations.

## PERMITTING USE OF THE CAPITOL ROTUNDA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 33.

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

The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 33) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

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

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, that the motion to reconsider be laid upon the table, there be no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 33) was agreed to.

## RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 154, S. Res. 155, S. Res. 156, and S. Res. 157.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and that any statements related to the resolutions be printed in the RECORD.

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

The resolutions (S. Res. 154, S. Res. 155, S. Res. 156, S. Res. 157) were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 154

Whereas many people in the United States maintain classic automobiles as a pastime and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the Nation and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of this Nation by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now therefore, be it

*Resolved,* That the Senate—

(1) designates July 8, 2011, as ''Collector Car Appreciation Day'';

(2) recognizes that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; and

(3) encourages the people of the United States to engage in events and commemorations of ''Collector Car Appreciation Day'' that create opportunities for collector car owners to educate young people on the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

S. RES. 155

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to use books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and the support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate the donation of books to schools and libraries across the United States, in order to extend the joy of reading to millions of people in the United States and to prevent used books from being thrown away;

Whereas as of the date of agreement to this resolution, the libraries of the United States have provided valuable resources to individuals who are affected by the economic crisis by encouraging continued education and job training; and

Whereas several States that recognize the importance of libraries and reading have adopted resolutions commemorating April 23 as ''Adopt A Library Day'': Now, therefore, be it

*Resolved,* That the Senate—

(1) designates April 23, 2011, as ''National Adopt A Library Day'';

(2) honors the organizations that facilitate donations to schools and libraries;

(3) urges people in the United States who own unused books to donate such books to local libraries;

(4) strongly supports children and families who take advantage of the resources provided by schools and libraries; and

(5) encourages the people of the United States to observe ''National Adopt A Library Day'' with appropriate ceremonies and activities.

S. RES. 156

Whereas Global Youth Service Days is an annual campaign that celebrates and mobilizes the millions of young people who improve their communities each day through community service and service-learning programs;

Whereas the goals of Global Youth Service Days are—

(1) to mobilize and support young people to address the needs of their communities, their countries, and the world through community service and service-learning;

(2) to mobilize and support schools and organizations to provide meaningful opportunities for youth engagement;

(3) to educate the public, the media, and policymakers about the year-round contributions of young people as community leaders;

(4) to recognize and celebrate young people as community assets, resources, leaders, and problem-solvers; and

(5) to inspire and sustain a lifelong commitment to service and civic engagement;

Whereas Global Youth Service Days, a program of Youth Service America, is the largest service event in the world and the only service event dedicated to engaging young people ages 5 through 25;

Whereas, in 2011, Global Youth Service Days is being observed for the 23rd consecutive year in the United States and for the 12th year globally in more than 100 countries;

Whereas Global Youth Service Days provides an opportunity for young people to position themselves as assets, resources, active citizens, and community leaders through the application of their knowledge, idealism, energy, creativity, and unique perspective to improving their communities by addressing a myriad of critical issues, such as childhood obesity, illiteracy, hunger, environmental degradation, public safety, and disaster preparedness;

Whereas, in 2011, thousands of participants in schools and community-based organizations plan to hold Global Youth Service Days activities as part of a Semester of Service, an extended service-learning campaign launched on Martin Luther King, Jr. Day of Service, in which young people spend the semester addressing a meaningful community need connected to intentional learning goals or academic standards over the course of at least 70 hours;

Whereas Global Youth Service Days engages millions of young people worldwide with the support of the Global Youth Service Network of the Youth Service America, including more than 200 national and international partners, 100 State and local lead agencies, and thousands of local schools, afterschool programs, youth development organizations, community organizations, faith-based organizations, government agencies, businesses, neighborhood associations, and families;

Whereas, in 2011, Youth Service America intends to distribute more than $1,000,000 in grants to more than 800 projects led by young people, including State Farm GYSD Lead Agency and Good Neighbor grants, UnitedHealth Heroes grants, Sodexo Youth and Lead Organizer grants, Disney Friends for Change grants, Learn and Serve America STEMester of Service grants, NEA Youth Leaders for Literacy grants, and MLK Semester of Service Lead Organizer Grants;

Whereas high quality community service and service-learning programs increase—

(1) the academic engagement and achievement of young people;

(2) the workforce readiness and 21st century skills of young people;

(3) the civic knowledge and engagement of young people;

(4) the intercultural understanding and global citizenship of young people; and

(5) the connectedness and commitment of young people to their communities; and

Whereas section 198(g) of the National and Community Service Act of 1990 (42 U.S.C. 12653(g)) recognizes Global Youth Service Days as national days of service and calls on the Corporation for National and Community Service, other Federal agencies and departments, and the President of the United States to recognize and support youth-led activities on the designated days: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes and commends the significant contributions of young people of the United States and encourages the continued engagement and support of young people dedicated to serving their neighbors, their communities, and the United States;

(2) designates April 15 through 17, 2011, as ''Global Youth Service Days''; and

(3) calls on the people of the United States to observe Global Youth Service Days by—

(A) encouraging young people to participate in community service and service-learning projects and to join their peers in those projects;

(B) recognizing the volunteer efforts of the young people of the United States throughout the year; and

(C) supporting the volunteer efforts of young people and engaging them in meaningful community service, service-learning, and decision-making opportunities as an investment in the future of the United States.

S. RES. 157

Whereas the goal of PowerTalk 21 Day is to encourage parents and caregivers to embrace their important role in influencing the decisions of the young people of the United States about drinking alcohol;

Whereas high school students who use alcohol or other substances are 5 times more likely to drop out of school or believe good grades are not important;

Whereas teen alcohol use kills about 6,000 people each year, more than all other illegal drugs combined; and

Whereas 74 percent of kids say that their parents are their primary influence when it comes to decisions about drinking alcohol: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 21, 2011, as ''PowerTalk 21 Day'';

(2) recognizes the importance of parents talking with their teens about alcohol; and

(3) urges all people of the United States to join in the efforts to raise awareness of the importance of parents and teens talking together about alcohol in order to reduce the risks and dangers posed to teens and communities by underage drinking.

GLOBAL YOUTH SERVICE DAYS

Ms. MURKOWSKI. Mr. President, I wish to speak about a resolution designating April 15 through 17, 2011, as Global Youth Service Days'' that recognizes and commends the significant community service efforts that youth are making in communities across the country and around the world on this weekend in April and every day. This resolution also encourages the citizens of the United States to acknowledge and support these volunteer efforts. Passage of this resolution sends a very strong message of support to the thousands of youth across our great nation who are contributing positively to their communities—your efforts are recognized and appreciated.

Beginning this Friday, April 15, youth from across the United States and around the world will carry out community service projects in areas ranging from hunger to literacy to the environment. Through this service, many will embark on a lifelong path of service and civic engagement in more than 100 countries around the world.

Mr. President, the participation of youth in service to their communities is more than just a way to spend a Saturday afternoon. All year long, young people across America—indeed across the globe—identify and address the needs of their communities, make positive differences in the world around them, learn leadership and organizational skills, and gain insights into the problems of their fellow citizens.

The positive effects of this service are not limited to the projects our young people complete. Youth who are engaged in volunteer service and service-learning activities do better in school than their classmates who do not volunteer because they see a direct connection to what they are learning and the real world in which they live. Youth who engage in volunteering and other positive activities are also more likely to avoid risky behaviors, such as drug and alcohol use, crime, and promiscuity. Service within the community also contributes positively to young people's character development, civic participation, and philanthropic activity as adults.

Youth service also plays a role in encouraging our young people to stay in school. A survey by Civic Enterprises found that 47 percent of high school dropouts reported that boredom in school was a primary reason why they dropped out. High quality service-learning activities can, however, help young people see that school matters to them personally.

It is important, therefore, that the U.S. Senate encourage youth to engage in community service and to congratulate them for the service they provide. I thank Senators BEGICH, FEINSTEIN, AKAKA, MIKULSKI, LEVIN, STABENOW, COCHRAN, MURRAY, and MARK UDALL for joining with me in cosponsoring this resolution and all other Senators for supporting passage of it.

In an effort to recognize and support youth volunteers in my State, I am proud to acknowledge some of the activities that will occur this year in Alaska in observance of National and Global Youth Service Days:

Anchorage's Promise, which works to mobilize all sectors of the community to build the character and competence of Anchorage's children and youth, will sponsor the annual Kids' Day three-day events in Anchorage again this year. Youth will provide significant service to their peers and to adults who will attend Kids' Day activities this weekend:

Over 100 youth and AmeriCorps members will spend their day volunteering at Kids' Day in order to help make it a safe, fun, and successful event.

Teens will serve as greeters, pass out bags, help vendors set up their booths, and clean up during and after the event.

Kindness for Kids, Inc. will provide students with materials to stuff and sew pillows which will later be delivered to the children in the hospital.

Adults and youth will be able to make cards to express support for our troops.

Youth who formed the Japan Relief Fund will sell bracelets they have made the benefit the relief efforts of the Red Cross in Japan.

Anchorage's Promise Youth Advisory Board will present Teen City Center Stage, a positive, judgment-free space where teens can create graffiti art, join youth-led organizations, and enjoy entertainment.

Students from Chugiak High School's Family Career and Community Leaders of America program will present a family meal toolkit that will contain healthy family meal recipes that incorporate simple, affordable, and healthy food choices.

Volunteer students from the Anchorage School district will read to their younger peers as part of ''Wild About Reading''. The child will then get to take the book home.

Youth volunteers with Volunteers of America Alaska and Communities Mobilizing for Change on Alcohol will provide an art project and information on underage drinking.

The Anchorage Public Library Teen Advisory Board will help kids decorate banners that will be put on display in the library.

In addition to the Kids' Day events, young people from every region of Alaska will serve their many ways, including:

Students at Pacific Northern Academy have donated hand-made fleece scarves, hats, blankets, greeting cards, meal, and decorations to various local agencies in Anchorage.

Youth volunteers, coordinated by the Anchorage Public Library, will help organize summer reading celebration materials.

Members of the St. John's United Methodist Church youth group spent their spring break volunteering at the Food Bank of Alaska in Anchorage.

Last November, the Wrangell Community Youth Action Group collected and donated over 10,000 pounds of food for needy families and Thanksgiving dinners in their community.

Hundreds of Boy Scouts and Girl Scouts participated in ''Scouting for Food'' last weekend by distributing flyers about their food drive in neighborhoods, and then going door-to-door collecting the donations.

The St. Francis Xavier Youth Group held a cake auction to raise $2,590 to support a mission in Jamaica that helps the poor with food, transportation, and education.

The Anchorage's Promise Youth Advisory Board volunteered at Covenant House Alaska to assist them in preparing for First Friday, a monthly art walk that takes place in downtown Anchorage. YAB members put together sandwiches, made name tags, and made labels for the art work that was displayed.

Members of the Chugiak Family Career and Community Leaders of America held a Christmas party for the homeless teens at Anchorage's Covenant House.

Youth from Two Rivers donated clothing items to Big Brothers Big Sisters of America.

Youth in Dillingham have created a ''Chain of Kindness'' to which people from the community contribute links when they observe acts of kindness. The chain is hung in the entrance of the local high school.

The Alaska Youth for Environmental Action has created a resolution for the Anchorage assembly on beginning an annual ''Week without Bags,'' to encourage consumers to bring their own bags to the grocery store and encourage retailers to provide incentive for customers that do so.

Mr. President, I am so proud of all of these young people and many more across my State of Alaska. I value their idealism, energy, creativity, and unique perspectives as they volunteer to make their communities better and assist those in need.

Many similarly wonderful activities will be taking place all across the nation. I encourage all of my colleagues to visit the Youth Service America Web site www.ysa.org to find out about the selfless and creative youth who are contributing in their own States this year.

Mr. President, I yield the floor.

DISCHARGE AND REFERRAL—S. 375

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry be discharged from further consideration of S. 375 and the bill be referred to the Energy and Natural Resources Committee.

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

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100–696, appoints the Senator from North Dakota (Mr. HOEVEN) as a member of the United States Capitol Preservation Commission, vice the Senator from Alaska (Ms. MURKOWSKI).

The Chair announces, on behalf of the majority leader, pursuant to Public Law 101–509, the reappointment of Steve Zink of Nevada to the Advisory Committee on the Records of Congress.

The Chair, on behalf of the President pro tempore and upon the recommendation of the majority leader, pursuant to Public Law 106–554, appoints the Senator from Connecticut (Mr. BLUMENTHAL) to the Board of Directors of the Vietnam Education Foundation, vice the Senator from Virginia (Mr. WEBB).

The Chair, on behalf of the President of the Senate, and after consultation with the majority leader, pursuant to Public Law 106–286, appoints the following Members to serve on the Congressional-Executive Commission on the People's Republic of China: the Honorable MAX BAUCUS of Montana, the Honorable CARL LEVIN of Michigan, the Honorable DIANNE FEINSTEIN of California, the Honorable SHERROD BROWN of Ohio, and the Honorable JEFF MERKLEY of Oregon.

## SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader or Senator ROCKEFELLER be authorized to sign duly enrolled bills or joint resolutions.

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

## APPOINTMENT AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President pro tempore and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

## ORDERS FOR MONDAY, MAY 2, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 43, the adjournment resolution, until 2 p.m. on Monday, May 2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period for the transaction of morning business for debate only until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each; further, that following morning business, the Senate proceed to executive session under the previous order.

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

## PROGRAM

Mr. REID. Mr. President, therefore, the first rollcall vote will be at 5:30 p.m. when we return. That vote will be on the confirmation of Executive Calendar No. 76, the nomination of Kevin Hunter Sharp to be U.S. District Judge for the Middle District of Tennessee.

I appreciate everyone's patience, including the Presiding Officer, in completing the business of the Senate for this period of time. I hope everyone has a good work period. Some will go a long way away, maybe as far as Alaska.

## ADJOURNMENT UNTIL MONDAY, MAY 2, 2011, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:55 p.m., adjourned until Monday, May 2, 2011, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF STATE

JONATHAN DON FARRAR, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

STUART E. JONES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HASHEMITE KINGDOM OF JORDAN.

LISA J. KUBISKE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

DEREK J. MITCHELL, OF CONNECTICUT, TO BE SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA, WITH THE RANK OF AMBASSADOR. (NEW POSITION)

### NUCLEAR REGULATORY COMMISSION

WILLIAM CHARLES OSTENDORFF, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2016. (REAPPOINTMENT)

### NATIONAL SCIENCE FOUNDATION

ROBERT J. ZIMMER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2016, VICE JON C. STRAUSS, TERM EXPIRED.

## CONFIRMATIONS

Executive nominations confirmed by the Senate, April 14, 2011:

### OFFICE OF SPECIAL COUNSEL

CAROLYN N. LERNER, OF MARYLAND, TO BE SPECIAL COUNSEL, OFFICE OF SPECIAL COUNSEL, FOR THE TERM OF FIVE YEARS.

### NATIONAL SCIENCE FOUNDATION

KELVIN K. DROEGEMEIER, OF OKLAHOMA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION FOR A TERM EXPIRING MAY 10, 2016.

### DEPARTMENT OF COMMERCE

KATHRYN D. SULLIVAN, OF OHIO, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

### MARINE MAMMAL COMMISSION

FRANCES M.D. GULLAND, OF CALIFORNIA, TO BE A MEMBER OF THE MARINE MAMMAL COMMISSION FOR A TERM EXPIRING MAY 13, 2012.

### DEPARTMENT OF TRANSPORTATION

ANN D. BEGEMAN, OF VIRGINIA, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2015.

### FEDERAL MARITIME COMMISSION

MARIO CORDERO, OF CALIFORNIA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2014.

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 2015.

### DEPARTMENT OF ENERGY

PETER BRUCE LYONS, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF ENERGY (NUCLEAR ENERGY).

### DEPARTMENT OF STATE

NILS MAARTEN PARIN DAULAIRE, OF VIRGINIA, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION.

JOSEPH M. TORSELLA, OF PENNSYLVANIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

JOSEPH M. TORSELLA, OF PENNSYLVANIA, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

KURT WALTER TONG, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES SENIOR OFFICIAL FOR THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM.

SUZAN D. JOHNSON COOK, OF NEW YORK, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM.

ROBERT PATTERSON, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO TURKMENISTAN.

JONATHAN SCOTT GRATION, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KENYA.

MICHELLE D. GAVIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BOTSWANA.

### DEPARTMENT OF HOMELAND SECURITY

RAFAEL BORRAS, OF MARYLAND, TO BE UNDER SECRETARY FOR MANAGEMENT, DEPARTMENT OF HOMELAND SECURITY.

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. ROBERT W. CONE

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. DAVID S. FADOK

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. DAVID M. RODRIGUEZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be brigadier general*

COLONEL NORVELL V. COOTS
COLONEL DENNIS D. DOYLE
COLONEL BRIAN C. LEIN

### EXECUTIVE OFFICE OF THE PRESIDENT

KATHARINE G. ABRAHAM, OF IOWA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

CARL SHAPIRO, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH TRAVIS R. ADAMS AND ENDING WITH ILAINA M. WINGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH FREDERICK C. ABAN AND ENDING WITH CATHERINE L. WYNN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH ALLAN K. DOAN AND ENDING WITH ANDREW L. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH BUDI R. BAHUREKSA AND ENDING WITH MUHAMMAD A. SHEIKH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2011.

IN THE ARMY

ARMY NOMINATION OF MICHAEL K. PYLE, TO BE COLONEL.

ARMY NOMINATION OF JANET MANNING, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH JOHN H. BARKEMEYER AND ENDING WITH D010566, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 16, 2011.

ARMY NOMINATIONS BEGINNING WITH MICHAEL G. POND AND ENDING WITH WILLIAM M. STEPHENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 30, 2011.

ARMY NOMINATION OF JUAN J. DEROJAS, TO BE COLONEL.

ARMY NOMINATION OF DAVID S. GOINS, TO BE MAJOR.

ARMY NOMINATION OF KIMBERLY A. SPECK, TO BE MAJOR.

ARMY NOMINATION OF LYNDALL J. SOULE, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH JAMES J. HOULIHAN AND ENDING WITH JASON S. KIM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2011.

ARMY NOMINATIONS BEGINNING WITH JOSHUA P. STAUFFER AND ENDING WITH BRIDGET C. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2011.

ARMY NOMINATIONS BEGINNING WITH EDWIN ROBINS AND ENDING WITH JEFFREY M. TIEDE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2011.

ARMY NOMINATIONS BEGINNING WITH RICHARD J. SCHOONMAKER AND ENDING WITH EDWARD W. LUMPKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2011.

ARMY NOMINATIONS BEGINNING WITH JOHN H. BORDES AND ENDING WITH EDNA J. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2011.

ARMY NOMINATIONS BEGINNING WITH RICHARD R. JORDAN AND ENDING WITH APRIL B. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2011.

ARMY NOMINATIONS BEGINNING WITH CARLSON A. BRADLEY AND ENDING WITH SYLVESTER E. WALLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 8, 2011.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH PETER G. BAILIFF AND ENDING WITH TIMOTHY D. SECHREST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

MARINE CORPS NOMINATIONS BEGINNING WITH JOE H. ADKINS, JR. AND ENDING WITH JAMES B. ZIENTEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 16, 2011.

IN THE NAVY

NAVY NOMINATION OF MEDRINA B. GILLIAM, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF DAVID S. PLURAD, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH JAMES P. KITZMILLER AND ENDING WITH JONATHAN D. SZCZESNY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2011.