United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, TUESDAY, MAY 3, 2011 No. 58

Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

Almighty and eternal God, we desire to honor Your holy name. Thank You for blessing us to see the sunlight of a new day. Today, lift the minds of our lawmakers above the things that distract them from doing Your will. May their hearts be fully focused on fulfilling Your purposes as they strive to live for Your glory. Lord, give them the wisdom to use all their powers to serve You, seeking Your approval for each critical decision they make. Let Your favor delight them and Your presence sustain them in every season of life.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 3, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN 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. Madam President, following any leader remarks, the Senate will be in a period of morning business until 5 p.m. this evening. The Republicans will control the first 30 minutes, the majority will control the next 30 minutes.

The Senate will recess from 12:30 to 2:15 to allow for our weekly caucus meetings. We expect to have a rollcall vote this afternoon on the adoption of the resolution commending our Armed Forces and the intelligence community regarding the death of bin Laden. Senators will be notified when that vote is scheduled.

Additionally, there is a Senators-only briefing today—it is classified—on the U.S. operation that killed Osama bin Laden. That will be at 5 p.m. today in the Visitor Center.

CIA Director Leon Panetta will be there; Vice Chairman of the Joint Chiefs of Staff James Cartwright will be there; National Counter Terrorism Center Director Michael Leiter will be there; and Deputy Secretary of State James Steinberg.

ORDER OF PROCEDURE

Last night I filed cloture on the small business jobs bill, S. 493. Senators should expect a cloture vote to occur tomorrow morning. I ask unanimous consent that the filing deadline for all first-degree amendments be at 2:30 p.m. today for S. 493.

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

Mr. REID. Additionally, I also filed cloture on the nomination of John McConnell of Rhode Island to be a district judge for the District of Rhode Island. This vote may also occur tomorrow morning.

SBIR/STTR

The bill before this body today, the small business innovation bill, is the latest in a series of bills we have written to help small businesses grow. It supports a research and development program—the Small Business Innovation Research Program—that has helped tens of thousands of small businesses create jobs and shape the future.

This bill is an adaptation of the bill that President Reagan created 30 years ago. It is a continuation of that program. It has been proven that these investments work. It helped get great new ideas off the ground. For example, the electric toothbrush was invented with a small business grant, the satellite antenna that helped our first responders in Haiti, to technologies that keep our food safe and our military tanks from overheating in the desert. These are all the result of what this legislation has done over the years. There are success stories in virtually every State and nearly every industry.

Before the recess, we spent days working on an agreement to have votes on three amendments on this bill so we could move forward and finally pass it. We have voted on many amendments. This legislation started on March 10. It is now the first part of May. We have had some breaks in time because of our going back to our States, but there is no excuse for not completing this important legislation.

Every time we get one problem taken care of another Republican raises their head. The latest is Senator SNOWE. Of all people who should understand the importance of small business, it is the Senator from Maine, who was at one

time chairman of the Small Business Committee. Yet she has been unmoving in wanting a vote on a piece of legislation that has not even had a hearing.

The chairman of the Small Business Committee said she is happy to work with Senator SNOWE. Senator LANDRIEU said she will work with her to hold hearings, whatever is appropriate. But it is unfair that we have not been able to move forward on this bill.

As I indicated, we spent days before the recess working on an agreement to have votes on amendments to move this bill forward. Included in this agreement were Senator CORNYN's amendment, which would establish a commission on government waste, and Senator HUTCHISON's amendment, which related to health care reform litigation. This agreement was objected to by Senator SNOWE while everyone else in the Senate has signed off on it.

During the course of many weeks debating this bill, we have made significant efforts to accommodate Senator SNOWE and the rest of the Republican caucus on amendments. She has had one. We voted on it already. We even had a vote, as indicated, on an amendment offered by Senator SNOWE, as well as many other Republican amendments, nearly every one of which had nothing to do with the underlying legislation. They were not relevant. They were not germane.

In light of our accommodation of extraneous amendments, it is difficult for me to understand why we cannot finish debate on this bill. We have been more than fair. We should be able to reach agreement on considering the remaining amendments and voting on final passage. I hope that my friends on the other side of the aisle would recognize how unfair it is that one Senator would hold up this legislation.

There are amendments pending, I repeat, that are not germane or relevant to this piece of legislation. We are willing to take votes on those. It would seem to me that Senators such as CORNYN and HUTCHISON, who have worked hard to get votes, should vote with us on our ability to move forward on this legislation. We should be able to get this done. It is the right thing for the country. It appears that we are not going to be able to do that. So I had no choice but to file cloture in order to bring this debate to a close. That is what I did last night.

If this job-producing legislation is not passed, there is only one problem with it: the Republicans on the other side of the aisle. It is unfair that we have worked so hard to get this important piece of legislation done, and because of one Senator it is not going to happen. I hope that is wrong. I hope my prediction is wrong. This has been on the Senate floor for far too long. We need to resolve it so we can move to other matters.

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 for debate only until 5 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

RIGHT TO WORK PROTECTION ACT

Mr. ALEXANDER. Madam President, I rise today to talk about a piece of legislation which will be both a bill that Senator GRAHAM and Senator DEMINT and I will introduce tomorrow and an amendment that I have filed to the small business bill on behalf of the three of us.

We are calling it the Right to Work Protection Act, and it is our intent to preserve the right of each State to make a decision for itself about whether it will have a right-to-work law and have an ability to enforce it. This is in direct response to an action that the National Labor Relations Board has taken against the Boeing Company and the plant they are building in South Carolina.

The National Labor Relations Board has moved to stop Boeing from building airplanes at a nonunion plant in South Carolina, suggesting that a unionized American company cannot expand its operations into one of 22 States with right-to-work laws. These laws protect a worker's right to join or not to join a union. In fact, the New Hampshire Legislature has just approved its becoming the 23rd such State.

This reminds me, this action by the National Labor Relations Board reminds me of a White House dinner in February 1979 when I was Governor of Tennessee. The occupant of the chair has been to those dinners. The President has them every year. The only ones invited are the Governors themselves and spouses. For me, it was always one of the highlights of the year.

So my first such dinner was with President Carter in 1979. As a new Governor, I was paying close attention to what the President of the United States had to say. This is what he said:

> Governors, go to Japan. Persuade them to make here what they sell here.

I walked 1,000 miles across Tennessee to be Governor the year before, and I don't remember one single Tennessean who said to me: Lamar, the first thing you do when you get in office is go to Japan. That was not on our minds. But it was tough economic times. Not many people were investing anywhere in the United States at that time. I thought, Well, if the President of the United States says, Governors, go to Japan and persuade them to make here what they sell here, I should do that.

''Make here what they sell here'' was then the union battle cry. It was part of an effort to slow the tide of Japanese cars and trucks entering the U.S. market. At that time, Americans were very worried about Japan. There were books about Japan being No. 1, and the fear was that Japan would overwhelm us economically. Cars and trucks from Japan were fuel efficient, they were attractive, they were selling, and manufacturers and the United Auto Workers here were concerned that we would lose a lot of jobs. So the cry was to the Japanese: If you are going to sell it in the United States, you need to make it in the United States.

So off I went to Tokyo to meet with the Nissan executives who were then deciding where to put their first U.S. manufacturing plant. At that time, Japan had very few manufacturing plants in the United States. They made there what they sold here. I carried with me on that trip a photograph taken at night from a satellite showing the country with all of its lights on. Try to visualize that. Because what you see if you look at a photograph of the United States at night are a lot of lights east of the Mississippi River, but it is pretty dark almost until you get to California, and there are a lot of lights down around Texas. I was trying to make a point. The Japanese executives, who didn't know very much about Tennessee and I didn't know very much about Japan, would say to me, Where is Tennessee? I would point to our State and say, We are right in the middle of the lights.

My argument, of course, was that locating a plant in the population center of the United States would reduce the cost of transporting cars to customers. That population center 70 or 80 years ago was in the Midwest where the American automobile was literally invented, and it made a lot of sense to build almost all the plants there, because transportation costs were less when you send these heavy cars and trucks to the customers. So you locate your plant near the population center. Gradually, that population center migrated south from the Midwest, where most U.S. plants have been, to Kentucky and Tennessee.

Then the Japanese to whom I was talking examined a second consideration: Tennessee has a right-to-work law and Kentucky does not. That meant that in Kentucky, workers would have to join the United Auto Workers Union. Workers in Tennessee had a choice. In 1980, Nissan chose Tennessee, then a State with almost no auto jobs. Today, auto assembly plants and suppliers provide one-third of our State's manufacturing jobs. Tennessee

is home for the production of the Leaf, Nissan's all-electric vehicle, and the batteries that power them. I am happy to report it works well. I have bought one, parked in the garage of the apartment where I live here. Recently Nissan announced that 85 percent of the cars and trucks it sells in the United States will be made in the United States, making it one of the largest so-called ''American'' auto companies and nearly fulfilling Mr. Carter's request of 30 years ago.

But now unions want to make it illegal for a company that has experienced repeated strikes to move production to a State with a right-to-work law. What would this mean for the future of American auto jobs? Jobs would flee overseas as manufacturers look for a competitive environment in which to make and sell cars around the world.

It has happened before. David Halberstam's 1986 book ''The Reckoning''—about the decline of the domestic American auto industry—tells the story. Halberstam quotes American Motors president George Romney who criticized the ''shared monopoly'' consisting of the Big Three Detroit auto manufacturers and the United Auto Workers. Romney warned, ''There is nothing more vulnerable than entrenched success.'' Detroit ignored upstarts such as Nissan which in the 1960s began selling funny little cars to American customers. We all know what happened to employment in the Big Three companies.

Even when Detroit sought greener pastures in a right-to-work State, its partnership with the United Auto Workers could not compete. In 1985 General Motors located its $5 billion Saturn plant in Spring Hill, TN, 40 miles from the Nissan plant, hoping side-by-side competition would help the Americans beat the Japanese. After 25 years, nonunion Nissan operated the most efficient plant in North America. The Saturn/UAW partnership never made a profit. Last year, GM closed Saturn.

Nissan's success is one reason why Volkswagen recently located in Chattanooga and why Honda, Toyota, BMW, Kia, Mercedes-Benz, Hyundai, and thousands of suppliers have chosen southeastern right-to-work States for their plants. Under right-to-work laws, employees may join unions, but mostly they have declined. Three times workers at the Nissan plant in Smyrna, TN, rejected organizing themselves like Saturn employees a few miles away.

Our goal should be to make it easier and cheaper to create private-sector jobs in this country. Giving workers the right to join or not to join a union helps to create a competitive environment in which more manufacturers such as Nissan can make here 85 percent of what they sell here.

Madam President, I ask unanimous consent to have printed in the RECORD the amendment and bill that I and Senator GRAHAM and Senator DEMINT will be introducing tomorrow and which we filed as an amendment today.

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

At the appropriate place, insert the following:

SEC. ____. PROTECTION OF RIGHT TO WORK.

(a) APPLICABILITY OF NLRA TO STATE RIGHT TO WORK LAWS.—Section 14 of the National Labor Relations Act (29 U.S.C. 164) is amended by striking subsection (b) and inserting the following:

''(b) Nothing in this Act shall be construed to limit the application of any State law that prohibits, or otherwise places restraints upon, agreements between labor organizations and employers that make membership in the labor organization, or that require the payment of dues or fees to such organization, a condition of employment either before or after hiring.''.

(b) APPLICABILITY OF RAILWAY LABOR ACT TO STATE RIGHT TO WORK LAWS.—Title II of the Railway Labor Act (45 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 209. EFFECT ON STATE RIGHT TO WORK LAWS.

''Nothing in this Act shall be construed to limit the application of any State law that prohibits, or otherwise places restraints upon, agreements between labor organizations and carriers that make membership in the labor organization, or that require the payment of dues or fees to such organization, a condition of employment either before or after hiring.''.

Mr. ALEXANDER. I thank the Chair. I wish to add that I saw today a representative of the Whirlpool Company which has 2,500 employees in Tennessee. He said Whirlpool makes 82 percent of what they sell in the United States here in the United States, but that they have a choice. They have plants in Mexico as well. It is one more example of why allowing States to have a right-to-work law keeps jobs in our country.

I see on the floor Senator DEMINT, whose State is directly affected by this NLRB decision. He and I are working together on this legislation. I am sure he has comments on the legislation and on the decision of the NLRB.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Thank you, Madam President. I wish to associate myself with the remarks of the Senator from Tennessee. I appreciate him bringing this up. It is important for us here in the Senate as well as everyone around the country to understand what this administration is doing to hurt jobs in America.

This has been a good week for America. We have worked together building on a lot of the common principles of our country of a strong defense and a robust intelligence system to track down an enemy of freedom and to render justice as we had promised. This was done over two administrations and many Congressmen and Senators. So this is a good day for America. I think we need to take this time to maybe think about how we can apply the principles that work in America to our challenges back home with our economy and our jobs and our culture, because it is a bigger issue we are dealing with in the context of this decision by the National Labor Relations Board. We need to use the principles that work, but it appears this administration and my colleagues on the other side are afraid to let these principles work. They seem to be afraid of freedom itself.

We see in their record over the last 2 years being afraid for Americans to make their own decisions about their children's education and about their health care. They are afraid to death of letting senior citizens manage their own retirement funds and health care plans. They are certainly afraid to let States manage their own energy resources or decide what roads and bridges to build and where to build them. They clearly don't want businesses to make their own decisions about hiring and firing. They won't let even community banks make their own decisions about who to lend money to, even though these small banks have nothing to do with the financial collapse. Clearly, from this decision, this administration and the Democratic Party is afraid to give employees—workers—the freedom not to join a union.

It is amazing what this National Labor Relations Board, which has been stacked with union folks by the administration, is doing to jobs in our States and all across the country. Twenty-two States have right-to-work laws. In the last few months, my State, along with several others, has passed a constitutional amendment that would protect the freedom of workers to have a secret ballot when union bosses are trying to organize their workplace. A secret ballot is so fundamental to American principles and the principles of freedom, but the AFL–CIO is suing our State and others to stop us from protecting that freedom of workers.

In the last few weeks, a truly extraordinary thing has happened, as this National Labor Relations Board has actually filed suit against Boeing, which has located a new facility in South Carolina, claiming it was retribution for a strike in Washington. People need to understand that Boeing has added 2,000 jobs in Washington since they decided to build this new production line in South Carolina. But this administration—and I am afraid the majority here in the Senate—is so afraid companies will have the freedom to locate new facilities, new businesses, in States where their workers are not required to join a union.

Let's put this in a different context. A few weeks ago, a delegation from California went to Texas to try to figure out why hundreds of businesses are moving from California, taking tax revenue and jobs with them to Texas and other States. They didn't need to make the trip. It was pretty obvious that the business environment that has been created in California by the unions and the politicians has made it very difficult for world-class companies

to be competitive. What takes a few weeks in Texas could take 2 years as far as getting a permit to open a new business.

This is a small look at what is happening to our country, because we need to look at why so many companies are moving from our country to other countries to do business. It is because of decisions such as this and decisions by this administration over the last couple of years that have made America a place that is very difficult to do business in.

I appreciate what the Senator from Tennessee is doing, because this is not just about one employer or one State. Twenty-two States are right-to-work States. Twenty-two States have decided they are going to provide the freedom to their workers not to have to join a union. So much of this is political and retribution, not just against Boeing for putting a site in a right-to-work State, but it is political retribution. The administration, I believe, is acting like thugs that one might see in a Third World country, trying to bully and intimidate employers who are trying to get out from under this cloud of union control. It is a political deal of this administration trying to expand unionization and union benefits because the unions give the contributions to the Democratic Party and get out the vote for the Democrats.

This is crazy. In an environment where this administration and all of us here are saying we are trying to create jobs, there is no question what they are doing in South Carolina and around this country by trying to force unionization is hurting our business climate in America, it is hurting employment, it is diminishing our future as a country, and it is all for political purposes.

It is amazing to see that the unions have such a control over this administration, even in passing the stimulus bill. With it went requirements that a lot of the contractors who use this money had to follow union rules or be unionized. We saw in the health plan that the unions were the big proponent of it, but as soon as it passed, they are the ones asking for waivers so they don't have to live by it.

What this administration is doing to one company is a threat to every company, every employer, and every worker in this country. It goes back to their fear of freedom. The command-and-control paranoia we see in this administration is antithetical to everything we understand about freedom in our country—of individual responsibility and individual freedom—and free markets and free enterprise. They are attacking it on every front.

This decision by the National Labor Relations Board cannot stand. We must challenge it here in the Congress; employers need to challenge it; states are already challenging it, because it is clearly outside of the authority of this Federal Government to be threatening and bullying and trying to intimidate companies such as Boeing, which should have the freedom to locate their plants anywhere they want. This is intimidation. Many of Boeing's contracts are military contracts, and we know that is being held over their head.

This is not the way we should do business in America. This is not the way our government should operate. We need to get back to those first principles that made us great. Clearly, what this administration is doing in this case and many others is way outside the realm of what we should expect of a good and decent government, and we are not getting it here.

With that, Madam President, I see the other Senator from South Carolina is here, and I will yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I thank my colleague from South Carolina, who has been terrific in trying to bring reason to this issue. Senator DEMINT has been a very strong voice for free enterprise, and that is really what this is all about.

To Senator ALEXANDER from Tennessee, thank you for listening to what is going on in South Carolina and understanding this is not just about our State, it is about the Nation as a whole.

The Right to Work Protection Act is a very solid piece of legislation that is going to serve the country as a whole. When a State chooses to be a right-to-work State, what does that mean? That means no one can be forced to join a union. The union can ask for your vote. If you say no, that is your decision to make, and if the group says yes, you do not have to join. In a lot of States, that is not true. If 51 percent of the workforce or 60 percent of the workforce says: We are going to go union, everybody else is drafted whether they want to be or not.

So the concept of right to work is really at stake here, and I do appreciate this legislation because it would preserve the ability of the State to go down that road without suffering at the Federal level. It would prohibit Federal Government contracts, Federal Government action from punishing a State that chose to adopt right-to-work laws. That is why Senator ALEXANDER's legislation is so important. We are not making anyone become a right-to-work State. We are saying: If you choose to do that, your Federal Government in the NLRB and other organizations of the Federal Government cannot use that against you. We are protecting that status. I think that is the balanced approach to this dilemma we face.

Now, what is this dilemma?

Boeing is one of the great companies in the world. They have a history of producing terrific airplanes. They have been located in Washington for decades. As a South Carolinian who is very happy Boeing has come to South Carolina, I want to acknowledge the Washington workforce as one of the best in the world. We hope to build great airplanes in South Carolina, but the first thing I want to do is acknowledge that my complaint or concern is not with the people of Washington, not with the workforce in Washington, it is with the actions of the NLRB and this complaint filed by the machinists union. So I hope to be in partnership with my colleagues from the State of Washington in the Senate and on the House side to pursue good policies that not only will be good for Boeing but for the country as a whole.

South Carolina is going to enjoy the status of being a teammate with the people of Washington when it comes to trying to help Boeing and manufacturing in general. But what happened is that in October of 2009, Boeing decided to create a second assembly plant in South Carolina. This is a new assembly plant because the orders for the 787 were so large, it necessitated building a second line. Boeing, under the contract with the machinists union, reserved in that contract the right to locate new business wherever they thought it would be best for Boeing. They negotiated with the people in Seattle about producing the second line in Seattle, and they went all over the country looking for other locations to create a second line.

They came to South Carolina, and I can assure you, after a lot of negotiations, the reason they chose South Carolina was because it was the best business deal for Boeing. They negotiated in Washington. They negotiated everywhere in the country, really, where they thought they could do good business, and South Carolina won out. And there is criticism back home that the package we gave Boeing was too generous. So I can assure you this was a legitimate business deal, and the idea that moving to South Carolina somehow was retaliation that violated the National Labor Relations Act section 883 is legally absurd. Under that act, a company cannot retaliate against a group of employees or a location that decides to unionize.

You would have to prove in a retaliation complaint that the people suffered. Well, in this case, not one person in Pugent Sound or in the State of Washington lost their job. Because of the additional business being generated in South Carolina, 2,000 people have been hired in the State of Washington. Not one benefit was cut from the workforce in Washington. Nobody's pay was cut. Nobody's benefits were reduced because they moved to South Carolina. So this complaint is just frivolous. It is motivated by all the wrong reasons.

Let's just for a moment assume that it is granted and this is the new business model. It would mean basically that if you decide to do work in a union plant, you are locked into that location forever; you could never move. That is crazy. That is not what the law is all about. The law prevents retaliation, and that is a specific concept in the law, and none of the factors that

would lead to that conclusion exist in this case. There is new work. No one lost a job. This is a new line of business. And we are arguing about the right of a company to be able to make a business decision when it comes to new production. That is why this complaint, if it ever gets to Federal court, will fail. It is sad that Boeing may have to spend millions of dollars defending itself against what I think is a very frivolous complaint.

But let me tell my colleagues a little bit about this if they are wondering about it. Here is something I want to put on the table for you to consider. One of the members of the Boeing board at the time they chose to come to South Carolina—after a lot of negotiations in different places, including Washington and South Carolina—one of the board members who approved the second assembly line in South Carolina was Bill Daley, the Chief of Staff of the President of the United States. At the time, he was not Chief of Staff, he was a member of the Boeing board, and they voted unanimously to create a second assembly plant in the State of South Carolina. I would argue that Mr. Daley, when he cast that vote, understood it was best for Boeing to make this decision to locate new business, and he did not believe he was violating the law or retaliating against unions. One thing you can say about the Daley family, it is not in their DNA to retaliate against unions. This was in 2009.

In March 2010, the machinists union filed its complaint with the NLRB. Now, the general counsel, the person holding that title a few weeks ago, submitted the complaint to the board. But the story is even more interesting. In March of 2010, the complaint was filed by the machinists union. The vote to come to South Carolina was in October 2009. In January of 2011, Mr. Daley was chosen to be President Obama's Chief of Staff—a decision I supported and thought was a good decision for the administration and the country as a whole because Mr. Daley is a Democrat, but he is a very well respected member of the business community, someone who has a lot of skill and talent, and the President chose wisely. I would assume that in the vetting process they looked at Mr. Daley's record of involvement in business and other matters. I am assuming the vetting team knew the complaint had been filed by the machinists union in March of 2010 and that Mr. Daley voted along with the rest of the members of the board to come to South Carolina. And they must have concluded that this complaint was frivolous. I assume that because if they did not know about the complaint, that was one of the worst vetting jobs in the history of the world. And if they thought he did engage in illegal activity, it made no sense to hire him.

So, to my colleagues, I want you to consider the fact that Mr. Daley, the current Chief of Staff, voted to come to South Carolina. After he voted—a year and a half later—he was chosen to be the Chief of Staff of the President of the United States. The Boeing CEO, Jim McNerney, was chosen by President Obama to lead his Export Council to create jobs for Americans by looking at export opportunities. I would argue that President Obama would not have chosen Mr. McNerney if he thought he led an effort to retaliate against Washington unions.

All I can say is this complaint is frivolous. It is taking time and money away from creating jobs in South Carolina and Washington. And it has national implications. To Senator ALEXANDER, you have found the right way for the Congress to address this issue. We are not forcing anybody to be a member of a union. We are just saying, if a State such as South Carolina or Tennessee chooses to be a right-to-work State, that cannot be held against them. This legislation would say to the country and the business community as a whole: When you look at where to locate, you can consider a right-to-work State without violating the law. That is an important concept.

I can assure you, Boeing came to South Carolina because it was the best business deal. They had a lot of choices. They chose South Carolina not to retaliate but to create a second line. And here is the logic of it: Would you put everything you own in one location in today's world? So the idea that they expanded into the second plant in a different State, in a different location, makes perfect sense. The fact that South Carolina is a low-cost right-to-work State I am sure they considered. But under the law, no one in Washington lost one benefit they had. No one in Washington lost a job they already had with Boeing. The goal of this decision by Boeing is to grow their company. If we do well in South Carolina, Boeing does well in Washington.

This complaint is dangerous. This complaint is a dangerous road to go down. This complaint is politics at its worst. The law is designed to protect us, and it is being abused, in my view. Politics is about 50 plus 1. The law is something that should protect us all.

This complaint filed by the general counsel at the NLRB sets a dangerous precedent, and the Congress should speak. The administration should speak out and say this is frivolous; they are an independent agency; nobody can tell them what to do. But we have an independent duty to speak out in a constructive way.

Senator ALEXANDER's legislation is the appropriate way to address this issue, and I wish to thank him on behalf of the people of South Carolina and the country as a whole, and I look forward to working with him to have this passed.

To my colleagues on the other side, what is going on in this complaint is dangerous for us all and not just South Carolina.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Ohio.

WORKERS MEMORIAL DAY

Mr. BROWN of Ohio. Madam President, I rise and will be joined in a few moments by Senator HARKIN, who is the chair of the Health, Education, Labor, and Pensions Committee; Senator MURRAY, the chair of the Veterans' Committee; and Senator BLUMENTHAL, a new Member of the Senate from Connecticut. Each of them, especially Senator HARKIN, has devoted their careers to worker rights, worker safety, decent benefits, pensions—in short, creating the middle class—and their efforts have been legion, all three of them, in doing that.

I rise today to commemorate Workers Memorial Day. Last Thursday, April 28, our Nation observed Workers Memorial Day. It is an occasion for us to pause and remember those Americans who have lost their lives while on the job.

I wear on my lapel a pin given to me at a Workers Memorial Day rally in Lorain, OH, a city west of Cleveland on Lake Erie—steel town, people like to call us—and this lapel pin I wear is a picture of a canary in a birdcage. We know that mine workers 100 years ago took a canary down in the mines. If the canary died from lack of oxygen or toxic gas, the mine worker knew he had to get out of the mine. He had to depend on himself. He had no union strong enough nor a government which cared enough to protect him in those days.

As we celebrate Workers Memorial Day, we look back at the progress we have made as a country.

This year is the 100th anniversary of the Triangle Shirtwaist Factory fire in New York. That tragedy claimed the lives of 146 workers—123 women and 23 men—while they labored in sweatshop conditions in this textile plant in New York City. They were mostly young immigrants who came to this country in pursuit of a better life. Instead, they were killed because of the workplace, the incredibly unsafe conditions in that workplace. That tragedy marked a significant turning point in the struggle to advance worker rights and safety in our country. The day after the fire, 15,000 shirtwaist workers walked off the job demanding a 20-percent pay raise and a 52-hour week—a 52-hour week they were demanding.

Nearly 20 years later, in 1930, Ohio experienced its deadliest mining explosion in our history, the Millified mine disaster in Athens County.

Methane gases were ignited by a short circuit between a trolley wire and rail, killing more than 80 men.

Four years later, in 1934, thousands of workers stood up to the Electric Auto-Lite company in Toledo, OH. Workers recognized they were underpaid and undervalued. They went on strike and clashed with members of the

Ohio National Guard. The so-called ''Battle of Toledo,'' unfortunately, resulted in over 200 injuries. The strike brought together union brothers and sisters across the city in solidarity, fighting for middle-class rights.

Similar strikes in Minneapolis and San Francisco followed the one in Toledo that year, generating a new momentum across our country toward treating U.S. workers with respect and dignity. Ultimately, we know what happened. President Roosevelt's New Deal established critical rights and benefits for working Americans. It is why we have a 40-hour work week, why we have a minimum wage, and why we have collective bargaining rights.

Congress passed the National Labor Relations Act, the Wagner Act, in 1935, which guaranteed workers the right to form a union and bargain collectively.

The Labor Standards Act passed in 1938, which established a minimum wage, guaranteed overtime pay in certain jobs, established recordkeeping standards, and created child labor protections.

We now have OSHA, which was created by the Occupational Safety and Health Act of 1970, to ensure safe working conditions. It was signed by a Republican President. In those days, Republicans worked with Democrats to increase worker safety standards and actually help workers join the middle class.

When OSHA was established 41 years ago, in 1970, an average of 38 workers died on the job in this country every day. We have cut that by two-thirds, not just because of OSHA but certainly in large part because of OSHA. Deaths in the workplace continue but not with the frequency of 100 years ago, or even 50 years ago, prior to OSHA, but they continue.

Last week, another mine accident claimed the life of an Ohioan. Jason Gudat was killed while working at an underground limestone mine in eastern Ohio, in Salem.

This past year, I received a letter from Crystal of Adams County, who lost her husband Terry in a construction accident. Terry was the father of five. He was killed at his construction job last year due to a lack of safety lighting during his nighttime shift. Crystal, his widow, explained that ''the circumstances of his death were completely preventable if there had been better safety laws regarding his line of work. There was no lighting where my husband lost his life. . . . You never realize how important these things are until it happens to you.''

In the case of garment workers, it was fire safety. In the case of mine workers, like Jason, it was unsafe conditions that are too often found in mines. In the case of Terry and other construction workers, it was basic safety lighting.

We ask our workers to build our roads, make our cars, produce our energy, and to serve as the backbone of our Nation's economic competitiveness. We should do more to protect them while they do so.

Last month, I had a roundtable meeting with a group of workers in Columbus, near State House Square, in an Episcopal church. We were talking about worker rights. We had a police officer, a firefighter, a nurse, a teacher, and several other workers there. These are public employees. But they have seen the same assault on their rights as we are seeing all too often in this body—an assault on union rights and nonunion worker rights—far too many times.

We must stop these blatant efforts to strip teachers, sanitation workers, police officers, firefighters, and others from collectively bargaining for fair pay and safety equipment. That has been a right in this country for 75 years, since the Wagner Act, the 1938 labor act. It has been a right for workers that has created a middle class, and it brought up the living standards not just for union workers who organize and bargain collectively, but it brought up the living standards for both white-collar and blue-collar workers, management and labor, throughout our society. It has created a much more prosperous society.

The New York Times had an article written last week by someone who said that when we fail at war in a battle, we don't turn around and blame the soldiers; we give them better equipment with which to do their job. So why, when our public education system sometimes fails, do we blame teachers? Why don't we give those teachers better tools to do their jobs? Why don't we do the same with firefighters, police officers, nurses, and others, instead of blaming these workers and public employees?

In my State, the Governor signed legislation a month or so ago that stripped these public workers of their collective bargaining rights. I think in this society, with this kind of pressure on the middle class, the last thing we should do is strip anybody of their rights that enable them to make a decent living, put food on their table, have a decent pension, and have decent health care—especially in retirement. It makes no sense to me, as we honor workers and Workers Memorial Day, which was commemorated last week, that we would ever move in the wrong direction when it comes to workers' rights and building a more prosperous middle class.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I join with my good friend, the Senator from Ohio, Senator BROWN, in commemorating Workers Memorial Day, which actually was last week. Since we weren't in session then, we wanted to take the time today to commemorate Workers Memorial Day. I am always greatly appreciative of my friend wearing the canary pin on his lapel because, as the Senator from Ohio knows, my father was a coal miner for over 20 years. A lot of people still don't know we had coal mines in Iowa. At one time, back in those days, Iowa was the third largest coal-producing State in the Nation. He worked there a long time ago, before there were safety laws or anything. In fact, most of the time he worked there was before I was born. I can remember him, later on, telling stories about the mines and how many people would be injured or killed—it was sort of an accepted thing—every day, week, or month. People would die and cave-ins would happen. Of course, almost everybody of his generation who worked in those coal mines eventually got miners' cough, as they called it back then—miners' lung or black lung disease, as we know it now. They all virtually had that later on in their lives.

I appreciate my friend from Ohio commemorating Workers Memorial Day.

More than 20 years ago, family members of workers killed on the job joined with safety advocates to launch Workers Memorial Day—a day of remembrance and advocacy. To honor the creation of the Occupational Safety and Health Administration—OSHA, as it is called—April 28 was chosen as Workers Memorial Day. This year, that day takes on special significance because it marks the 40th anniversary of the creation of OSHA.

The passage of the Occupational Safety and Health Act, which created OSHA, was one of the monumental legislative achievements of the 20th century. This landmark legislation reflects the values that all Americans share, which is that workers should not have to risk their lives to earn their livelihood, and that workers, employers, and the government must all work together to keep people safe and healthy on the job. Signed into law by President Nixon, this bipartisan legislation has been a tremendous success, saving the lives and the health of hundreds of thousands of American workers.

Here are the facts. Immediately prior to the creation of OSHA in 1970, an average of 14,000 workers died annually from occupational injuries. In 2009, despite a workforce that is twice as large as the workforce of 1970, 4,340 workers were killed on the job. Before OSHA, about 11 workers were killed for every 100,000 people working. Now roughly 3.3 workers are killed per 100,000 people working. Again, these figures are still too large. We can and must do better. We should also take a moment to reflect on how many tragedies have been prevented and lives saved because of the Occupational Safety and Health Act.

I fear that this simple truth—that workplace safety has been a phenomenal success—is being ignored in Washington these days. Nowadays some people would have us believe that workplace safety regulations are something bad. They claim that OSHA

standards are ''job killers.'' But just because some special interest groups with highly paid lobbyists keep repeating this absurd mantra, that doesn't mean it is true. In fact, the opposite is true. Smart safety regulations administered by active, unbiased regulators improve and stabilize our economy. They save workers' lives, prevent catastrophic accidents, reduce health care costs, and ensure that industries are responsible for their actions instead of dumping the cost of their mistakes on workers and taxpayers.

In addition to the more than 4,000 workers killed on the job every year, which I mentioned, almost 50,000 Americans die every year from occupational illnesses. Let me repeat that. Almost 50,000 Americans die every year from occupational illnesses. More than 4.1 million workers are injured every year. The cost of these injuries and illnesses is enormous. It is estimated at somewhere between $160 billion to $318 billion a year for the direct and indirect costs of these injuries. Additional safeguards to prevent these injuries and illnesses, along with strong enforcement of existing laws, would save thousands of lives and thousands of injuries from happening and would save the taxpayers billions of dollars.

To accomplish this, it is clear that our safety laws need to be updated. We have learned much in the 40 years since the Occupational Safety and Health Act was passed, and it is past time to use this knowledge for meaningful reform. For example, we know that whistleblowers are critical to bringing safety problems to light. But these whistleblowers won't come forward unless the law contains stronger protections against retaliation. Right now, we have stronger protections for financial whistleblowers under the Sarbanes-Oxley law than we do for workers blowing the whistle and trying to save lives. Repeating that, we have stronger whistleblower protections for financial whistleblowers under the existing Sarbanes-Oxley financial reform law than we do for workers who are trying to save lives by blowing the whistle. That is not right. That should be corrected.

We also know that while most responsible companies make worker safety a top priority, there are some unscrupulous employers who cut corners on safety to save costs. Unfortunately, as a past Health, Education, Labor and Pensions Committee report demonstrated, when the negligence of these companies results in workers being killed on the job, these irresponsible companies walk away with a slap on the wrist. OSHA penalties are pitifully low. The average fine for a worker being killed on the job is $5,000. The average fine for an irresponsible company—and they have to be found as not acting prudently and that they were skimping on safety regulations and not adhering to well-defined safety regulations. But when somebody gets killed, the average fine is $5,000. What we need is real penalties to ensure that all employers have real incentives to comply with safety and health laws.

These and other changes in the law are desperately overdue, which is why I have consistently sponsored and supported the Protecting America's Workers Act. This bill makes commonsense reforms to bring worker laws into the 21st century, with minimal burden on the vast majority of employers that comply with the law. In this Congress, once again, I plan to do everything possible to fight for this important legislation.

In addition to these much-needed updates to the Occupational Safety and Health Act, we also must recognize the key role that vigilant enforcement plays in keeping workers safe. Safety laws don't work unless there is a legitimate expectation that they will actually be enforced. In recent years, we made real progress in ensuring adequate funding for our workplace safety agencies.

For example, increases in funding for the Mine Safety and Health Administration in recent years have enabled us to meet health inspections for 3 years in a row. MSHA and the Department of Labor have funds to attack a backlog of appeals filed by mine operators. These appeals have helped some operators avoid heightened enforcement actions. OSHA has received funds to restore the number of inspectors that it had over a decade ago.

However, we in the Senate have recently had to fend off efforts to roll back this progress. H.R. 1, the Republican fiscal year 2011 appropriations bill, cut the Occupational Safety and Health Administration by 18 percent—18 percent. This would have paralyzed the agency and allowed unscrupulous employers to ignore worker safety and health protections.

This bill would have allowed the backlog of mine safety and health citations to increase. It would have prevented MSHA from moving forward on improvements it has initiated in mine emergency response and other areas. Thankfully, Senate Democrats and the President are standing firm and refusing to cut workplace safety funding to finance tax breaks for millionaires and billionaires.

As we continue the budget debates, we should keep in mind the budget reflects moral choices about the kind of country and society we want to be. Personally, I am committed to upholding the bipartisan values reflected in the passage of the Occupational Safety and Health Act. All Americans have the right to a safe workplace.

While we have made tremendous progress, as I pointed out, in the last 40 years under OSHA, there is much more work to be done. Over 4,000 lives lost each year is still unacceptably high. We owe the 4,340 workers we lost just last year our best efforts to ensure that such tragic losses are dramatically reduced. We should not rest until all of our fathers, mothers, brothers, sisters, families can go to work each day knowing they can come home safely each night.

Once again, on April 28, we commemorate Workers Memorial Day, and we renew our commitment to making sure workers all across America have the protections of the Occupational Safety and Health Act, that we provide the funding for these agencies to make sure the law is enforced, and to make sure we reassure every working American that they have a right—they have a right—to a safe workplace.

I yield the floor. I 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. GRASSLEY. Madam 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.

TAX BENEFITS AND BURDENS

Mr. GRASSLEY. Madam President, I have had the privilege over most of my tenure in the Senate of serving on the Finance Committee and working with a good Senate leader such as Senator BAUCUS. I now have the privilege of serving on the committee but not as ranking member or chairman, just as a member. I compliment Senator BAUCUS for his leadership on this whole business of tax reform and for holding the hearings he is holding.

Today, a very important hearing is being held on the question of is the distribution of tax burdens and benefits equitable. The topic of today's hearing—whether the distribution of tax benefits and burdens is equitable—is very appropriate and is a very important topic. However, I would argue there is a more important question we should be debating, and we should be answering this question: What is the purpose of the Federal income tax? We can't talk about whether taxpayers are paying their fair share if we don't know why we want them paying taxes in the first place.

We are in a situation now where people are talking about increasing taxes on higher income people because, supposedly, they can afford it. Probably they can afford it, but I get sick and tired of the demagoguery that goes on in Washington not just by Members of Congress but by too many people who think higher income people ought to be paying more taxes. According to the Joint Committee on Taxation's latest analysis, 49 percent of households are paying 100 percent of the taxes coming in to the Federal Government, while 51 percent are not paying any income tax whatsoever.

How high do taxes have to go to satisfy the appetite of people in this Congress to spend money? In particular, how high do marginal tax rates have to go to satisfy those clamoring for higher taxes from the wealthiest; how high

to satisfy you? And you know who you are.

There is an article by Investors Business Daily to which I want to refer. According to this article—not talking about the taxation of a certain amount of income—if the government confiscated all the income of the people earning $250,000 a year or more, that money would fund the Federal Government today for a mere 140 days. Do you know what you would have? You wouldn't have those people trying to maximize their income because why would they maximize it if the government was going to confiscate it.

So that is a very basic question: How high do taxes have to go to satisfy the appetite of people in this Congress to spend money?

Funding the government should be one of if not the primary goal of our income tax laws. Of course, that leaves out this whole business of whether the Federal Government's purpose is the purpose of redistributing income.

Note here that I am specifically focusing on the income tax. This is because payroll taxes are not used to fund the government. Social Security and Medicare taxes are, in fact, insurance programs. Because they are insurance programs, the taxes they pay are insurance premiums because individuals who pay them expect to benefit when they reach a certain age.

It is clear some believe the Tax Code should be used to reduce the growing income disparity between the lowest and highest income quintiles. This assumes a key objective of the Federal Government, through the Federal income tax laws, should be to ensure that income is distributed equally throughout our citizenry. In other words, these folks actually believe the Federal Government is the best judge of how income should be spent. That is not what our Founding Fathers or original authors of the tax laws intended.

In addition to considering the purpose of tax revenue, we ought to, in fact, have some principles of taxation by which we abide. These principles of taxation would be a much stronger foundation than the day-to-day decisions about whether we ought to raise taxes on a certain number of people. So I abide by the principle that has been a fact of our tax laws for 50 years—that an average of 18.2 percent of the GDP of this country is good enough for what the government needs to spend.

Now, I say that because with a 50-year average it hasn't been harmful to the economy, as we have seen this country expand and expand and expand economically over that period of time.

Quite frankly, it ought to be clear that 18.2 percent of the GDP of this country coming in for us to spend is not a level of expenditures that taxpayers have revolted against. So we take in that 18.2 percent for 535 of us to decide how to spend, and the other 82 percent is in the pockets of the taxpayers to decide how to spend or to save. If 535 Members of Congress were to decide how to divide up the resources of this country, we would not have the economic growth that we have had in our economy. With 137 million taxpayers deciding how to spend or how to save, and how much of each, the economic growth of this country is enhanced tremendously because of the dynamics of the free-market system. If we were going to go the greater route of increasing that 18 percent very dramatically, we would be moving increasingly toward the Europeanizing of our economy, and I think that would be very bad.

In evaluating whether people are paying their fair share, experts frequently look at whether a proposal improves the progressivity of our tax system. Critics of lower tax rates continue to attempt to use distribution tables to show that tax relief proposals disproportionately benefit the upper income. We keep hearing that the rich are getting richer while the poor are getting poorer. This is not an intellectually honest statement because it implies that those who are poor stay poor throughout their lifetimes, and those who are rich stay rich throughout their lifetimes. And that is just not the case.

To illustrate this point, I quote from a 2007 report from the Department of the Treasury titled, ''Income Mobility in the U.S. from 1996 to 2005.'' I quote the key findings:

> There was considerable income mobility of individuals in the U.S. economy during 1996 through 2005 period as over half of the taxpayers moved to a different income quintile over this period.
>
> Roughly half of taxpayers who began in the bottom income quintile in 1996 moved up to a higher income group by 2005.
>
> Among those with the very highest incomes in 1996—the top 1/100 of 1 percent—only 25 percent remained in this group in 2005. Moreover, the median real income of these taxpayers declined over this period.
>
> The degree of mobility among income groups is unchanged from the prior decade.

The prior decade meaning the prior study by the Treasury Department from 1987 through 1996.

> Economic growth resulted in rising incomes for most taxpayers for the period of 1996 to 2005. Median income of all taxpayers increased by 24 percent after adjusting for inflation. The real incomes of two-thirds of all taxpayers increased over this period. In addition, the median incomes of those initially in the lower income groups increased more than the median incomes of those initially in the higher income groups.

Therefore, whoever is saying—and we hear it every day on the floor of the Senate—that once rich, Americans stay rich; and once poor, they stay poor, is purely mistaken. The Internal Revenue Service data supports this analysis. A report on the 400 tax returns with the highest income reported over 14 years shows that in any given year, on average, about 40 percent of the returns were filed by taxpayers who are not in any of the other 14 years.

In other words, 40 percent of those people who are in the highest brackets are not in the highest brackets ever in that 14-year period of time. So once rich, not always rich.

I welcome this data on this important matter for one simple reason: It sheds light on what America is all about: vast opportunities and income mobility. Built by immigrants from all over the world, our country truly provides unique opportunities for everyone. These opportunities include better education, health care services, and financial security. But, most importantly, our country provides people with the freedom to obtain the necessary skills to climb the economic ladder and live better lives.

We are a free nation. We are a mobile nation. We are a nation of hard-working, innovative, skilled, and resilient people who like to take risks when necessary in order to succeed. Bottom line, we have an obligation as lawmakers to incorporate these fundamental principles into our tax system instead of just asking: Are the rich paying enough?

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 20 minutes.

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

NOMINATION OF JACK McCONNELL

Mr. CORNYN. Madam President, I rise to speak on a nomination that is pending before the Senate, and I do so with some degree of trepidation because, as someone who has been a member of the legal profession for about 30-plus years, I believe it is imperative that I voice my strong concerns and, indeed, my objections to the nomination of Jack McConnell to become a U.S. district judge prior to the vote we will have tomorrow morning on a cloture vote.

The reason I was attracted, like so many others, I think, to law school and the legal profession was because of the majesty of the notion of the rule of law, its importance to our democracy, the responsibilities that lawyers owe not just to themselves, to enrich themselves, but to their clients—the fiduciary duty that a lawyer has to represent a client. Then, of course, the ethical standards, which some might scoff at but which actually work pretty well. They keep lawyers, for the most part, accountable to the high ethical standards imposed by the legal profession.

Unfortunately, and I am sorry to have to say this, but the hard truth is Mr. McConnell's record—which I will describe in a moment—is one of not upholding the rule of law but perverting the rule of law, ignoring the responsibilities he had to his client, and manipulating those ethical standards in order to enrich himself and his law partners.

First, let me just say that Mr. McConnell, when he came before the

Senate Judiciary Committee, intentionally misled the committee during the confirmation process. I don't know how I can say it any more gently. The fact is, he lied to the Senate Judiciary Committee during his confirmation process: Regardless of who nominates an individual, party affiliation aside, I don't think the Senate, as an institution, should tolerate a nominee who essentially misrepresents the facts in the context of a confirmation process. This involved his participation in or involvement with a set of stolen confidential documents his law firm obtained in a lawsuit against the Sherman-Williams Company.

In 2010, in his answers to written questions to the committee, Mr. McConnell told members of the committee: ''I would not say I was familiar with the documents in any fashion.'' Only a few months later, in September 2010, this same nominee gave a deposition in an Ohio court, where he testified he was the first attorney at his firm to review the documents in question, that he had drafted a newspaper editorial citing information that had come from those documents, and that portions of those documents were incorporated in a brief filed under his signature. Despite this obvious contradiction and given an opportunity to correct his misleading statement, Mr. McConnell has unequivocally stood by his original statement to committee members.

I reiterate, this body should not approve or confirm, for a lifetime appointment, someone who wants to serve as a judge, in particular, but anyone who would lie to or, at best, intentionally mislead the Senate by downplaying his role in a serious controversy involving, in this case, stolen confidential documents.

During the time I practiced law and served on the State court bench in my State of Texas, I have come to respect lawyers who handle all sorts of cases—lawyers who prosecute criminal cases, lawyers who defend criminal cases, lawyers who defend citizens, including companies, sued for money damages, and those who bring those lawsuits—constrained, again, by the rule of law, duty to the client, and high ethical standards. But based on his long career as a lawyer, Mr. McConnell has advocated—it is clear from the evidence—a results-oriented view of the law and manipulated it for his personal gain. These theories he has advanced, ostensibly on behalf of his client, have been rejected, not just by people like me but by a very broad range of people in the legal community.

For example, Mr. McConnell and his firm sued paint manufacturers based on an unprecedented theory of public nuisance that allowed them to circumvent longstanding legal doctrine and receive a huge jury award in a sympathetic judge's courtroom.

Ultimately, the Rhode Island Supreme Court rejected unanimously this theory, declaring it ''at odds with centuries of American law and antithetical to the common law,'' to quote the court. As one Iowa attorney general who happens to be a Democrat said: ''Mr. McConnell's lead paint litigation was a lawsuit in search of a legal theory.''

Mr. McConnell's lead paint litigation scheme required the complicity, unfortunately, of State and local officials, a practice I will speak more on in just a moment. But Mr. McConnell's reaction to the decision of the Rhode Island Supreme Court also demonstrates his lack of judicial temperament, something very important, particularly for a judge. It showed that not only does he still adamantly believe in these radical, unprecedented legal theories, rejected by the highest court in Rhode Island, but he also lacks the temperament to serve on the Federal bench. Instead of respecting the decision made by the highest court in the State, Mr. McConnell wrote a strident op-ed piece condemning the court and stating he believed their decisions ''let the wrongdoers off the hook.'' In other words, Mr. McConnell made clear he believes the law should be manipulated to serve his agenda, not to uphold the rule of law, nor to respect the very bodies that are responsible under our system for interpreting law and rendering judgment.

Mr. McConnell's outburst was not particularly surprising, given his public admission previously that he is ''an emotional personal about injustice at any level, personal, societal, or global,'' as he put it. This lack of temperament and novel view of the law is indicative of the type of judge Jack McConnell would be, I am sorry to say: biased against a certain class of people and untethered to the rule of law.

Mr. McConnell's practices also existed under an ethical cloud throughout his career. He and his law firm made billions of dollars and a name for themselves through their pioneering practice of soliciting no-bid, contingent-fee contracts from State officials. For example, Mr. McConnell and his firm played a central role in litigating lawsuits brought by State attorneys general, first against tobacco companies and then lead-based paint manufacturers. Of course, I am not saying tobacco companies and other companies should not be held accountable for harmful products, but the purpose of the law should be to compensate those people who have been aggrieved and to deter others from acting in the same fashion in the future. The litigation he constructed and devised, the scheme he literally created, did none of that. The question is, ultimately, where did the money go?

Under these contracts, Mr. McConnell and his partners have repeatedly sued American businesses, pocketing billions of dollars for themselves in attorney's fees, while leaving taxpayers on the hook for the resulting costs. In the word of one respected legal commentator, Mr. McConnell and lawyers like him have ''perverted the legal system for personal and political gain at the expense of everyone else.''

In several lawsuits, Mr. McConnell and his partners received contingent-fee contracts from State officials, to whom they later contributed tens of thousands of dollars. I think there are a lot of very important public policy reasons why State officials should not be able to outsource their responsibilities to private lawyers based on a contingency fee, where their only incentive is one of a profit motive, untethered by the sorts of checks and balances that elected or other appointed government officials would ordinarily have.

Our system of justice relies on financially disinterested officials who take an oath to uphold the law and not those whose sole motive is not to uphold the law but to twist it and manipulate it in order to maximize their economic gain.

Some of these lawyers, including Mr. McConnell's firm, have pocketed what amounts to hundreds of thousands of dollars per hour for their work in lawsuits against tobacco companies. Mr. McConnell and lawyers like him are the big winners in these lawsuits, taking home large sums of money that rightfully belong to the taxpayer, the client I mentioned at the outset. Imagine if these billions of dollars were spent on cancer research or improving public health, instead of lining the pockets of a few politically well-connected lawyers. More important, however, the outsourcing of suits to private trial lawyers on a contingent-fee basis creates both the opportunity and appearance for corruption by allowing State officials to reward their friends and campaign contributors.

One reason I have taken such a strong personal interest in this issue is because of my service as attorney general of Texas, following that of Dan Morales, my predecessor. Mr. Morales served over 3 years in the Federal penitentiary for attempting to illegally channel millions of dollars in a tobacco settlement, money that was due to the State of Texas, but he steered it to a lawyer friend of his by trying to backdate a contract, to make it appear to be something it was not. The actions of Mr. McConnell and his partners, by funneling tens of thousands of dollars into campaign accounts of State officials who hired them, raise concerns about pay-to-play dealings.

In the State of Washington, for example, Mr. McConnell and members of his small South Carolina-based law firm contributed $23,200 to the reelection of the attorney general in the State of Washington. By the way, that was the very same lawyer who hired them on a contingency basis to represent the State.

In North Dakota, Mr. McConnell and his wife contributed $30,000 to the gubernatorial campaign of the attorney general who appointed him as special

assistant attorney general, for purposes of representing that State in tobacco litigation. Mr. McConnell and his law firm contributed an additional $73,000 to that same attorney general's State political party during the campaign cycle, making them the No. 4 campaign contributor to that organization.

There is nothing wrong with people contributing money to political candidates or parties or causes they believe in. But it is another matter when these contributions are made in connection with no-bid contracts or apparent political favors. It is no small matter that Mr. McConnell has a lucrative, ongoing financial arrangement as a product of his previous work as a trial lawyer. In fact, he will receive $2.5 to $3.1 million a year through 2024 as part of his payout for his work in the tobacco litigation I mentioned a moment ago—$2.5 to $3.1 million a year through 2024. For anyone who would praise Mr. McConnell for giving up a successful legal career in order to serve as a Federal judge, remember he would be reaping huge windfalls at the expense of taxpayers long into his tenure as a Federal judge.

Some Senators will say that whatever his past, Mr. McConnell deserves the benefit of the doubt and that he would be an impartial judge if confirmed by the Senate to this lifetime appointment. I cannot agree and neither does, by the way, the U.S. Chamber of Commerce. They have taken an unprecedented step of opposing this nomination.

I ask unanimous consent that letter be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. CORNYN. The Chamber has taken this unprecedented step of opposing his nomination and declaring him ''unfit to serve.'' In fact, this is the first time in its 99-year history they have opposed a district court nominee.

My colleagues have asked me whether I believe that Texas businesses and businesspeople would get a fair shake in Jack McConnell's courtroom, and I absolutely do not believe they could.

To my colleagues who may doubt what I am saying or look for some proof, I would just say: Read the record. I am convinced you would have trouble looking your constituents in the eye and telling them you believe Mr. McConnell would be fair to all litigants in his courtroom and, in this case, especially businesses that may be sued for money damages, as he did throughout his legal career. In fact, Mr. McConnell, during the Judiciary Committee deliberations, described his legal philosophy by saying: ''There are wrongs that need to be righted and that is how I see the law.'' That doesn't cite any applicable legal standard. It doesn't actually take into account law as we know it, just wrongs he believes need to be righted.

Similarly, Mr. McConnell has said that based upon his experience he has ''absolutely no confidence'' that certain industries will ever do the right thing and that they will only do the right thing ''when they're sued and forced to by a jury.''

Given his tendency to view lawsuits against businesses as a movement against societal injustice, it is difficult to see how Mr. McConnell could put those personal views aside and give all litigants in his courtroom a fair trial, a right which they are guaranteed under our Constitution and laws. I believe a vote to support Mr. McConnell's nomination is a vote to create yet another court where trial lawyers will repeatedly prevail in frivolous litigation against American businesses. That is something we ought not allow.

Mr. McConnell's behavior during his career and confirmation procession demonstrates a lack of ethics and temperament necessary to serve as a Federal judge. I hope a President would never appoint someone such as Jack McConnell, but apparently everyone makes mistakes, including this nomination by this President. Instead of stubbornly digging in his heels, usually the President has agreed to withdraw nominees whose confirmation process produces extraordinary controversy, but since he has failed to do so here, the President has forced me and others to stand our ground and to fight Mr. McConnell's appointment to the Federal bench.

Based on his deeply troubling ethical record and poor judicial temperament and the fact he intentionally misled, if not lied to, the Judiciary Committee during his confirmation process, I believe we must fight this nomination with every tool at our disposal.

I yield the floor.

EXHIBIT 1

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
Washington, DC, March 30, 2011.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, strongly opposes the nomination of John ''Jack'' McConnell to serve on the United States District Court for the District of Rhode Island.

Mr. McConnell's past statements, conduct as a personal injury plaintiffs' lawyer, and lackluster ABA rating raise serious concerns about his fitness to be confirmed to a lifetime appointment to the federal bench. Although the Chamber has historically stayed away from debates surrounding federal district court nominees, we believe that a response is warranted in this circumstance given Mr. McConnell's record.

Our opposition begins with Mr. McConnell's mediocre ''substantial majority qualified, minority unqualified'' rating from the American Bar Association. For a practicing lawyer with 25 years of experience to obtain such a low rating speaks poorly of his legal abilities. It is likely that he generated negative comments from judges before whom he appeared and/or from lawyers who know him.

Mr. McConnell's ABA rating should come as no surprise given his past statements, which raise serious questions about whether he will follow precedent and the rule of law. For example, in 1999, Mr. McConnell was hired on a contingency fee basis by the State of Rhode Island to sue paint companies under theories of liability that exceeded the bounds of well-settled law. After nine years of protracted litigation, and after millions of dollars spent by defendants, the Rhode Island Supreme Court unanimously (4–0) rejected Mr. McConnell's misguided interpretation of public nuisance law. Mr. McConnell demonstrated little respect for the Supreme Court's ruling and publicly attacked the decision in an op-ed that he penned for The Providence Journal, claiming that the justices ''got [the decision] terribly wrong'' by letting ''wrongdoers off the hook.''

Mr. McConnell's public criticism of the Rhode Island Supreme Court's lead paint ruling should also give the Committee pause because it casts light on a judicial philosophy that appears to be outcome-driven rather than based on interpreting and applying the law. Indeed, Mr. McConnell has publicly affirmed his support for ''an active government'' that should not ''stand on the sidelines'' and that ''[he] see[s] the law'' as a mechanism to redress ''wrongs that need to be righted.'' Considering these statements together, a picture of a judicial nominee who will legislate from the bench begins to emerge.

The Chamber is equally concerned that Mr. McConnell lacks the capacity to be an impartial jurist, especially against business defendants who may appear before him. Mr. McConnell has defined his career by suing business defendants. As his own Committee questionnaire indicates, of the top ten cases he views as the ''most significant'' litigations of his legal career, all but two involve actions against businesses, and none involved him representing or defending a business. Worse still, when asked by the Columbus Post Dispatch in 2006 about the possibility of future lead paint litigation, he said that, based on history, he had ''absolutely no confidence'' that defendant paint companies would do the right thing. He added ''[t]he only time is when they're sued and forced to by a jury.'' How could a business hope to receive an impartial hearing in Mr. McConnell's courtroom when these statements show that the deck is already stacked so heavily against them?

Moreover, Mr. McConnell's ability to render fair and impartial rulings from the bench should be seriously questioned in light of the potentially significant financial windfalls that he stands to recover for the next 15 years. According to Mr. McConnell's questionnaire, he is scheduled to receive millions of dollars annually through 2024 from an organization closely tied with his current employer, the Motley Rice plaintiffs' firm. This has all the appearance of a conflict of interest and it is difficult to see how Mr. McConnell could render impartial judgments in matters involving plaintiffs' law firms while simultaneously receiving millions of dollars in compensation from another plaintiffs' firm.

Ultimately, we are concerned that Mr. McConnell's apparent bias against business defendants, underlying judicial philosophy, and questionable respect for the rule of law, will lead to the multiplication of baseless lawsuits in his courtroom with untold consequences to businesses large and small

across the country. Given the limited number of judges who currently serve in the District of Rhode Island, it is not hard to imagine a generation of enterprising personal injury lawyers flocking to a new ''magnet jurisdiction'' at the federal level with a chance to draw such a plaintiff-lawyer friendly judge. State courts like those in Madison County, Illinois have amply demonstrated the problems that can arise from courts that accept plaintiffs' claims no matter their merits. Finally, as most litigators understand, federal judges exercise virtually unreviewable discretionary authority in many circumstances, and the chance of the appellate courts correcting every misstep is unrealistic. As such, the Chamber must urge the Committee to resist the confirmation of a lawyer with an animus against one type of defendant.

As Mr. McConnell has not demonstrated that he would provide the kind of fair and impartial judicial temperament needed to be a federal judge, as well as his demonstrated bias against a clear class of litigants, the Chamber urges you to oppose this nomination. Should Mr. McConnell's nomination be considered on the Senate floor, the Chamber may consider votes on, or in relation to, his nomination in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN.

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

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

Mr. LEAHY. Mr. President, last night, Majority Leader REID was forced to file another cloture petition on a Federal judicial nominee, the fifth required to be filed during President Obama's term. Among the highly qualified nominees being stalled is Jack McConnell, who is nominated to a vacancy on the United States District Court for the District of Rhode Island.

I am concerned that we have to file cloture on nominations that should simply have an up-or-down vote. I hope we are not returning to the situation we had during the Clinton administration when my friends on the Republican side of the aisle pocket filibustered 61 of his nominees.

We tried to change that in the 17 months I was chairman during the first 2 years of President Bush's first term when I moved 100 of President Bush's nominees through the Senate. In the remaining 2½ years, the Republicans were in charge, and the Senate confirmed another 105. We tried to change what had been an unfortunate procedure. I hope we are not going back to that.

Jack McConnell has the strong support of his home State Senators, bipartisan support from those in his home State, and his nomination has been reported favorably by a bipartisan majority of the Judiciary Committee multiple times. This nomination is one of many that have been stranded on the Senate's Executive Calendar for many months stalled by Republican objection to proceeding to debate and vote.

Just a few years ago, Republican Senators argued that filibusters of judicial nominees were unconstitutional, and that every nominee was entitled to an up-or-down vote. They unsuccessfully filibustered President Obama's first judicial nominee, and have stalled many others. Cloture is now being required to overcome another in a series of Republican filibusters in order to vote up or down on a judicial nominee at a time when extensive, and extended, judicial vacancies are creating a crisis for the Federal justice system and all Americans.

With these filibusters, the Senate's Republican leadership seems determined to set a new standard for obstruction of judicial nominations. I cannot recall a single instance in which a President's judicial nomination to a Federal trial court, a Federal district court, was blocked by a filibuster.

When I came to the Senate, the President of the United States was Gerald Ford, whose statue we just unveiled in the Rotunda. We did not filibuster any of his Federal district court nominees. We did not filibuster any of President Jimmy Carter's district court nominees. We did not filibuster any of President George H. W. Bush's district court nominees.

We did not filibuster on the floor any of President Clinton's or any of President George W. Bush's nominees. Somehow the rules have changed for President Obama.

This is troubling as chairman of the Judiciary Committee, but also troubling to the Federal judiciary nationwide. So I did a little research. Looking back over the last six decades, I found only three district court nominations—three in over 60 years—on which cloture was even filed. For two of those, the cloture petitions were withdrawn after procedural issues were resolved. For a single one, the Senate voted on cloture and it was invoked. All three of those nominations were confirmed. I trust that the nomination of Jack McConnell will also be confirmed.

From the start of President Obama's term, Republican Senators have applied a heightened and unfair standard to President Obama's district court nominees. Senate Republicans have chosen to depart dramatically from the long tradition of deference on district court nominees to the home State Senators who know the needs of their States best. Instead, an unprecedented number of President Obama's highly qualified district court nominees have been targeted for opposition and obstruction.

That approach is a serious break from the Senate's practice of advice and consent. Since 1945, the Judiciary Committee has reported more than 2,100 district court nominees to the Senate. Out of these 2,100 nominees, only five have been reported by party-line votes. Only five total in the last 65 years. Four of these five party-line votes have been against President Obama's highly qualified district court nominees. Indeed, only 19 of those 2,100 district court nominees were reported by any kind of split rollcall vote at all, and five of those, more than a quarter, have been President Obama's nominees, including Mr. McConnell.

Democrats never applied this standard to President Bush's district court nominees, whether in the majority or the minority. And certainly, there were nominees to the district court put forth by that administration that were considered ideologues. All told, in 8 years, the Judiciary Committee reported only a single Bush district court nomination by a party line vote. Somehow President Obama is being treated differently than any President, Democratic or Republican, before him.

That was the controversial nomination of Leon Holmes, which Senators opposed because of the nominee's strident, intemperate, and insensitive public statements over the years. Judge Holmes argued that ''concern for rape victims is a red herring because conceptions from rape occur with the same frequency as snow in Miami,'' and called concerns about pregnant rape victims ''trivialities.'' He suggested that it was correct to say that slavery was just God's way of teaching White people the value of servitude. He wrote that he did not believe the Constitution ''is made for people of fundamentally differing views.'' We opposed Judge Holmes nomination, strongly, but we did not block it from consideration by the Senate. He was not filibustered. His nomination was confirmed without the need for a cloture vote.

With judicial vacancies at crisis levels, affecting the ability of courts to provide justice to Americans around the country, we should be debating and voting on each of the 13 judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. No one should be playing partisan games and obstructing while vacancies remain above 90 in the Federal courts around the country. With one out of every nine Federal judgeships still vacant, and judicial vacancies around the country at 93, there is serious work to be done.

Regrettably, Senate Republicans seem intent on continuing with the practices they began when President Obama first took office, engaging in narrow, partisan attacks on his judicial nominations.

These unfair attacks started with President Obama's very first judicial nomination, David Hamilton of Indiana, a 15-year veteran of the Federal bench. President Obama nominated Judge Hamilton in March 2009, after consultation with the most senior and longest-serving Republican in the Senate, Senator DICK LUGAR of Indiana, who then strongly supported the nomination. Rather than welcome the nomination as an attempt by President

Obama to step away from the ideological battles of the past, Senate Republicans ignored Senator LUGAR's support, caricaturing Judge Hamilton's record and filibustering his nomination. The Senate was not able to have an up-or-down vote on his nomination until we overcame a Republican filibuster 8 months after he was nominated. After rejecting the filibuster with an overwhelming vote of 70 to 29, Judge Hamilton was confirmed.

Republican Senators who just a few years ago protested that such filibusters were unconstitutional, Republican Senators who joined in a bipartisan memorandum of understanding to head off the ''nuclear option'' and agreed that nominees should only be filibustered under ''extraordinary circumstances,'' abandoned all that they said they stood for and joined together in an attempt to prevent an up-or-down vote on President Obama's very first judicial nominee.

In other words, the standard they said should be applied to every single President in the history of this country suddenly was changed when this President came in. They chose to ignore their own standards outlined in a letter sent to President Obama not long after he took office, and before he had made a single judicial nomination, in which Senate Republicans threatened to filibuster any nomination made without consultation. Of course, President Obama did consult with the senior-most Republican Senator on a nomination to fill a vacancy in his home State, but still they filibustered. In fact, he has consistently consulted with home State Senators, both Republicans and Democrats. It makes you wonder what it is about President Obama which makes Republicans want to change the rules for him, rules that existed for every President prior to him.

Since the filibuster of Judge Hamilton, Senate Republicans have required the majority leader to file cloture on three more highly qualified circuit court nominees. This is a far cry from Republican insistence that every nominee is required by the Constitution to have an up-or-down vote, or even from the ''extraordinary circumstances'' Republican Senators now claim to be the basis for a filibuster.

The PRESIDING OFFICER. The Senator has used his 10 minutes.

Mr. LEAHY. Mr. President, I ask unanimous consent for 5 minutes more. I know there are other Senators waiting to speak.

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

Mr. LEAHY. No Senator could claim the circumstances surrounding the filibusters of President Obama's circuit court nominations to be extraordinary. Republicans filibustered the nomination of Judge Barbara Keenan, a nominee with nearly 30 years of judicial experience, and who had the distinction of being the first woman to hold a number of important judicial roles in Virginia. She was ultimately confirmed 99–0 as the first woman from Virginia to serve on the Fourth Circuit. Senate Republicans filibustered the nomination of Judge Thomas Vanaskie, whose 16 years of experience as a Federal district court judge in Pennsylvania are now being used in service to the Third Circuit Court of Appeals, after his overwhelming confirmation. Senate Republicans filibustered Judge Denny Chin of the Second Circuit, another nominee with 16 years of experience as a Federal district court judge. He is now the only active Asian Pacific American judge to serve on a Federal appellate court, after being confirmed unanimously.

In addition, the Republicans' across-the-board practice of refusing consent and delaying consideration of even nominations with unanimous support has led to a steady backlog of pending nominations. The refusal of Republicans to give consent to consideration meant that 19 judicial nominations were stranded on the Senate's Executive Calendar at the end of last Congress. There are 13 judicial nominations now on the calendar that Democrats are prepared to consider.

Each of these nominations should be considered without unnecessary delay. If we do that, we can reduce the judicial vacancies to 80 for the first time since July 2009. Yet we are forced to overcome filibusters even to have a debate and vote on district court nominations.

These filibusters stand in stark contrast to the views of Republican Senators about the role of the Senate in considering judicial nominees when the President was from their own party. In 2005, when the Republican majority threatened to blow up the Senate to ensure up-or-down votes for each of President Bush's judicial nominations, Senator MCCONNELL, then the Republican whip, said:

> Any President's judicial nominees should receive careful consideration. But after that debate, they deserve a simple up-or-down vote. . . . It's time to move away from advise and obstruct and get back to advise and consent. The stakes are high . . . . The Constitution of the United States is at stake.

Other Republican Senators made similar statements back then. Many declared that they would never support the filibuster of a judicial nomination. Others subscribed to the standard that the so-called gang of 14 formulated that they would only filibuster in ''extraordinary circumstances.'' The only extraordinary circumstance in this case is the judicial vacancies crisis that has prompted the President, the Chief Justice, the Attorney General, bar associations and many others to call for prompt consideration and confirmation of judicial nominees.

Yet rather than applying consistent standards and debating and voting on judicial nominations favorably reported by the Judiciary Committee, we see Republican Senators adopting a double standard and engaging in a dramatic break from the Senate's tradition by filibustering this district court nomination.

Jack McConnell is an outstanding lawyer. President Obama has nominated him three times to serve as a Federal district court judge in Rhode Island. With more than 25 years of experience as a lawyer in private practice, Mr. McConnell has the strong support of both Rhode Island Senators, Senator REED and Senator WHITEHOUSE. He has been reported by a bipartisan majority of the Judiciary Committee three times.

Individuals and organizations from across the political spectrum in that State have called for Mr. McConnell's confirmation. The Providence Journal endorsed his nomination by saying

> in his legal work and community leadership [he] has shown that he has the legal intelligence, character, compassion, and independence to be a distinguished jurist.

Leading Republican figures in Rhode Island have endorsed his nomination. They include First Circuit Court of Appeals Judge Bruce Selya; Warick Mayor Scott Avedisian; Rhode Island Chief Justice Joseph Weisberger; former Rhode Island Attorney General Jeffrey Pine; former Director of the Rhode Island Department of Business, Barry Hittner; former Rhode Island Republican Party Vice-Chair John M. Harpootian; and Third Circuit Court of Appeals Judge Michael Fisher.

Some oppose him because he successfully represented plaintiffs, including the State of Rhode Island itself, in lawsuits against lead paint manufacturers. Some here in the Senate may support the lead paint industry. That is their right. I support those who want to go after the people who poison children. That is what Mr. McConnell did. But nobody should oppose Mr. McConnell for doing what lawyers do and vigorously representing his clients in those lawsuits.

The Senate has finally begun to debate this nomination, and some have wasted no time in coming to the Floor and distorting, I believe, Mr. McConnell's testimony before the committee. I disagree with Senator CORNYN's characterization of Mr. McConnell's testimony. As chairman, I take seriously the obligation of nominees appearing before the Judiciary Committee to be truthful. I would be the first Senator to raise an issue if there were any legitimate question as to the accuracy of Mr. McConnell's testimony. But there is not.

The accusation stems from Mr. McConnell's recent testimony as a witness deposed in a lawsuit brought by one of the paint companies engaged in litigation with Mr. McConnell's client. That lawsuit alleges that Motley Rice, the law firm where Mr. McConnell is employed, improperly obtained a 34-page confidential company document from one of the lead paint companies. Mr. McConnell is not a party to the lawsuit, but was deposed last September only as a witness. His answers at his

deposition concerning his knowledge of the confidential document were the same as his responses to written questions from Senator KYL following his hearing nearly a year ago, and the same as his responses to Senator LEE in written questions this February. At no time has there been a suggestion of wrongdoing by Mr. McConnell in this lawsuit.

Far from establishing that Mr. McConnell was untruthful with the committee, the deposition transcript obtained by the Committee after it was unsealed by the Court only further validates Mr. McConnell's account of his knowledge of this document. To believe that Mr. McConnell was untruthful with the committee, some Senators would have to disbelieve not just his answers to written questions from committee members, but also Mr. McConnell's sworn testimony as a witness being deposed in a lawsuit. Some Senators may feel strongly that Mr. McConnell and his firm were wrong to sue lead paint companies, but there is simply no basis believing that Mr. McConnell was untruthful with the committee. I reject those conclusions.

These Republican filibusters of district court nominations are unprecedented. The consequences for the American people and their access to justice in our Federal courts are real. I urge the Senate to reject these efforts and reject this filibuster.

Mr. President, I appreciate the courtesy of my colleagues in giving me the extra time, the distinguished senior Senator from Delaware and the distinguished Senator from Connecticut.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I am always happy to yield a little more time to the chairman of the Judiciary Committee.

COMMENDING THE NAVY SEALS

Mr. CARPER. Mr. President, I want to start off today—I did not plan on saying this; I am here to talk about small businesses and how to incentivize job creation and job preservation—but before I do that, I want to take a moment of personal privilege to talk about the Navy SEALs.

I am a retired Navy captain. I spent about 23 years of my life as a naval flight officer. Before that, I was a midshipman, a Navy ROTC midshipman out of Ohio State. We would do our summer tours as midshipmen being trained to be junior naval officers. One of our tours was down at Little Creek, where we learned a little bit about storming the beaches of Virginia and we learned how to become marines, or pretended we were. We also, later on, I guess as a lieutenant JG at Coronado, before we went over to Southeast Asia, had a chance to see—in both places, both the Little Creek Naval Station and over at the Coronado, North Island Naval Station—the Navy SEALs train. I remember talking with some of my compadres who were going through training with us, saying: We would not want to mess with those guys—and for good reason.

They have made us proud. They have taken on an incredibly difficult task and I think handled themselves splendidly, and I want to start off today saying how proud we are of them.

JOB CREATION

Mr. CARPER. I am not quite as proud, however, when it comes to one of our responsibilities; that is, the responsibility to provide and nurture a climate for job creation and job preservation. I talk a lot with small business folks, and I talk in my work with people who run pretty big businesses. One of the things I have heard again and again—not just this year but last year and the year before—large businesses are making a fair amount of money these days and a lot of them are sitting on a pile of cash. When you ask them, why are you sitting on a pile of cash and not hiring people, what we hear from a lot of them—particularly large businesses—is businesses like certainty and predictability. In too many areas—areas we actually have something to do with—there is not the kind of predictability and certainty those businesses need.

For example, are we going to get serious about reducing our deficit? I hope so. I think the Deficit Commission, led by Erskine Bowles and Alan Simpson, gives us a pretty good roadmap to take $4 trillion out of the deficit over the next 10 years. I hope in the end we will use that as a roadmap, not to use it with precision but to use it as a roadmap. But that is a big uncertainty.

The Tax Code. What about our Tax Code? We are running sort of a 2-year extension of the previous Tax Code, but that will end at the end of next year. What are we going to do about it? There is a lot of uncertainty there.

We have worked long and hard to try to pass health care legislation that is designed not just to extend coverage to people who do not have it but also designed to get us to better health care outcomes, to achieve better health care outcomes for less money, or at least better health care outcomes for the same amount of money.

We have the prospect of the Federal courts, with a number of litigations that are underway around the country, either at the circuit court of appeals level or maybe someday at the Supreme Court level, taking apart pieces of the health care bill. We need some certainty there, and we need the courts to act on it. I am not a lawyer, but some of my friends are, and some of them, who are a lot smarter than I am on these things, suggest that as far as they are concerned, this meets constitutional muster. We need an answer and we need to get on with it. To the extent we need to change the health care legislation to fix it and make it better, let's do that. But there is a lot in the legislation that enables us to get better health care results for less money. We need to do more of what works.

There is a lot of uncertainty with respect to transportation policy, on the series of extensions of the transportation programs for this country.

The way it works, if you will, Mr. President: Looking at my podium here, we will say right here is the transportation trust fund, and right here in the middle is the general fund for our country, our Treasury, and over here on the other side is sources of capital from the rest of the world. We do not have enough money in our transportation trust fund over here to build transportation projects. We end up borrowing from the general fund right here, moving funds over to the transportation trust fund. Unfortunately, we do not have enough money in the trust fund to run the general government, so we go overseas and borrow money from everybody we can to replenish the general fund, in order to put money in the transportation trust fund. It is crazy, and it is one of the reasons why we have a big budget deficit. We have uncertainty. The transportation system in this country has been awarded a grade ''D'' as in ''dealt,'' actually a grade ''D'' as in ''decaying'' because that is what is going on in our transportation system. I think things worth having are worth paying for. We need to get on with it. That is a source of uncertainty.

The last one is energy policy. As we see runups in energy prices—the price of fuel at the pump—people are wondering, What are we going to do about it? Part of what we tried to do is say, we want more energy efficient cars, trucks, and vans to be built in this country. We changed the CAFE legislation to raise the fuel efficiency standards for cars, trucks, and vans. So now, by 2016, the overall average has to be 36 miles per gallon—a huge increase from where it has been since 1975.

That is being ramped up, and that will help. But beyond that, we do not have, really, the kind of energy policy we need. That is another uncertainty.

So those are five reasons why large businesses, especially, sit on a pile of cash and are not hiring. One of our obligations is to address those uncertainties. My hope is we will do it. We actually got off to a pretty good start this year in a couple ways. No. 1, we passed the FAA reauthorization, the Federal Aviation Administration reauthorization. In doing so, we agreed on a revenue package—agreed to by the industry—to be able to modernize the air traffic control system—that is great—to be able to put some extra money toward airport construction—that is good as well—as part of our infrastructure system.

We passed in the Senate patent reform legislation. If the Presiding Officer from Montana were—and he is a very clever fellow, but if he invents or

thinks he has invented a product or technology, and he goes, under current law, to the patent office and files for a patent, I can come along, even if I had nothing to do with that technology or that product, and say I had that idea first and draw him into a lawsuit and maybe make it difficult for him to actually get his patent.

We changed that in this patent reform legislation. If he is the first one to file, then he is the first one to file, and a patent troll like me would not be able to get in the way and create mischief and simply maybe ultimately get bought out. So the idea of changing that is very encouraging.

We have a deficit reduction agreement for this fiscal year, which took about $40 billion or so out of our spending, and that is encouraging.

We have actually another piece of encouraging legislation that I think passed by unanimous consent in the last Congress on small businesses and how to help small businesses do more innovative research and how to help them ease their ability to do technology transfer. I think it passed by unanimous consent last year.

And now, so far this year, we have been working on this legislation off and on since March, since the early part of March, and we have a whole lot of amendments that have been offered to the bill. One of them is from myself and Senator VITTER, Senator COBURN, and Senator MCCASKILL, Senator BEGICH, and a bunch of other people. It is not related to small business but it is certainly related to the deficit. What it does is—as the President mentioned in his State of the Union Address, we have thousands, maybe tens of thousands of pieces of surplus property the Federal Government owns that we are not using. We pay money to keep them secure. We pay money for their utilities, for their upkeep. We are not using them. We ought to sell them. We cannot give them away to State and local governments, homeless groups. We ought to sell them, at least get them off our books. That is going to be offered as an amendment to this small business bill. My hope is my colleagues will support it. Senator LANDRIEU, who chairs the Small Business Committee, and Senator SNOWE, who is the ranking Republican member—previously the chair—have worked on the underlying bill for something like 6 years—6 years. It passed, again I will say, I am pretty sure, last year, by unanimous consent. We need to get it done. My hope is that those of us who have amendments, especially those that are not controversial, will have an opportunity to offer our amendments to this bill, and then we need to move on.

It is interesting, if you look at small businesses, an inordinate number of scientists actually work for small businesses. Something like, I want to say, 40 percent of America's scientists and engineers actually are employed by small businesses. We have some studies that show the small business innovation and research programs actually are responsible for something like 25 percent of our Nation's crucial innovations over the past decade and account for, again, something like 40 percent of America's patents.

For us to be successful in the 21st century, we need to, as the President likes to say, outeducate, outinnovate, and outcompete the rest of the world. Part of what we need to do is make sure we are creating a world class workforce, we are producing a world class infrastructure, and, finally, we are making sure we are making research and development investments that will lead to products that can be commercialized, ideas that can be commercialized, turned into products we can be making here in this country and selling around the world.

I think if we can somehow figure out how to resolve our differences so the people who want to offer amendments to this bill, especially noncontroversial ones, maybe they can be successful, and let's save the controversial stuff for another day. We may disagree on 20 percent. That is Senator ENZI's 80 percent/20 percent rule. Let's agree to the 80 percent and put it in the bill. The 20 percent that we don't agree on, let's work on that and save it and have additional hearings and deal with that later.

In the meantime, why don't we pass this bill. Why don't we make it easier for small businesses to get R&D money, to be able to do technology transfers. In some cases where that is noncontroversial, why don't we make that happen. If we do that, we can show the American people we can work together and get stuff done, and we will actually help small businesses get stuff done. We will help them make money and hire more people and, in the end, some of those people and businesses will pay more taxes, which will bring down the deficit. That is a pretty good outcome. It is worth pursuing.

I commend Senator LANDRIEU and Senator SNOWE for working on this legislation for 6 years. We need to put that good work to the vote and move on.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. BLUMENTHAL. Mr. President, I thank the Senator from Delaware for those very important and insightful comments both on the Navy SEALS and on the small business legislation that is pending before this body.

Mr. President, as my colleague, the distinguished Senator from Delaware, has mentioned, over the last 36 or so hours, our Nation and its allies around the globe have rightly celebrated an extraordinary military triumph, a great victory in the war on terror, a turning point, perhaps, toward peace: Osama bin Laden, the heinous mastermind of the 9/11 attacks, who murdered thousands of Americans, has been finally brought to justice.

We are rightly celebrating the extraordinary service, bravery, and skill of the Navy SEALS who were the tip of the spear—an American military that has brought to justice one of the worst war criminals of our time.

We celebrate not only, of course, the Navy SEALS, but all of the men and women who have given their lives and their service over the past years, and their families. We celebrate also the intelligence community's support of this effort, which was so crucial.

Yet even as the celebration has been conducted, on one small beach in Connecticut this news was greeted with solace and somber remembrance. It is the beach at Sherwood Island, in Connecticut, which is home to the living memorial for the Connecticut victims of 9/11, a memorial to 152 victims of this tragedy, this murderous attack by the man who has now been brought to justice. It is a beautiful place—exquisitely and heartbreakingly beautiful. The skyline of New York is visible from this point, jutting out from Westport. The skyline of New York could be seen in flames on the day of 9/11. This place provided a staging area for many of the relief efforts that happened on that day and succeeding days. Now it is a place where the community of Westport, the State of Connecticut, and the world can remember that tragedy and the people who lost their lives. It is also the place where every year Connecticut gathers to honor their memories and their families.

Many come—as some did yesterday—with very mixed feelings. The recent news, while welcome indeed, brings forth anew the agony of their loss. I know there are mixed feelings because I talked, a short while ago, with Lee Hanson, who is the father of Peter Hanson. Peter, his wife Sue Kim and their daughter Christine Lee Hanson all lost their lives on that day. Christine was only two and a half years old. People came to that place yesterday and on many other days to pay their respects and reflect on the tragedy of 9/11. They have felt ambivalence, mixed feelings, and their grief is renewed. For them there is no celebration because the legacy of their loss remains.

At the memorial, on a granite marker in Westport, there reads the following:

> The citizens of Connecticut dedicate this living memorial to the thousands of innocent lives lost on September 11, 2001, and to the families that loved them.

Today, while there are many voices who celebrate this victory—and rightly so—there are voices that are harder to hear, perhaps unheard: the victims and their families whose memory I wish to honor today. I wanted to take a moment of our time to recognize those that cannot speak, but in whose memory justice was served.

I ask unanimous consent to have printed in the RECORD the names of those 152 men and women from Connecticut who died on September 11, 2001, as they are recorded on the memorial that honors their legacy at Sherwood Island.

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

CONNECTICUT VICTIMS ON SEPTEMBER 11TH, 2001

FIRST ROW OF STONES (SOUTH OR LEFT LOOKING TOWARD MONUMENT)

Richard M. Keane; Peter R. Kellerman; Stacey Leigh Sanders; Joshua Piver; Lawrence Getzfred; Jonathan J. Uman; Scott Thomas Coleman; Keith Eugene Coleman; Richard S. Gabrielle; Thomas M. Brennan; Ronald Gilligan; Jeffrey D. Bittner; John Fiorito; William J. Meehan, Jr.; Eskedar Melaku; Glenn Davis Kirwin; Joel Miller; Adam J. Lewis; Michael M. Miller; Steven Lawrence Glick; Eamon McEneaney; Craig William Staub; James Thomas Waters, Jr.; Frederick Varacchi; James Andrew O'Grady; Edward ''Teddy'' F. Maloney; Charles A. Zion; Michael J. Lyons; Amy King; Michael C. Farrou; Heather L. Smith; Raymond Joseph Metz, III; Jason E. Sabbag; Candace Lee Williams; Maurice Patrick Kelly; Peter Alan Gay; Stephen Lamantia; Thomas E. Galvin.

SECOND ROW OF STONES (SOUTH OR LEFT LOOKING TOWARD MONUMENT)

Francis Henry (Frank) Brennan; Thomas Anthony Palazzo; James A. Greenleaf, Jr.; Mike A. Pelletier; Michael C. Rothberg; David H. Winton; Allen V. Upton; Peter C. Fry; Kevin P. Connors; Christopher William White Murphy; Madeline Sweeney; Cheryl Ann Monyak; Francis McGuinn; Ada Maason; Robert A. Lawrence, Jr.; Martin Phillips Wohlforth; Joseph A. Lenihan; Jesus Sanchez; Amy E. Toyen; Jeffrey David Wiener; Cesar A. Murillo; Gary E. Lasko; Margaret Quinn Orloske; Derek J. Statkevicus; Randy Scott; Lindsay S. Morehouse; Dianne Bullis Snyder; Sean P. Rooney; George E. Spencer, III; Christopher Orgielewicz; Garry W. Lozier; Gregory T. Spagnoletti; Jude Moussa; James Matthew Patrick; Sean Schielke; Tyler Ugolyn; Ulf Ramm Ericson; Juan Ceballos.

THIRD ROW OF STONES (2ND FROM RIGHT LOOKING TOWARD MONUMENT)

Edwin J. Graf, III; Timothy John Hargrave; Christopher W. Wodenshek; Dolores Costa; Geoffrey W. Cloud; Edward T. Fergus, Jr.; Michael Egan; Bradley Fetchet; Andrew Stergiopoulos; James D. Halvorson; John Bruce Eagleson; Edward Calderon; Margaret Connor; Peter Gelinas; Paul M. Fiori; Robert Higley, II; Robert W. Noonan; Michael Grady Jacobs; Patrick Danahy; Christopher Samuel Gardner; Robert Gerlich; John Works; Laurence Abel; John P. Williamson; Michael John Simon; Kiran Kumar Reddy Gopu; John Henwood; Judith Florence Hofmiller; Bradley H. Vadas; Bryan C. Bennett; Timothy M. O'Brien; Kevin Michael McCarthy; Thomas Edward Hynes; John F. Iskyan; H. Joseph Heller; Stephen P. Cherry; Edward Raymond Vanacore; Eric B. Evans.

FOURTH ROW OF STONES (RIGHT MOST ROW WHEN LOOKING TOWARD MONUMENT)

Paul Curioli; Scott J. O'Brien; William Christopher Hunt; Alexander Braginski; Paul R. Hughes; Donald F. Greene; Pedry Grehan; Edward P. York; James J. Hobin; Ruth McCourt; Juliana McCourt; Osseni Mama Garba; William Hill Kelly, Jr.; Brian Thomas Cummins; Eric (Rick) R. Thorpe; Sandra Campbell; John B. Schwartz; Bennett Lawson Fisher; Mark Steven Jardim; Joseph John Coppo; Richard Peter Gabriel, Sr.; Allen Patrick Boyle; Christopher J. Blackwell, FDNY; Roger Mark Rasweiler; Evan Hunter Gillette; Peter Burton Hanson; Sue Kim Hanson; Christine Lee Hanson; Jean Destrehan Roger; Sean S. Hanley; Wilder A. Gomez; Robert Thomas Jordan; Wendy R. Faulkner; Michael G. McGinty; Michele Heidenberger; Daniel Robert Nolan; James A. Gadiel; Thomas F. Theurkauf, Jr.

Mr. BLUMENTHAL. Mr. President, we should be ever mindful of the people whose lives have been changed forever. The families of the victims and survivors need our help. Their children may have grown. Some may have children of their own. Their lives have moved on. Some have come to peace. But their lives, like the lives of the emergency responders who ran into the buildings—the firefighters, the police—have been changed forever. Whether by maintaining a memorial in your community, helping to meet the needs of their children, or just listening to their voices, it is an honor to help those who have already given so much.

Many questions will arise in the days ahead over what will be the course of action for our Nation, but today let us give pause and reflect on how America's military has kept focused on justice for the victims of terror for almost 10 years. We have lost many servicemen and women in the line of duty and many more have been injured in this war. The lives of our veterans who have fought and served and sacrificed in the war on terror have been changed forever. We owe it to them to never forget as we celebrate this victory. We owe it to our veterans who have served and sacrificed to honor that service, not just in rhetoric but in deed. Our veterans have fought for a Nation that keeps faith with them.

We must make sure to leave no veteran behind in education, jobs, and health care—to provide for them what we have obligated and promised to provide. While we hope for peace from this day forward, we must do everything we can to support the brave American men and women in uniform and those of our allies whose relentless service and sacrifice have helped us to win this victory. So too do we support the brave first responders who are always poised, always ready, to respond when their city, State or the Nation calls. They should know they each have the thanks of a grateful Nation.

My hope is that the memory of the victims of 9/11 will bring us together in a time of unity and purpose just as that heinous act did on that day almost 10 years ago. The brutal murderers of September 11, 2001, hit the World Trade Center and hit the Pentagon, but they missed America, as was remarked at the time. They missed what makes America great. They brought us together in a time that we can remember with pride because it was a time of resolve and unity.

I hope the memory of those victims—the 152 from Connecticut and thousands more from around the country—as well as their families can bring us together now in a renewed sense of unity and purpose to face the challenges that lie ahead.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT—S. RES. 159

Mr. REID. Mr. President, I ask unanimous consent that at 2:15 p.m. today, the Senate proceed to consideration of S. Res. 159, which is at the desk; that there be up to 75 minutes of debate on the resolution equally divided between the two leaders or their designees prior to a vote on adoption of the resolution, with the final 10 minutes reserved for the two leaders, with the Republican leader controlling 5 minutes and the majority leader controlling the final 5 minutes; further, that upon disposition of the resolution, the preamble be agreed to; that there be no amendments in order to either the resolution or the preamble; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and that the Senate then proceed to a period for the transaction of morning business for debate only until 5 p.m., with Senators permitted to speak for up to 10 minutes each.

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

Mr. REID. Mr. President, with this agreement, the vote on adoption of the resolution will occur at 3:30 p.m. today. I encourage Senators to vote from their desks. Senator MCCONNELL and I have talked about this important resolution. We ask everyone to be in their seats 10 minutes before 3:30 so we can vote at 3:30 in a dignified manner on this most important resolution.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m, recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Maryland.

DEATH OF OSAMA BIN LADEN

Mr. CARDIN. Mr. President, late on Sunday evening, the world was told of news we had been waiting to hear for almost 10 years. Osama bin Laden was a murderer who devoted his life to the destruction of freedom, democracy, and our way of life. His death is an important milestone in the fight against global extremist violence and a relief to the millions of Americans and others around the world who have felt his murderous destruction.

I, first and foremost, wish to thank the military and the intelligence professionals who carried out this daring

mission, which was executed flawlessly and will go down in our history books as to how we should do our work.

I wish to take a moment to compliment all of our military and intelligence people who were involved in this effort. I take great pride in representing the State of Maryland and our intelligence agencies that are located at Fort Meade. They do incredible work for our national security and for our Nation. They do a lot of work that keeps us safe, but they can never issue a press release because of the nature of their work. Many times I believe their work goes basically unappreciated by the vast majority of Americans. But I wish to take a moment to congratulate all the men and women in our intelligence agencies and in our military who have devoted their lives to keeping us safe. This mission demonstrates the type of work they do in order to make this a safer nation.

This successful interagency operation illustrates intelligence sharing at its best and the commitment of the men and women of our Armed Forces as well as our political leadership. As you know, after the attack on our country on September 11, we had commissions do work, we had a lot of congressional investigations, and there was one theme that came out very clearly in regard to the way we collected intelligence information to keep this Nation safe; that is, there was too much stovepiping and not enough sharing of information. Information that could have been shared, that could have been used in a way to keep us safe was not. This effort demonstrates the advantages of sharing information. Our intelligence agencies acted upon information that was made available through various sources and using that to be able to conduct this mission.

Truly, bin Laden was brought to justice as a result of President Obama's deliberative planning, coordination, and communication, his leadership, partnership, and dogged persistence. Because of that, we were able to accomplish this mission.

I wish to congratulate President Obama. He had to make a tough call. The intelligence information was not conclusive. Much of it was circumstantial. Yet he evaluated the best information we had to determine that bin Laden was at this location. He then had to make another tough choice, as to what type of mission to use—whether to use a sophisticated bomb in order to destroy the property, which would have caused the loss of some innocent life, or whether to use a higher risk mission of sending our SEALs into Pakistan. The President made the right call. He made the right decision, and I congratulate him on his leadership.

All Americans were affected by bin Laden's evil actions. We all remember that fateful day in September of 2001. I was on the other side of the Capitol as a Congressman in my office in the Rayburn Building. I remember receiving information that we thought there was a plane that could be heading to our own building. The Capitol Police ushered us out of the building so we could try to get out of harm's way. We all began to understand our Nation was under attack and the world was changing.

While we are still living in that changed world, this event reminds us again the strength of America is freedom and that its persistence can prevail. As a lifelong proponent of human rights, I know we do not rejoice in killing, but this death rids the world of a man who was committed to intolerance, destruction, hatred, and the desecration of human dignity. Bringing bin Laden to justice helps heal the wounds of those who lost their loved ones and to a nation who lived through 9/11.

We must remain vigilant as the fight against al-Qaida and other extremists goes on. While al-Qaida is increasingly marginalized—particularly as we see so many in the Arab world exercise their desires for change—the threat posed by terrorist organizations will remain with us. We must remain on our highest guard, working with our allies around the world, in order to fight these extremists.

Once again, I wish to congratulate the tremendous efforts of our President, our military, and our intelligence community, especially as their hard work continues, and may this event bring some sense of peace to the families affected by bin Laden's evil, as well as to all in the world who love freedom and peace.

Mr. President, I ask unanimous consent that the time spent in quorum calls be equally charged against the majority and the minority.

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

HONORING THE MEMBERS OF THE MILITARY AND INTELLIGENCE COMMUNITY WHO CARRIED OUT THE MISSION THAT KILLED OSAMA BIN LADEN

The PRESIDING OFFICER. Under the previous order, the clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 159) honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, at 10 o'clock Sunday night, I was at the terminal at the Detroit airport, and there I had gone through the usual airport security drill—shoes off, liquids in plastic bags, and all the other inconveniences designed to keep us safe. It was at that same airport on Christmas of 2009 that a would-be terrorist sought to bomb an airliner. So I was surrounded by reminders, large and small, of how the threat of terrorism has affected our lives when Defense Secretary Gates called me with the momentous news that our forces had succeeded in raiding a compound in Pakistan and killing Osama bin Laden.

A few hours later, my wife Barbara and I joined a different scene—thousands of cheering young people waving American flags and singing patriotic songs in the early morning darkness outside the White House—part of an outpouring of relief and emotion across the Nation. What had happened is Osama bin Laden could not avoid the long memory and the long arm of justice, and he could not hope to triumph against the indomitable spirit of the American people.

The news President Obama delivered to the Nation on Sunday evening gives us many reasons to reflect. We should first turn to those who still carry the grief and loss of that September morning about 10 years ago—to those who had lost loved ones in the fight against terror and the years since and to those who carry wounds of body, mind or spirit from that war. The death of Osama bin Laden cannot bring back the lives lost through his monstrous acts, but it can, I hope, bring some measure of relief from those lost.

We first turn, with thanks and admiration, to the men and women of our Armed Forces and the intelligence community. For them and their families, the last decade has been one of long separations, uncertainty, and danger. Yet time and time again they have answered their Nation's call with courage, with competence, and with skill. Once again, they have earned our utmost gratitude.

We should also commend the President for his courage and for his care in ordering a military mission to capture or kill Osama bin Laden. There was no direct evidence that bin Laden was in the compound that the CIA had determined housed two al-Qaida couriers. Instead, the evidence was circumstantial, and there were differing views within the intelligence community as to the likelihood that bin Laden or perhaps some other high-value target was there. Moreover, the mission required the military helicopters to enter into Pakistani airspace, to land in Pakistan's sovereign territory, and for Navy SEALs to use lethal force on a compound in a city that was home to two Pakistani armed regiments. The President courageously rejected the alternative options of launching a bombing mission or waiting until there was more evidence of bin Laden's presence. He rejected both of those alternatives.

With his bold decision and with the heroism and skill of our military and intelligence professionals, our Nation

struck a tremendous blow not just against a single depraved individual but against the hateful ideology he espoused. Let there be no mistake, al-Qaida is weaker today. Its leader is dead and so is the myth surrounding him.

Osama bin Laden sent his followers to hide in dark, dank mountain caves and often to their own suicides, from the comfort of his million-dollar villa. His death has dealt al-Qaida a major blow. The mystique of Osama bin Laden has been punctured.

The victory over hate-inspired terrorism is not yet complete. Our successful mission against bin Laden will no doubt lead to al-Qaida's remaining leaders issuing calls for retaliation. It is critical our intelligence and military strength continue to seek out those elements and franchises of al-Qaida that remain in Afghanistan, Pakistan, the Arabian Peninsula, Africa, and other places, such as al-Qaida in the Arabian Peninsula in Yemen. The threat may be diminished, but it remains.

Further, it is critical we ensure our military and intelligence communities continue to adapt to the threat of our irregular and unconventional enemy. The interagency cooperation that helped make this mission a success is impressive, and it remains a potent weapon in our effort to weaken the al-Qaida network.

This is an effort worthy not just of this Nation but of all nations. That is why it is important that we find answers to the significant questions raised by the news from Sunday night. Thirty-five miles from the Pakistani capital and a comfortable walk from the Pakistani military's most important academy, in a town where the Pakistani military and intelligence services own a large share of the property, al-Qaida appears to have built a massive complex, ringed by walls as high as 18 feet, protected by barbed wire, as the dedicated hiding place for Osama bin Laden. It is difficult to believe all this occurred without at least arousing the suspicions of Pakistan's security forces or their local officials.

The American people, who have provided billions of dollars of aid to the Pakistani Government, deserve to know whether elements of Pakistan's military and intelligence services or local officials knew of bin Laden's location over the 5 years or so he was there and if they did not know, how that could possibly be the case. Hopefully just as important, the Pakistani people deserve these answers, for they have suffered greatly from al-Qaida's violent extremism. Assassinations, bombings, death of civilian and military personnel alike—all these losses show that al-Qaida and its hate-filled terrorism and its terrorist allies threaten Pakistan's very existence. I believe some of Pakistan's leaders know this to be true, and I was heartened by the reaction of Prime Minister Gilani to bin Laden's death. He said, ''I think it's a great victory and I congratulate the success of this operation.''

It is urgent that the Pakistani Government get answers to the questions about what its military and intelligence agencies and local officials knew and share the answers to those questions with the world and with their own people.

Pakistan can be an important ally in the fight against terror. It has as much, if not more, at stake in that fight as anybody. All the more important, then, that we openly and honestly address the questions which have been raised by the presence of terrorist No. 1, public enemy No. 1, the world's enemy No. 1—the presence of that person in Pakistan in such a central place for all these years. It is important that those questions be honestly answered so we can continue this fight together.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the time for debate on the resolution that is pending be extended by 15 minutes, with the additional time being equally divided between the two leaders or their designees, with all other provisions under the previous order remaining in effect.

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

Mr. LEVIN. With this agreement, the vote will now occur around 3:45 p.m.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. 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. FEINSTEIN. Mr. President, I rise in strong support of this resolution and offer my congratulations to the men and women responsible for developing the intelligence and carrying out the operation that led to the death of Osama bin Laden on Sunday, May 1.

This is perhaps the most important, and certainly the most stunning, intelligence operation I have seen in my 10 years on the Intelligence Committee. I wanted to congratulate, first and foremost, President Obama. As he stated in his Sunday night address to the Nation, he directed Leon Panetta shortly after taking office to ''make the killing or capture of bin Ladin the top priority of our war against al-Qaida.''

When the effort to collect and analyze intelligence on this compound in Abbottabad bore fruit, President Obama made a courageous and very gutsy decision to order the strike, even though the intelligence community could not assure him with certainty that bin Ladin was there.

At the operational level, the hunt for bin Laden and the read on his compound has shown the greatly improved collaboration and cooperation across the intelligence community and, of course, the Department of Defense.

The CIA has received and well deserved the lion's share of the credit. The agency collected the human intelligence and carried out other missions that found and characterized the Abbottabad compound, and CIA analysts took the lead in analyzing and reanalyzing that information.

The CIA's Counterterrorism Center has a banner on the wall that reads, ''Today is September 12, 2001.'' It has been nearly 10 years, but their perseverance and dedication has truly paid off.

I also want to recognize the efforts of the National Security Agency which provided signals intelligence and the National Geospatial Intelligence Agency which conducted the imagery analysis on the compound. It was truly a team effort.

I also commend and give thanks to the Joint Special Operations Command, or JSOC, the team that flew to the compound under cover of night and conducted the raid. It was not a picture perfect operation, and changes to the plan were necessary as the lead helicopter was forced to land unexpectedly. But the highly trained and skilled members of the Navy SEAL team adjusted, reached their target, and they killed Osama bin Laden without taking any casualties themselves.

I was first briefed on the compound and the possibility that it housed Osama bin Laden in the beginning of last December along with Senator Kit Bond who was vice chairman of the Intelligence Committee at that time. Since then, the current vice chairman, Senator SAXBY CHAMBLISS, and I have been regularly briefed and updated on the intelligence.

I thank Director Panetta and his team for keeping the Intelligence Committee leadership informed. As one who is regularly critical of our government's inability to keep secrets, it is very reassuring that this highly sensitive and sensational intelligence was kept under wraps for months.

There is no doubt that Sunday's operation gives rise to a number of questions. Among the most important of them are, one, what did Pakistan know about bin Laden's presence and this compound in the up to 6 years he was there? It has to be pointed out that this compound was eight times bigger than any home in the vicinity. It was just a quarter of a mile away from another home. It was a mile away from a major military academy. It had razor wire on the top of very large walls, and it was very large in itself. Trash was not picked up, it was burned. No one really came in and out except the two couriers who went about delivering

messages from a distance from the compound.

It should have been an issue of curiosity, and neighbors surely would have been interested in who lived there. Why is it so big? What is going on there? But there was virtually no reaction.

The second point is, what does bin Laden's death mean for al-Qaida and for the affiliate groups and lone wolves he has inspired and led? As the chairman of the Intelligence Committee, I will be looking for answers to those questions and get more of the details of the operation itself. Tomorrow morning, in a joint classified hearing with the Armed Services Committee, we will be looking into these and other issues. But this resolution is about commending the men and women of our intelligence community and the U.S. military for their dedication and years of work that led to 40 minutes of incredible success. It should also recognize the fact that since 9/11, intelligence has been streamlined, stove pipes have been taken down, and analysts have greatly improved in their trade craft.

As a matter of fact, the intelligence having to do with this one facility was red-teamed once, red-teamed twice, and red-teamed at least a third time. The red-teaming process gives the ability of our analysts to debunk the intelligence, to try to indicate what might be a lapse, an ''inconclusion,'' a false judgment. It is a very valuable process.

This resolution also recognizes the measure of justice now delivered to those who mourn and remember the thousands of men, women, and children claimed as victims on 9/11 and in the other attacks carried out by al-Qaida under Osama bin Laden both here and around the world.

This will not end terror as we know it today, but it surely is a monumental step to be able to put an end to the man who championed the cause, the man who provided the inspiration, the man who raised the money, and the man who was purely and simply the major leader.

Osama bin Laden is no more, and the time is upon us. I hope the world will be listening to try to consider a better path, to move away from acts of terror, move away from the killing of innocent men, women and children, and become part of the councils of government, whatever they may be, across the world, to debate, to discuss, to vote, and to put forward principled policies.

I very much appreciate the efforts of the majority leader and the Republican leader in bringing this resolution to the floor, and I urge its adoption.

I notice my distinguished vice chairman on the Senate floor. I particularly want to thank him, Senator CHAMBLISS, for all of the cooperation we have been able to effect together.

You truly have been wonderful. It has been a great joy for me to work with you, and I only wish I could give you a glass of California wine to salute this very special day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, let me just say that California wine being a favorite of mine, I am available any time. Thanks for those kind comments.

Let me just say to my good friend from California what a pleasure it has been to work with her. The Intelligence Committee has always been a very bipartisan committee, and nobody exhibits that more so than our current chairman, DIANNE FEINSTEIN. She is tough when she needs to be tough, and she is fair at all times.

She and I have a unique relationship in contrast to the other committees in the Senate in that we jointly hire all of our staff, and she has been extremely cooperative to me in the hiring process. Again, she has just been a pleasure to work with. I have to say that DIANNE and I have been on the committee together for several years, and I am very proud of the work our committee has done and our relationship with the intelligence community.

One of the big reasons we have the successes that we had on Sunday in the takedown of bin Laden is because of the oversight that DIANNE and others have carried out on the Intelligence Committee and because of our relationship with the community.

It is not a combative relationship. We have the Director of the CIA, the heads of NSA, the DNI, and others on a regular basis both formally and informally. All of that is done under DIANNE's leadership.

Those are the times when we found out the needs of the intelligence community. Had they not exhibited that and had the Senator not provided the right kind of leadership, they would not have had all of the tools necessary to carry out this very important and very sophisticated mission. So thanks for your great work. Thanks for your friendship. I look forward to that glass of California wine.

I rise today in support of the resolution with respect to the takedown of Osama bin Laden and also to praise the men and women of our intelligence and our military communities with regard to Sunday's successful operation. We have been pursuing the world's most infamous terrorist for over a decade, but it was ultimately the hard work and tireless dedication of these professional men and women that led to this significant achievement.

I am always proud of our military and intelligence men and women, but most especially today I am truly proud of their great work.

As we approach the 10-year anniversary of September 11, I am thankful that the families and loved ones of the victims of 9/11, as well as all Americans, can have some closure. The leader of al-Qaida and murderer of thousands of Americans and allies can never again sponsor a terrorist attack.

It is also important to point out that this operation was made possible by information provided by enemy combatants that had been detained and interrogated by the United States. There has been a lot of debate in this country about our detention and interrogation policy, but this is probably one of the clearest examples of the extraordinary value of the information we have been able to gather from the CIA's detention and interrogation program. If we had not had access to this information, Osama bin Laden would likely still be operating undetected today. It is because of the information gained from these detainees, pursued and analyzed over the years by the intelligence community, that led us to bin Laden's compound. It is almost unimaginable that he was located not in a cave in a Pakistani no man's land, but in a city just miles outside of Islamabad with a large Pakistani Government and military presence.

This is an amazing achievement and one that will be remembered for decades, but we must remember that al-Qaida is a diffuse and decentralized network that continues to threaten Americans both at home and abroad. A number of dangerous leaders associated with al-Qaida, including Ayman al-Zawahiri and Anwar al-Aulaqi, are still out there, no doubt plotting their next attack as we speak.

We also face a growing number of threats from other radical organizations and individuals, including homegrown terrorists and extremists. Although bin Laden's death is an enormous blow to al-Qaida, we must make sure we remain vigilant in all our efforts to defeat terrorism and never lose sight of our objectives, which is not the death of one man, but the dismantling of all terrorist networks that seek to do us harm.

In closing, I want to again thank our intelligence professionals and military personnel for their service and dedication. I also want to remind everyone that while this is our greatest success to date in our efforts to combat al-Qaida, we still have a lot of work to do and cannot rest until all of that work is done.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise to speak in support of S. Res. 159, honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden. I am as happy to rise today as at any time in the past 10 years—and it has been for the last 10 years that I have eagerly awaited the moment when my colleagues and I could take to this floor and celebrate the news we got this Sunday: that we got Osama bin Laden. Justice has been done. The world has become a better place now that bin Laden is no longer in it.

This is a time for national unity and celebration. It is a time to finally close a painful chapter in the history of our Nation, even as our larger fight continues. And, most of all, it is a time to give thanks and recognition to a distinguished group of our fellow citizens

who will forever occupy an honored place in our history.

I want to echo my colleagues in offering my humble thanks to the brave men who carried out the daring operation, as well as to the men and women in uniform who enabled their success. I have been involved in national security my entire life, and I am hard pressed to come up with another military operation that demonstrated such sophistication, such professionalism, such precise and lethal effectiveness to accomplish such a momentous and consequential objective. I am truly in awe of what these young men have accomplished, and I thank God that our Nation continues to produce heroic warriors such as them who are willing to give everything, to sacrifice everything, to devote their lives not to the quest for wealth or fame but to the service of a just and noble cause that is greater than their self-interests. We do not yet know their names, but we honor their achievements and we celebrate their heroism. They have made history and earned their place in it.

I want to offer the same praise for our intelligence professionals. It is a truism that intelligence fails in public and succeeds in private. So it is a great day indeed when we can celebrate such a public success of our intelligence professionals. There are men and women across our intelligence community who have devoted the past 10 years, and many more before that, to finding bin Laden. Despite setbacks and sacrifice, despite the loss of leads and the death of friends, regardless of whether the trail was hot or cold, they woke up every day and carried on the fight. And now we honor the fruits of their perseverance and sacrifice, even as they themselves remain hard at work—exploiting the new information we have recovered, analyzing the new data, and setting up the next operation.

I also want to offer my deepest congratulations and appreciation to the President and his national security team. I credit them with making the elimination of Osama bin Laden their top priority—and for accomplishing it so impressively. Regardless of the myriad groups and parties and factions into which we Americans divide ourselves on a daily basis, the killing of Osama bin Laden is a national triumph and all Americans should feel proud and appreciative of the leadership shown by President Obama and his team on this matter.

I specifically want to credit the President with ordering an airborne assault by ground forces rather than aerial bombardment. It would have been a lot easier to simply turn bin Laden's compound into a smoldering crater, but it would have denied us the certainty we now have that bin Laden is dead. It took real courage to assume the many risks associated with putting boots on the ground, and I strongly commend the President for it.

I would be remiss if I did not also thank President Bush and the many officials who labored with him for 8 years to do what has now been done. I know it is one of President Bush's regrets that he could not eliminate bin Laden on his watch, but he and his team should take solace in the knowledge that they laid the foundation for Sunday's operation, and they deserve credit for that.

Finally, I want to say a word to the many American families for whom this celebration is bittersweet because it recalls memories of the mothers and fathers, spouses and siblings, sons and daughters, who were stolen from them, and from us all—not just in the September 11 attacks but in the many acts of mass murder for which Osama bin Laden was guilty. No act of man can fill the aching emptiness of a loved one lost. For that there is only the grace of God. But it is my sincerest hope that the elimination of Osama bin Laden—this act of justice done—will help to ease the pain and bring closure to what has surely been a decade of torment, as we were daily reminded that the world's most wanted terrorist was still free.

I also want to credit the families of the victims of September 11, 2001. Had it not been for their relentless efforts and advocacy, Congress would not have established the 9/11 Commission and adopted many of its important reforms of our national security establishment—reforms that no doubt were instrumental in facilitating the joint and collaborative operation to find and kill Osama bin Laden. I could not imagine a greater contribution that the 9/11 families could have made.

Of course, the death of Osama bin Laden does not portend the elimination of al-Qaida or the end of terrorist plots and attacks against our country. We must remain vigilant in our pursuit of every enemy who would do harm to us and our friends and allies. And we shall do so. But there is no denying that the death of Osama bin Laden will have a significant impact in this long war. It will enable us to focus more of our time and attention and resources on others who would do us harm. Perhaps more importantly, it will enable our country to look more fully forward—to focus more completely on supporting the peaceful democratic awakenings that are sweeping the Middle East and North Africa, which are the greatest repudiation of al-Qaida that we ever could have imagined or hoped for.

If there is any consolation in the fact that Osama bin Laden lived as long as he did, it is that he got to witness Arabs and Muslims by the tens of millions rising up to demand justice and dignity, not through suicide bombings and mass murder, but through peaceful change, political freedom, and economic opportunity—the very ideas that bin Laden's perverse and murderous ideology seeks to destroy. That could be the truest death knell of al-Qaida, and I for one am very happy that Osama bin Laden got to hear it—just before a team of American heroes ended his wretched life.

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

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

Mr. MANCHIN. Mr. President, Osama bin Laden's death is a historic and just victory for this Nation.

While this is a profound victory in the war on terror, our thoughts must go to the thousands of innocent men and women who lost family members and whose lives were forever changed by the tragedy of September 11.

The families of those lost and our Nation as a whole can take great pride that our brave servicemembers and intelligence community successfully carried out this mission. I could not be more proud of the outstanding men and women of our military who put their lives on the line daily to defend this Nation.

Each and every one of us has a deeply personal connection to the tragic events of September 11. At the time, I was West Virginia's secretary of state. I remember staff coming into my office, and they said: Did you see what is going on? That is all they had to say, and that is all they did say.

So many Americans have similar stories. We watched in horror on live television as the second plane hit the World Trade Center and I knew something we could never anticipate and imagine had just happened to our great country. We didn't know how our lives would change, but we knew they would.

In West Virginia, similar to States all over the country, we are still mourning those we lost: a former WVU quarterback and a WVU economics graduate who were both killed in the World Trade Center's North Tower, a Parkersburg High School graduate, a young lady who perished in the South Tower, and a Marshall University medical school graduate, a doctor who practiced, was killed when the airliner he was on crashed into the Pentagon. Our thoughts and prayers will always be with them and their families.

Just like our world changed that terrible day, it has changed yet again with the killing of Osama bin Laden. It means something different to each of us. Osama bin Laden's death cannot bring back the thousands of lives that were lost that fateful day or the ones who have been lost at the hands of al-Qaida since. It cannot repair the anguish so many have suffered as a result of the evil and hatred Osama bin Laden espoused.

But it is justice, and I hope this Nation and the families of those who were lost on September 11 can take solace in that fact.

Let me also say I am so proud of the resolve, the strength, and the fortitude this Nation showed in pursuing the mission to its end.

With the killing of Osama bin Laden, the United States sent a message loudly and clearly: acts of terrorism against this Nation will not go unpunished. If you seek to do harm to this country or if you plan to hurt the people of our great Nation, we will find you and, I assure you, justice will be served.

While this success belongs to all of us, I especially thank the teams of people who united to accomplish this most important goal. President Obama and his advisers completed the mission, and I congratulate him for that. He was the one who made the difficult decision to order this mission, and he made the right call.

Immense credit must also be given to all the people in the intelligence community who have worked tirelessly to track down the world's most wanted terrorist. I also congratulate Presidents Clinton and Bush and the commitment their teams showed in fighting the war on terror.

Finally, I hope we sustain the spirit of unity we all feel at this moment to put politics aside and remind Americans that as a great nation, we become greater when we unite behind a common purpose.

For these reasons, I strongly support S. Res. 159. May God continue to bless the United States of America.

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.

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

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

Mr. MCCONNELL. Mr. President, I think most Americans are proud that the man who orchestrated the 9/11 attacks and then reveled in the horror of that day is dead.

Today, we recognize the dedicated work of the many intelligence professionals, law enforcement officials, and the many men and women in our armed services who brought us to this day.

The pursuit of Osama bin Laden spanned more than a decade. Following the attacks of September 11, the Senate voted 98 to 0 to authorize the use of force against al-Qaida—an authorization that is still in force today.

At the time, President Bush enjoyed the support of a nation united behind the decision to pursue al-Qaida and to drive the Taliban from power.

We should be equally united today in honoring those brave Americans who are committed to preventing further attacks upon our homeland.

While bin Laden and his followers were building their terror networks, we were patiently and diligently building our intelligence capabilities.

Following the successful raid on Sunday, those who remain committed to al-Qaida and associated terrorist groups should know that one day they too will share bin Laden's fate.

Some might think the success of this raid means the end of the war on terror. But as the President has said, the death of Osama bin Laden does not mean the death of al-Qaida. Our intelligence community and armed services must keep up the pressure on al-Qaida and associated terror networks.

Osama bin Laden launched this war on the false assumption that America didn't have the stomach for the fight. On Sunday night, he learned how wrong he was.

This week, America showed the world we meant it when we said we would not rest until justice was done to those who carried out the 9/11 attacks.

A generation of patriots has pursued al-Qaida for more than a decade, driven by the idea that every day is September 12, 2001. That spirit must persist.

Once again, I commend the President on his decision to go through with this mission. Above all, I thank the remarkable group of men who carried it out.

Not to be forgotten are the thousands of uniformed Americans in Afghanistan, Iraq, and across the globe, defending America's interests as we consider this resolution today.

The resolution reaffirms the Senate's commitment to eliminating safe havens for terrorists in Afghanistan and Pakistan, and we are reminded of the difficult work that remains. But today, those who remember the horror of 9/11 take a certain satisfaction knowing that the last thing Osama bin Laden saw in this world was a small team of Americans who shot him dead. The brave team who killed bin Laden made their Nation proud, and they deserve the Senate's recognition and its praise.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I stand, as every Member of this Senate does today, I am sure, in support of not only this resolution but everything this resolution stands for.

The elimination of Osama bin Laden as a symbol of murder, of tyranny, of repression is an important moment. It is a moment that came 10 years after it should have. If we could have found Osama bin Laden 10 years ago when we were looking for him, 9/11 might not have occurred. But it did occur.

The message for him and the message for others is you cannot hide from the forces of freedom and democracy. This was a moment when the forces of freedom and democracy triumphed over the forces of repression. This was a moment when the symbol of one view of the future was eliminated with the kind of violence he himself had perpetrated on so many others.

The President made a great decision to send this team of the best of the best into this compound to find Osama bin Laden, to know for sure face to face that he was either going to be captured by Americans or, in this case, killed by Americans, to be able to take the hard drive, the documents. The information he had surrounding him will tell us a lot about his contacts, and who knows what it might tell us about the network of al-Qaida. The President could have made a decision to bomb the compound. I guess we would be sifting through the ashes today to see if Osama bin Laden was there. We might have been able to confirm that, but we would not have been able to confirm all the information the SEAL team was able to take with them. These are two important decisions made by the President. I think the decision to bury Osama bin Laden in an unknown spot but with the kind of respect his own religion required was also another good decision. I want to be supportive of the President and the decisions made.

There are times when a Predator missile is the right thing to use and times when it is not. One of the things we see from the death of bin Laden is that there is value to capturing our enemies and getting information from them. That thread of information that began maybe as long as 9 years ago finally was able to unravel in a way that made the connection that needed to be made so that Osama bin Laden could be found, so that justice could be done, so that the price would be paid by him, as it has been paid by so many others in defense of freedom.

Certainly, there are questions today about Pakistan, but there is no question that Pakistanis have died fighting alongside Americans in the last decade. There is no question that Pakistanis have been the victim of terrorism. Hopefully, this will be a moment that brings all of those who should want freedom to the same side.

I just returned from a quick visit to Egypt, which could very well be on the right path in the Middle East, a path where, without violence, people stand and want more freedom, they want democracy. That is not the goal of the extremists of Islam, for whom Osama bin Laden became the great symbol.

We do not believe Osama bin Laden has been in operational control of al-Qaida for some time. It would be wonderful if we find out in the next few days that he was and the terror of al-Qaida would be eliminated. I do not think we will find that out. But we do know he was a symbol in a way that is unique, in the way he symbolizes this wrong view of the future, the way he symbolizes the wrong view of the requirement that everybody living together be exactly the same. We, unlike any other country in the world, defy that view of the future. We have proven like no other country has ever proven that people can live together in great diversity, that people can live together with different points of view, and we can live in a society that still flourishes. Of course, we are the enemy of a world view that that is not possible. It is not because of anything we have done to the extremists in the world community; it is because of who we are.

Yesterday, the message of who we are was registered again in a powerful way as we all over this country and people all over the world talked about what happened the evening before, certainly not only the SEALs who went into the compound to see that justice was done but also all of those who are willing to serve, those who could have been among the elite who went in or all those who have served, the over 4,000 Americans, including many Missourians, whose lives have been lost in the last decade, in addition to the 3,000 lives that were brutally taken by the operatives of al-Qaida and Osama bin Laden on September 11, 2001.

This resolution that recognizes the courage to bring justice, that recognizes the evil that was done by Osama bin Laden and his followers, that recognizes the importance of freedom and democracy in a society is a resolution I am proud to support. I am proud of what the men and women did for us in executing this well-planned mission, but also of everybody who serves every day, for all the families who have a missing place in their hearts, for someone whose life was lost serving this country, for all the families who live with someone with a disability because of the kind of war we are in now.

I am pleased to stand here representing my State but hopefully representing, as all of us do, the forces of freedom and democracy that will ultimately triumph over the forces of repression and murder and chaos that one-world view would try to perpetuate. We recognize today another step against that view of the world.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest editor proceeded to call the roll.

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

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

Mr. REID. Mr. President, those watching around the world may not be able to see on their screens the scene in the Senate today. We have all come to the floor in a way we rarely do. We have come this afternoon to express with one voice our endless respect and admiration for the men and women of our military and our intelligence organizations.

''Resolution'' is an appropriate name for this legislation that is now before this body. It honors the resolution to a problem that has lingered for nearly a decade, one whose weight has grown heavier each day on the shoulders of the families whose lives were traumatized and the many more bin Laden terrorized. It honors the resolve with which our bravest stared down danger.

The world is still absorbing America's astounding accomplishment—the mission to bring Osama bin Laden to justice, one that began more than 9½ years ago and was accomplished just a little more than a day and a half ago. Mr. President, 9½ years after the worst morning in our memory, we woke up yesterday morning to a world without Osama bin Laden and with a palpable sense of justice.

Our military and intelligence operatives are the best in the world at what they do. As they set out to kill or capture our most valuable target, they captivated us with their skill and expertise, their patriotism, and their professionalism.

A flood of thoughts and emotions and analyses have been shared over the past 36 hours by many. As I said from this desk yesterday, the end of his life is not the end of this fight. It is a victory, but it is not ''the victory.''

A lot has already been said about what bin Laden's death means. So before we vote on this resolution, let me speak briefly about the American men and women who carried out this critical successful mission—a mission that was historically significant and tactically stunning.

Osama bin Laden was the most wanted and most hunted man in the entire world. His was the face of our enemy and the face of evil. There were few faces more recognizable to the American people and to the citizens of the world. Those who carried out the orders of the Commander in Chief this weekend could not be more different. The world doesn't know their names. We wouldn't recognize them if we passed them on the street today. That is exactly how they would want it.

This is the newest proud page in a long story of the American hero—the unknown soldiers, the unsung saviors who sacrifice for our country's flag and our country's freedom. They do not ask for recognition, and they do not ask questions. They just answer the Nation when it calls.

Today the Senate stands in awe of the countless men and women who have toiled in obscurity, in the field and in every corner of the world; professionals who gather one small shred of evidence here and another clue there and pursue another lead somewhere else; the men and women who, over the course of 10 long years, pieced together the most meaningful of puzzles so that a few dozen of their fellow heroes could execute an operation the world will never forget.

These heroes confronted fear with brilliance and bravery. They met the worst of humanity with the best of America. The terrorists who carried out the 9/11 attacks did so with cowardice. The Americans who carried out this mission did so with unfailing courage.

No one has asked how these men and women vote or what their politics are. So we have come to the floor today to vote together on this resolution not as two parties, not even as 100 Senators, but as one body representing one grateful country.

Mr. President, on this resolution, Senator MCCONNELL and I ask for the yeas and nays.

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

The question is on agreeing to the resolution.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Nevada (Mr. ENSIGN).

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 63 Leg.]

YEAS—97

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

NOT VOTING—3

Akaka	Ensign	Kirk

The resolution (S. Res. 159) was agreed to, as follows:

S. RES. 159

Whereas, on May 1, 2011, United States personnel killed terrorist leader Osama bin Laden during the course of a targeted strike against his secret compound in Abbottabad, Pakistan;

Whereas Osama bin Laden was the leader of the al Qaeda terrorist organization, the most significant terrorism threat to the United States and the international community;

Whereas Osama bin Laden was the architect of terrorist attacks which killed nearly 3,000 civilians on September 11, 2001, the most deadly terrorist attack against our Nation, in which al Qaeda terrorists hijacked four airplanes and crashed them into the World Trade Center in New York City, the Pentagon in Washington, D.C., and, due to heroic efforts by civilian passengers to disrupt the terrorists, near Shanksville, Pennsylvania;

Whereas Osama bin Laden planned or supported numerous other deadly terrorist attacks against the United States and its allies, including the 1998 bombings of United States embassies in Kenya and Tanzania and the 2000 attack on the U.S.S. Cole in Yemen,

and against innocent civilians in countries around the world, including the 2004 attack on commuter trains in Madrid, Spain and the 2005 bombings of the mass transit system in London, England;

Whereas, following the September 11, 2001, terrorist attacks, the United States, under President George W. Bush, led an international coalition into Afghanistan to dismantle al Qaeda, deny them a safe haven in Afghanistan and ungoverned areas along the Pakistani border, and bring Osama bin Laden to justice;

Whereas President Barack Obama in 2009 committed additional forces and resources to efforts in Afghanistan and Pakistan as ''the central front in our enduring struggle against terrorism and extremism'';

Whereas the valiant members of the United States Armed Forces have courageously and vigorously pursued al Qaeda and its affiliates in Afghanistan and around the world;

Whereas the anonymous, unsung heroes of the intelligence community have pursued al Qaeda and affiliates in Afghanistan, Pakistan, and around the world with tremendous dedication, sacrifice, and professionalism;

Whereas the close collaboration between the Armed Forces and the intelligence community prompted the Director of National Intelligence, General James Clapper, to state, ''Never have I seen a more remarkable example of focused integration, seamless collaboration, and sheer professional magnificence as was demonstrated by the Intelligence Community in the ultimate demise of Osama bin Laden.'';

Whereas, while the death of Osama bin Laden represents a significant blow to the al Qaeda organization and its affiliates and to terrorist organizations around the world, terrorism remains a critical threat to United States national security; and

Whereas President Obama said, ''For over two decades, bin Laden has been al Qaeda's leader and symbol, and has continued to plot attacks against our country and our friends and allies. The death of bin Laden marks the most significant achievement to date in our Nation's effort to defeat al Qaeda.'': Now, therefore, be it

Resolved, That the Senate—

(1) declares that the death of Osama bin Laden represents a measure of justice and relief for the families and friends of the nearly 3,000 men and women who lost their lives on September 11, 2001, the men and women in the United States and around the world who have been killed by other al Qaeda-sponsored attacks, the men and women of the United States Armed Forces and the intelligence community who have sacrificed their lives pursuing Osama bin Laden and al Qaeda;

(2) commends the men and women of the United States Armed Forces and the United States intelligence community for the tremendous commitment, perseverance, professionalism, and sacrifice they displayed in bringing Osama bin Laden to justice;

(3) commends the men and women of the United States Armed Forces and the United States intelligence community for committing themselves to defeating, disrupting, and dismantling al Qaeda;

(4) commends the President for ordering the successful operations to locate and eliminate Osama bin Laden; and

(5) reaffirms its commitment to disrupting, dismantling, and defeating al Qaeda and affiliated organizations around the world that threaten United States national security, eliminating a safe haven for terrorists in Afghanistan and Pakistan, and bringing terrorists to justice.

The PRESIDING OFFICER. Under the previous order, the preamble is agreed to and the motions to reconsider are considered made and laid upon the table.

MORNING BUSINESS

The PRESIDING OFFICER. The Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Illinois.

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

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

NOMINATION OF JOHN J. McCONNELL

Mr. REED. Madam President, I rise today in support of the nomination of John ''Jack'' McConnell to serve as a district court judge in the State of Rhode Island. We have heard and we will hear a number of very strong statements about this nomination. I would argue very vociferously that many assertions that have been made are inaccurate at best and they are not shared by the legal and business community in Rhode Island. In fact, Jack McConnell is supported publicly and enthusiastically by the two former Republican attorneys general of Rhode Island, Arlene Violet and Jeffrey Pine. He is not opposed by the Greater Providence Chamber of Commerce, which knows him and has worked with him. He is supported by our legal community and our business community. He has received the strong endorsement of our leading newspaper, the Providence Journal, which has a record of moderation, indeed if not conservatism, in terms of their judgments about judicial candidates and some issues, but certainly moderation.

Later, Senator WHITEHOUSE and I will respond specifically about the assertions and concerns, but I think it is time at this juncture to make a few brief points about where we are at this Senate. We are at a point where we might be crossing a bridge from which we cannot return; that, unlike our previous history, district judges will be subject routinely to cloture motions because one faction or another decides, not on the merits but procedurally, they should not go forward.

Let me make a few points. Senator WHITEHOUSE and I recommended Mr. McConnell to the President after publicly seeking applicants, talking to attorneys throughout our State, interviewing almost every single applicant. We took this decision seriously, as you would expect. We know it is a reflection both upon ourselves and upon our State. From this pool of applicants we selected Mr. McConnell because we found him to be among the best attorneys of the State, a pillar of our community, one of the most generous philanthropists in our State—and in most cases anonymously—and in many cases not simply writing a check but standing in a soup line early in the morning handing out food to people who need it, without acclaim, without fanfare. This is the character of the individual, and character, I think, ultimately is the test of a judge. He has a true desire to serve this country.

Indeed, Mr. McConnell has practiced law for decades. He has never been subject to an ethics claim, a malpractice claim, a rule 11 motion, and most importantly he has never had a motion for sanctions filed against him concerning his conduct in any litigation in which he has been involved. He has a spotless record.

Moreover, we selected Mr. McConnell because we knew, based upon all of his personal background, his sworn testimony, that he will follow the precedents of the law and of the First Circuit Court of Appeals and of the United States Supreme Court. This is not something we take lightly and it is not something Mr. McConnell takes lightly. We know and he knows that when you step upon the bench you assume huge responsibilities. You have to not only appear to be impartial, you have to in every word and deed go the extra mile to demonstrate that impartiality, that you are not favoring anyone. He is prepared to do that. In fact, I think that is part and parcel of the nature of this gentleman.

Now, we have to stop here and ask ourselves collectively, do we want to go ahead and take this step of cloture for district court nominees? Do we really want to add another front in the battle of partisan political ''gotcha''? Do they really want to cast aside, for example, the blue slip process which allows Senators from a home State, particularly with a district judge, to say yea or nay? It is a process that has been in the Senate, in the informal culture of the Senate for years and years. Do they want to deny a nominee who has been reported out of committee on a bipartisan vote three times, not once, an up-or-down vote? I heard and I have heard for years—particularly under President Bush—many people coming to this floor and claiming everyone who is nominated and comes out of committee deserves an up-or-down vote, particularly a district court nominee, especially a district court nominee. So this is where we are poised—to reject all of them, to enter a new dimension of controversy and conflict in the Senate.

We have a long history in the Senate of precedents and tradition when it comes to nominations, particularly district court nominations. In my State, my predecessors, men such as John Chafee and Claiborne Pell and Lincoln Chafee and John Pastore, clearly adhered to those standards. And we have a record—a strong record

of judges in our State, and they have come from different backgrounds. They have come from the practice of corporate law. They have come from being a former Federal attorney. They have come from being a significant and principal attorney for a major insurance company. They have come from a vast array of legal backgrounds and professions. One thing they have had in common, and which is shared by Jack McConnell, is integrity and commitment to the law. And that we insist upon.

We have long recognized that these district judges serve a critical role, and I think we all recognize, too, here as Senators that this is a special role of the home State Senator. We understand that at the circuit level, when judges have to consider issues of constitutionality, where major policies issues could be resolved—in fact, finally resolved, at least for that circuit—we understand there is another added dimension. But with district courts, we have traditionally recognized the judgment of not only the local Senators but the judgment of the local legal community. And once again, here, both the legal community in Rhode Island and, I cannot emphasis enough, two former Republican Attorneys General, who know him well, who have observed him closely, have come forward of their own volition and enthusiastically supported his candidacy. They know him as a lawyer. They know him as a man of integrity and honor and decency.

There are a number of my colleagues on the other side who recognize this, and they have been very forthright in making the point about the precipice that we are on and how that is not a precedent we want to establish. I thank them for that. I thank them for their consideration. They have literally adhered to consistently—not just in the past but now—the notion that when a judge is given a qualified approval by the ABA, when a nominee goes through the committee, comes to this floor at the district level, that is when a vote should take place. And how you vote on final passage is a function of many things—your judicial philosophy versus their judicial philosophy, your view of the judgment they have and the responsibility a district judge has.

Now, I think we have again been engaged in difficult debates, and they have been particularly difficult when it has come to the circuit court. I do think we recognize collectively that because of the nature of the circuit court, there is a difference. This is the gateway, and many times, the cases never go beyond the circuit court. Constitutional law, principles that apply to whole circuits are affirmed by these panels of judges, and there is a different standard. But we have never really applied that standard to the district court. We have relied—all my colleagues have—on the ability of home State Senators, together with their local lawyers, together with their local communities, to make recommendations to serve on the district court.

Let me point out how extraordinarily unusual the vote tomorrow will be. From our reference, talking to the Congressional Research Service and the Senate Library, as far as we can consider, there have been only three cloture votes on Senate nominees for district courts in the history of the Senate—three times. Tomorrow will be the fourth. Oh, by the way, all three of those individuals ultimately received confirmation. It appears from our reconstruction that they were caught up in a procedural discussion of who should go first; this person should not go first until others had been considered. All three, after the procedural votes on cloture, were confirmed.

But it is quite clear that at least on the part of some, this cloture vote tomorrow is designed to stop and end the confirmation of Mr. McConnell. That would be a first as far as we know in our reconstruction of the history of the Senate.

So we are facing this question, the question of whether we want to establish this precedent, whether we want to disregard the record of this individual, who is a man of integrity and honor, who is strongly supported by our local business community, who is strongly supported by Republican officeholders as well as Democratic officeholders, who has gained the trust and the respect of those who know him best, and who will serve with distinction and integrity on the District Court for the District of Rhode Island.

That is the big issue we face tomorrow. Later, we will come down and we will respond to those issues of specific detail. But I can recall not too long ago when there was a group of Republicans and Democrats who came together and decided that these types of decisions should not be subject to procedural defeats, but they should be based on the merits. That was the Gang of 14's work on trying to pull together a consensus on judges. I also know that both Senator REID and Senator McConnell are working with a group of people on a bipartisan understanding regarding executive nominations—not judicial nominations but executive nominations. These are very hopeful and positive signs. I hope we can build on that process and not tomorrow take a step which I think historically is atypical, unique, in fact, a step in the very wrong direction.

We will come back again, and we will talk about the specifics of Mr. McConnell's nomination and these assertions. But all of these allegations cast, again, not only a cloud upon Mr. McConnell but on the ABA process which looks very carefully at a candidate in terms of their judicial skill but also their character, their integrity, their ability to serve, and the process here in the Senate through the committee process.

So I would hope that we can favorably consider—in fact, I would hope, as is typical, that we would move quickly to a final passage vote, as we do with 99 out of 100 district court nominees.

But this is a serious issue. I fear we are on the precipice of taking a step that will come back repeatedly to haunt us and undercut a custom and a tradition and a sense of this Senate which is necessary to maintain, not to abandon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I know I am in Senator LANDRIEU's time. I appreciate my friend's willingness to allow me just a moment to associate myself with the eloquent and thoughtful remarks of my senior Senator and to urge all of my colleagues, before we steer this body off the precipice to which he referred, to give his words their very careful and objective consideration.

I thank the distinguished Senator from Louisiana.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

SBIR/STTR

Ms. LANDRIEU. Madam President, I would like to speak for the next few minutes as in morning business about the subject that has been before the Senate now for 5 weeks. In some ways, it is unprecedented that a bill of only 100 pages would actually take up 5 weeks of the Senate's time. And you know as a member of the Small Business Committee, Madam President, how important, although only 100 pages and although only in the law since 1982, this program is not just to the Federal Government but to the taxpayers who are relying on this to spend their money wisely on their behalf, and they are looking to us to promote and extend the life of programs that actually work and return a great investment to them, particularly in these challenging budget times and economic times.

This program, which was created by Senator Warren Rudman for the specific purpose of stimulating technological innovation, encouraging greater utilization of small businesses to meet Federal research and development needs, and to increase private sector commercialization of innovations derived from Federal research and development, is a law that we must find a way to reauthorize. We are well overdue. We have now passed the authorization point by 3 years.

We have been unable to reauthorize this important program. It looks as if we may be stuck again although the major arguments about this bill have been resolved. We are actually not arguing over the nuts and bolts of this bill. Is that not sad, that all of the arguments about what percentage venture capitalists should get, by what amount we should increase the allocation—we have worked through all of those because we have worked in good

faith. We have compromised, Democrats and Republicans.

The bill passed out of our committee I believe 18 to 1. Authoring this piece of legislation is myself, the chairperson, Senator SNOWE, a strong supporter of the underlying bill—let me get the other cosponsors. Senator LEVIN is a cosponsor. Senator BROWN of Massachusetts is a cosponsor. Senator KERRY, the former chair, is a cosponsor. The Presiding Officer is an original cosponsor. I thank you. The new Senator, your junior Senator from New Hampshire, is an original cosponsor. Senator CARDIN. Senator PRYOR. So we have a good number of Republican and Democratic Senators.

This is the bill. It is 100 pages. The sad thing is that in 5 weeks, we have had over 150 amendments filed on this bill. Very few of them have anything to do with this bill. That is more amendments than there are pages of the original bill. And you can understand why the majority leader, Senator REID, cannot allow a vote on all 150 amendments. We might be here for another year, which is not fair to the Senate, it is not fair to Congress. There are other important issues we have to get to. So we are trying to compromise. Senator REID has been extremely patient trying to work with Republicans and Democrats. And I think the last offer that was being considered would have made both sides even—with 12 amendments, an equal amount, for both sides, most of which have nothing to do with this bill but that we will accept votes on.

Actually, one big amendment, significant amendment that had nothing to do with this bill has already been voted on, agreed to, detached from this bill, and sent to the President, and he has already signed it. And we are still on this bill. That was the repeal of 1099, which was almost unanimously supported to repeal a very onerous provision of paperwork and regulation that was not proper to put on the backs of small businesses. And I am proud that I led, with others, the effort to repeal that. That has been done. Yet we find ourselves still not in complete agreement that it is time to move on.

I just wish to say a few more things. No. 1, every State will benefit when this program is reauthorized. Most important, taxpayers will see significant results. Let me just tell you one that is quite startling but true and I want it to be in the RECORD.

One company that participated in this program and received a small grant many years ago and then received another grant to help them get started, Qualcomm, is now one of the most successful businesses in the world. That one company pays more taxes to the Federal Government every year than the entire budget of the Small Business Administration. Let me repeat: One company, started in large measure—not solely, but they testified on the record in large measure—because of this program, was created. It grew and grew and grew and now pays more in taxes annually to the Federal Government than the entire budget of the SBA.

You would ask yourself: So what is the problem? Why can't we get this bill passed? I can only say we have Members who think they need to have votes or discussion on 187 amendments that have nothing to do with this bill, and they think the majority leader is being unreasonable when he tries to bring this to an end.

As chair of this committee, I have to say again—and I am going to end with this—this recession we are in will never end—never end—and the budget deficit that is crushing the economic potential of this Nation will never be eliminated if we do not create jobs in America.

This program is a job-creating machine that is being shut down by this inability of us to come to terms over this debate. It is a shame because everyone is counting on us—not just my committee, but the Small Business Committee is one of the important committees here—to put this recession in the rearview mirror. I cannot do it if I cannot pass legislation.

If we want jobs, if we want innovation, if we want to create the kind of jobs the SBIR Program—you can see here: SBIR-awarded firms add five times as many employees. These are kind of our supercompanies. These are companies, the smartest. They are on the edge. They are the best. They have gotten the attention of many smart people in the government. Yes, we do have smart people who work for the Federal Government. These companies and their technology have become known, and they say: Gee, this is the kind of technology that could change this situation, save taxpayer money, and it has such commercial application. Let's give it an award. We might not be able to give it an award because we are stuck talking about 150 amendments that have nothing to do with this program, and the extension to operate this program expires on May 31st.

I am sorry I cannot solve all the problems of the world in the Small Business Committee. I am very sorry. I cannot solve all the health care problems. I cannot resolve the debt situations. I cannot talk about sunset commissions and the Gang of 6 and put every piece of legislation in this bill. We have to stay focused. We have been moving some very good legislation out of this committee, completely with bipartisan support, with a few little bumps here and there.

The small business lending program was not supported by the Republicans. We only had two Senators who crossed the aisle to give us the 60 votes to do it. I understand it is controversial. Not everything here is done in such perfect precision, but we still have high hopes for that program. Six hundred banks have applied. We believe billions of dollars will be lent out and that debate is still going on as the administrators come up. But other than that, everything we have passed in our committee has been with bipartisan support. The same with this bill: It comes out 18 to 1.

I will finally say for the record—and will submit this letter for the RECORD—I was asked by Senator COBURN, who has been cooperative actually—although he has had quite a few amendments, he has been very open to negotiation—but he sent me a letter on January 26, and it basically says: I would like to help you pass your SBIR bill, but would you please get it out of your committee clean because I do not want other extraneous things attached to it because there are ''lesser'' programs—he said—that I do not support. But I support this one.

He is not a member of the committee. He said: Senator, if you can get it out clean, then maybe I can support it on the floor.

So what do I do? I tell all my Members: I am sorry. You cannot have the amendments in committee. I am sorry. We cannot attach anything to this bill because I am trying to move a clean bill to the floor—only to get to the floor and have more than 150 amendments, most of which have nothing to do with this bill put on this bill under the guise of: Well, we have to do it. We need time on the floor to debate our issue.

Madam President, I ask unanimous consent that the letter I referenced from Senator COBURN be printed in the RECORD.

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

U.S. SENATE,
RUSSELL SENATE OFFICE BUILDING,
Washington, DC, January 26, 2011.

Hon. MARY LANDRIEU,
Small Business Committee Chairman, U.S. Senate, Washington, DC.

DEAR SENATOR LANDRIEU: I wanted to thank you for your letter regarding passage of the SBIR/STTR reauthorization bill and oversight of the Small Business Administration (SBA). I appreciate your commitment to review and eliminate fraud within programs such as 8(a) and HUBZone, to streamline federal regulations and their burden on small businesses, and to eliminate wasteful and duplicative SBA programs that increase our debt and limit expenditures to more worthy SBA programs.

Thank you also for your letters, co-signed by Senator Olympia Snow, Ranking Member of the Committee, to SBA Administrator Karen Mills and SBA Inspector General Peggy Gustafson regarding possible terminations of wasteful and duplicative SBA programs. I applaud your oversight and look forward to working with you and Senator Snowe to eliminate waste, fraud and duplication within SBA and to help small businesses excel.

I believe that should there be another broad extension of SBA programs such as H.R. 366 in four months, any programs that are not fulfilling their purpose, fail to consistently encourage sustainable private growth, or have significant overhead costs should be eliminated. I do not believe longstanding and popular SBA programs like SBIR/STTR should be lumped with lesser SBA programs. It is my hope that we can come to an agreement before another temporary extension bill is considered on what programs at SBA should be terminated.

Again, thank you for your oversight and for your consideration of my concerns. I look forward to working with you this Congress.

Sincerely,

TOM A. COBURN, M.D.,
U.S. Senator.

Ms. LANDRIEU. I have tried to be patient. I understand that. But I am asking one last time—I am asking my ranking member, I am asking the other members of my committee, I am asking my Democratic colleagues and Republican colleagues—please, in the next few hours, please, let your voice be heard to your leaders—the minority leader and the majority leader—and please try to come to some reasonable agreement.

I think the cloture motion is quite reasonable, the cloture motion Senator REID has put down. If we could agree to that, get 60 votes or more, we could move on and pass this reauthorization, which is so important for job creation in America.

We are 3 years behind schedule—not 6 months, not 8 months, but 3 years behind schedule. We have been operating this program—a very good program, one of the best—every 3 months, sometimes one month, sometimes a bit longer, but people have to guess whether we are going to extend it. That is no way to run an airline or a train or a bus or even a two-seated car, for that matter. You have to have a long runway here to get good things done and to stop wasting taxpayer money and their time.

So I am going to ask, please, let's try to get cloture.

Finally, the States that are most affected—the Senators who represent these States might want to be heads up—but Colorado, Maryland, Virginia, California, Ohio, Pennsylvania, New York, Florida, Texas and Alabama are among the States that benefit the most from this program. All our States benefit. Companies in my own State of Louisiana have received some of these awards and have gone on to hire hundreds, if not thousands, of people. But these other States have managed to actually get themselves to the front of the line.

I thank Senator BROWN for his cosponsorship of this bill. I thank other Senators from these States. But the Texas and Florida and Alabama Senators, the New York Senators, the Senators from Ohio and Pennsylvania, particularly, Massachusetts and California—the top of the list—have a lot to lose if we cannot get this program reauthorized.

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

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

Mr. SHELBY. Madam President, I ask unanimous consent to proceed in morning business for 8 minutes.

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

TORNADO SYSTEM DISASTER IN ALABAMA

Mr. SHELBY. Madam President, I rise to thank my colleagues in the Senate and countless others across the country for their outpouring of support and offers of assistance to my State of Alabama in this time of need.

On April 27—this last week—an unprecedented tornado system struck the State of Alabama, claiming hundreds of lives and destroying thousands of homes and businesses. At last count, 236 people in Alabama alone were dead, with thousands more injured and a lot missing. It will take many years and potentially billions of dollars for my State to fully recover from this catastrophic disaster.

We have received calls from my fellow Senators, many of whom recently experienced destruction in their own States due to floods and deadly storms, with offers of help. To those who have reached out, I wish to offer my sincere gratitude on behalf of the people of Alabama. I also wish to thank President Obama and FEMA Administrator Craig Fugate for their swift response and commitment to restoring our State.

Their words of encouragement to disaster victims during their visit to Alabama helped ease the grief burdening local families, and their work with Gov. Robert Bentley and Alabama Emergency Management Agency Director Art Faulkner has provided vital assistance during these difficult times. This continued level of Federal coordination is critical to ensuring that Alabama gets back on its feet as quickly as possible.

I have never in my life seen such devastation to the extent I saw during my visit to my home State of Alabama recently. Giant oaks lie flattened and splintered. Homes throughout the State were demolished, leaving thousands homeless and reliant on the Red Cross, the Salvation Army, and others for shelter. At one point last week, over 1 million Alabama residents were without power—almost one-quarter of the State's population. It was gut-wrenching to walk through scattered rubble and realize it was once the site of someone's home or someone's business. The scale and the magnitude of destruction can only be described as hell on Earth.

In our State, while larger cities such as Birmingham and Tuscaloosa—my hometown—suffered extensive damage, so did other rural areas. Communities such as Pratt City, Pleasant Grove, Concord, Rainsville, Hackleburg, Cullman, and many others also incurred the wrath of the storm system and are now trying to assess the extent of their damage.

In DeKalb, Marion and Franklin Counties alone, we have seen nearly 100 deaths. Virtually every part of the State was touched by storms, and all of us were affected. The pain and loss that families are experiencing are still fresh. Many remain in shock.

However, we must also recognize that Alabama was not the lone victim of the storm. As we continue our cleanup and recovery efforts, so do the people of Tennessee, Mississippi, Georgia, Virginia, Louisiana, and Kentucky. Our thoughts and prayers are with all of the affected States. We stand willing and able to assist you, as you have offered similar support to us.

I want to reassure the people of Alabama and all the affected States that we will do everything we can on the Federal level to restore life as it was before. My staff and I are working with the State, FEMA, and the other Federal agencies to ensure as quick and efficient a recovery as possible.

Thousands of Alabamians have opened their homes, donated supplies, made contributions, and rushed to help in any way they could. After witnessing the selfless generosity of complete strangers and the sheer resilience of those affected by the storms, I have never been more proud to call Alabama my home.

It will take a lot of work and help from volunteers, but I am convinced that, together, we can overcome this terrible tragedy.

Madam President, I yield the floor.

CONFIRMATION OF KEVIN HUNTER SHARP AND SKIP DALTON

Mr. NELSON of Florida. Madam President, yesterday the Senate confirmed the nominations of Kevin Hunter Sharp to fill a judicial emergency vacancy on the U.S. District Court for the Middle District of Tennessee and Roy ''Skip'' Dalton to fill a judicial emergency vacancy on the U.S. District Court for the Middle District of Florida. Though I was necessarily absent from the vote, if present and voting I would have voted ''yea.'' I fully support the nomination of Mr. Sharp to fill a vacancy in Tennessee, and I am pleased that Mr. Dalton was confirmed by unanimous consent.

Roy Dalton, nominee for the Middle District of Florida, is currently a partner at Dalton & Carpenter. Mr. Dalton previously worked as a counsel to my friend, Senator Mel Martinez of Florida, and had a long career in private practice in Orlando, FL. I have known Mr. Dalton for many years, and I am pleased that the Senate has acted on his nomination.

Madam President, the high level of judicial vacancies puts at serious risk the ability of all Americans to have a fair hearing in court. I congratulate Senator LEAHY and Senator GRASSLEY on their leadership and hope that we can all continue to work together to address the backlog of judicial nominations.

VOTE EXPLANATION

Mr. UDALL of Colorado. Madam President, I was unable to return to Washington, DC, and was therefore unable to cast a vote for rollcall vote No. 62, the nomination of Kevin Hunter Sharp, of Tennessee, to be U.S. District Judge for the Middle District of Tennessee. Had I been present, I would have voted yea to confirm the nominee.

HONORING OUR ARMED FORCES

STAFF SERGEANT JAMES A. JUSTICE

Mr. GRASSLEY. Madam Presdient, it is with a solemn heart that I must honor the life and service of a soldier from my home State today, SSG James A. Justice of Grimes, IA. He was killed by enemy small arms fire in Kapisa Province, Afghanistan, at the age of 32. Staff Sergeant Justice died trying to rescue the crew of a downed helicopter that made a hard landing in Alah Say District, Kapisa Province, Afghanistan.

Staff Sergeant Justice has served in the U.S. Armed Forces since September of 1998. He was assigned to Troop A, 1st Squadron, 113th Cavalry, Camp Dodge, Johnston, IA. He was deployed to Kuwait as part of Operation Desert Spring in 2001, the Multinational Force Observer peacekeeping mission in the Sinai Peninsula, Egypt in 2003–2004, and Operation Iraqi Freedom in 2005–2006. He volunteered to deploy to Afghanistan in November of 2010. In Afghanistan, he was one of approximately 2,800 members of the 2nd Brigade Combat Team, 34th Infantry Division.

Staff Sergeant Justice is survived by his wife Amanda Jo and daughter Caydence Lillian; his father and mother Larry and Lillian Justice; a brother and two sisters; as well as many other family and friends.

Sergeant Justice's family remembers him as a caring individual who was proud of the work he was doing for his country. He wanted nothing more than to serve side by side with his brothers and sisters in arms. His fellow soldiers remember him as a charismatic, natural leader and an integral part of his unit's community. The loss of Sergeant Justice is one that will be felt not only by his family and loved ones but by the entire Iowa Army National Guard and all those that were privileged enough to have known him.

My thoughts and prayers are with the Justice family in this incredibly trying time. While words cannot express the debt that we as a Nation owe to Sergeant Justice and his family, I would like to take this time to remember the sacrifice that he made so that we can enjoy the freedoms that this Nation provides.

TRIBUTE TO JOE RICHARDSON

Mr. HARKIN. Madam President, when most people think of how our government works, they tend to think of the elected officials, the President, Senators, House Members, and of the institutions in which they serve. However, in order for elected officials to fulfill their constitutional duties, Members of Congress rely on many individuals and institutions whose work is vital to the basic functions of government. These are individuals who often work in relative obscurity, but whose contributions are often no less important than those of the more visible actors and institutions who stand before the public.

I rise today to recognize one such individual who, over his decades-long career of service at the Congressional Research Service, the nonpartisan research branch of the U.S. Congress, has had provided a profound and lasting contribution to the U.S. Congress. That individual, Joe Richardson, the food and nutrition policy analyst of CRS, will soon be leaving CRS and I, for one, feel that it is not only important, but vital, for Joe to be recognized for his decades of public service to the U.S. Congress and to the American public.

As a long-time member of the Agriculture Committee, on which I served as both the chair and ranking Democrat on several occasions, my staff and I relied heavily on Joe Richardson on numerous occasions. He provided technical assistance and professional judgment in the formulation of the nutrition title of the 2002 and 2007 farm bills, and also played a key role in the committee's successful enactment of the 2004 and 2010 child nutrition reauthorization. In each of these cases, Joe went above and beyond the call of duty—in many cases enduring, like the rest of us, long, late night conference committee meetings that would carry on for weeks, even months. As a result of his efforts, I can say with confidence that, absent Joe's efforts, the legislation that we produced would not have been nearly as sound. More importantly, because of Joe's help, each of these pieces of legislation succeeded in its core mission—helping to ensure that millions of Americans are able to obtain a sufficient and nutritious diet.

Each of us, in one way or another, takes for granted the work of others as we do our own jobs. This is not because their efforts are not noticeable, but rather, because the efforts are so consistent and steadfast, carried out with humility and without any expectation of praise or recognition. This is exactly how Joe has carried out his duties over the years. But I would be remiss in not taking the opportunity to stand up and thank Joe for his truly remarkable service to the Congressional Research Service, to Congress, and to the country. I have no doubt, after such long service, that moving on to new opportunities and challenges is not without its bittersweet moments for Joe. But I know that Joe can move on to these challenges secure in his knowledge that he has discharged his duties with the utmost professionalism and competence. He has been a pillar of the food and nutrition assistance policy community for years. For his service, I am grateful.

Mr. COCHRAN. Madam President, I am pleased to recognize and commend Joe Richardson for his dedicated service as a Specialist in Social Policy at the Congressional Research Service.

The Congressional Research Service, CRS, was formed in 1914 as a Federal agency within the legislative branch to provide Congress with a nonpartisan source of information. For nearly a century, CRS has supplied valuable policy analysis to committees and Members of both the House and Senate, and it continues to play a vital role in all stages of the legislative process.

Joe Richardson has been with CRS for nearly 40 years and has proven himself to be an expert agricultural policy analyst, particularly with regard to our domestic food assistance programs. These programs address many needs of America's poor, youth, and elderly, and continue to be very important in assisting our rural and underserved communities. Joe's contributions throughout his tenure have been invaluable in this effort, and his insightful input will undoubtedly be missed.

As a member and former chairman of the Senate Agriculture Committee, I have greatly benefitted from Joe's knowledge and experience. His expertise has helped the committee formulate and pass a number of important pieces of legislation, such as the past several farm bills which authorize a wide range of agricultural and food assistance programs. His timely reports and analyses have allowed Congress to better monitor, update, and improve nutrition programs as economic conditions change and the need for efficiency greatens.

We are forever grateful for Joe's service and commitment to agriculture policy and the U.S. Congress, and I wish him the very best in his future endeavors.

Mr. LUGAR. Madam President, from 1987 until 2002, I served as either the chairman or ranking minority member of the Senate Committee on Agriculture, Nutrition and Forestry. The jurisdiction of the committee is quite broad. One important portion of that jurisdiction is food and nutrition programs.

During my years of service on the Agriculture Committee, the committee has considered several significant changes in the food and nutrition programs. However, one constant presence throughout all those changes was Joe Richardson of the Congressional Research Service. Now, after 40 years at the Congressional Research Service, Joe has decided to retire.

Joe's thorough knowledge of the history and programmatic details of nutrition programs was vitally important in those deliberations. Moreover, his cogent, thoughtful, and nonpartisan analysis was respected on, and sought after by, both sides of the aisle, both chambers of Congress, and within the administrations of both parties. During

deliberations on important legislation, Joe's willingness to be available to committee staff on evenings, weekends and holidays was much appreciated.

I am pleased to join my colleagues in thanking Joe Richardson for his 40 years of service and wishing him well in his future endeavors.

Mr. ROBERTS. Madam President, I rise to congratulate Joe Richardson on his pending retirement. Joe exemplifies the meaning of public servant. I have served as chairman and ranking member of the House Committee on Agriculture, and today I serve as the ranking member of the Senate Committee on Agriculture, Nutrition, and Forestry. All along the way, Joe has served the Congressional Research Service and thereby the Congress with excellence and distinction over the course of 40 years. His focus has included the nutrition assistance programs, almost from their inception. From programs ranging from SNAP, WIC, school meals, and faith-based initiatives, Joe is a recognized expert, a prolific writer, and unparalleled in his field.

A nonpartisan professional, Joe has been an invaluable resource for Members and staff and has regularly been relied upon to navigate the complexities of statutes, rules, and regulations, and the myriad of forms public assistance has taken over the last several decades. From farm bills to child nutrition reauthorizations and related legislation in-between, he has been a compendium of information on the ideas generated, efforts attempted, reforms enacted, and the effects and changes to society our laws have made. He is a tribute to his profession, and our Nation is a better place to live for all Americans as a direct result of his efforts.

I and my staff have greatly appreciated Joe's counsel. Whenever called upon, Joe would answer, be it during regular business hours, late into the night, or early the next morning, always helpful, and always forthright. I appreciate the dedication demonstrated by public servant Joe Richardson. Thank you Joe, you will be missed.

Ms. STABENOW. Madam President, as the chairwoman of the Committee on Agriculture, Nutrition and Forestry, I know we will sorely miss the expertise and dedication of Joe Richardson as we work this year to write the next farm bill. Since 1971, Joe has shared his expertise on a wide range of issues with Members of the House and Senate. He has an incredible understanding of social policy programs, and knows their history inside and out. He seems to know everything about everything. His expertise has been absolutely invaluable to my staff over the years.

In his four decades of service, Joe has played a key role in writing seven farm bills in 1977, 1981, 1985, 1990, 1996, 2002, and 2008. His understanding of Federal nutrition programs, which represent a significant majority of the farm bill, has helped the committee address the issues of hunger in America and has helped keep millions of Americans out of poverty.

While Joe is leaving us to spend time closer to his family in California, his work will continue to guide and inform us as we begin work on the 2012 farm bill. He is a wonderful example of a great public servant, and I wish him well in his retirement.

Mr. LEAHY. Madam President, there is an old saying that ''where there is a will there is a way.'' That was very true of the many pieces of legislation I worked on as chairman and ranking member of the Senate Agriculture Committee. The Senate Agriculture Committee has proven time and again that Congress can work together when it wants to get a job done.

But I have to share with you that we had a secret weapon, at least when it came to the farm bill nutrition titles and the child nutrition bills. I know that we would have had a much tougher time getting that job done successfully without the assistance and technical expertise of Joe Richardson of the Congressional Research Service. Since 1971 Joe has played an important part of nutrition policy discussions and has played a key role behind the scenes working on countless pieces of legislation over these past four decades, including seven farm bills. As a member of the Agriculture Committee during most of those 40 years, including turns as chairman and ranking member of the Agriculture Committee, I have been fortunate to benefit innumerable times from Joe's institutional memory and impressive encyclopedic knowledge of our Nation's critical nutrition programs.

Very few Americans have ever heard about the Congressional Research Service, but for the men and women who served in the U.S. Senate and for all of our staff, we know the important role that this branch of the Library of Congress plays. The Congressional Service is a legislative branch agency within the Library of Congress and works exclusively and directly for Members of Congress, their committees and staff on a confidential, nonpartisan basis. The Congressional Research Service, Congress, and the American people have been well served by Joe Richardson and his impressive public career.

For the last four decades Joe Richardson has gone above and beyond to serve the Senate and House of Representatives with his objective and always helpful information and often 24 hours a day if needed. I know that Members of both sides of the aisle have the highest regard for his work, attention to detail, and dedication.

With the retirement of Joe Richardson, we are losing an important perspective and historical knowledge that I fear that no other single person will be able to fill. To say that he will be missed is a true understatement. While I wish Joe all the best in retirement, I certainly hope that he will make sure his replacement at the Congressional Research Service and the Senate Agriculture Committee still know how to get ahold of him during development of the next farm bill.

WORLD PRESS FREEDOM DAY 2011

Mr. LEAHY. Madam President, today, people from across the country and around the world celebrate World Press Freedom Day—a time to commemorate and honor the principles of freedom of expression. World Press Freedom Day was established by the United Nations General Assembly in 1993 and provides an important opportunity for us all to remember the journalists and other members of the news media—of all nationalities—who have sacrificed their personal safety, and in some cases their lives, to ensure the free flow of information to the public.

The Nation's Founders prized and protected a free and vibrant press. Its prominence is found in the first amendment of the Constitution. Since the founding of this great Nation, American journalists have courageously documented volatile turning points in our history and the world's history. Elijah Lovejoy, the first of too many American journalists who have paid the ultimate price in service to press freedom, remains a stalwart figure in media history, even today.

The International Federation of Journalists reports that at least 94 journalists and other members of the media have been killed in the line of duty during 2010. Countless others have been detained or arrested simply for performing their professional duties.

In recent months, we have witnessed the troubling case of American and foreign journalists being detained, assaulted, and even killed in their efforts to tell the world about the democratic uprisings in the Middle East. Last month, Oscar-nominated war-film director and photojournalist Tim Hetherington and photojournalist Chris Hondros were both killed while reporting on a battle between Libyan Government forces and rebels in the city of Misrata. In February, CBS war correspondent Lara Logan was brutally attacked and sexually assaulted while reporting on the historic uprising in Egypt. The recent news that Osama bin Laden has been killed—a price paid for his crimes against the American people and the world—has focused even more attention on the unrest in the Middle East. The efforts of journalists and members of the media in that region now have even greater significance.

Preserving press freedoms and freedom of expression remains one of my highest legislative priorities as chairman of the Judiciary Committee. That is why I have once again joined with Republican Senator JOHN CORNYN to introduce the Faster FOIA Act. This bill would create a bipartisan Commission

to help ensure that the Freedom of Information Act one of the most important tools by which the press can obtain critical information about what our government is doing is not hindered by excessive delays.

A few days ago, President Obama observed that ''in the last months, we've seen journalists threatened, arrested, beaten, attacked, and in some cases even killed simply for doing their best to bring us the story, to give people a voice, and to hold leaders accountable. And through it all, we've seen daring men and women risk their lives for the simple idea that no one should be silenced, and everyone deserves to know the truth.''

As we celebrate World Press Freedom Day, we are reminded that an open and accountable society comes with not only the right of its citizens to know the truth but the duty to empower themselves with that knowledge. All of us—Democrats, Republicans, and Independents—have an interest in preserving press freedoms and protecting the public's right to know. Enacting the Faster FOIA Act will help to accomplish this goal. For this reason, I strongly encourage all Members to join me in celebrating World Press Freedom Day and in supporting this very important bipartisan bill.

THE CIVIL RIGHTS OF ALL AMERICANS

Mr. LEAHY. Madam President, I recently joined Senator DURBIN and Senator GRAHAM at an important Senate Judiciary Committee hearing focused on the civil rights of American Muslims. This bipartisan hearing was a positive statement from the committee that its members believe strongly that all Americans enjoy the rights and freedoms provided by our Constitution and our civil rights laws.

Today, I wanted to highlight a recent column written by the U.S. attorney in Cleveland, OH, Steven Dettelbach, which addressed the same subject. As one of our leading Federal prosecutors, Mr. Dettelbach is known for protecting the people of northern Ohio by enforcing our Federal laws. But he is also known for his wise counsel which is no doubt why the Attorney General selected him to serve on his advisory committee.

At the Attorney General's direction, several U.S. attorneys have been trying to better understand the needs of American Muslims. This is a laudable initiative, given that there have been attacks targeting the American Muslim community in the past few years.

To make matters worse, some leaders have sought to sow fear and divisiveness against American Muslims. Fanning the flames of hate against those with different faith traditions runs contrary to our American values because this Nation was founded in large part on the importance of religious freedom.

In his April 29 piece, Mr. Dettelbach wrote, ''Our enemies seek not only to kill our citizens and destroy our cities, they also want to attack the most fundamental American principle of all—our free, open and diverse society. We cannot and will not let them succeed.''

I could not agree more.

All Americans deserve civil rights protections and the freedoms provided in the Constitution. This does not end with the vital protections afforded by the first amendment. It continues to ensure due process and equal protection. It is bolstered by important civil rights laws that we have passed to protect the practice of religion without discrimination.

Religious freedom has long been a bipartisan issue in the Senate, but more importantly it has been a consistent American value. American Muslims, like all Americans, must be protected by the rule of law that upholds these constitutional and statutory protections.

I agree with Mr. Dettelbach when he noted that, ''[w]e find ourselves facing foreign-based terrorists, including al-Qaida, seeking to radicalize people here in the United States in new ways. Using sleek ad campaigns on the Internet, these terrorists try to recruit Americans to attack their neighbors. We must counter these efforts, but must do it wisely and without sacrificing our ideals. ''

As the President said when he announced the news that the world's No. 1 terrorist was dead, Osama bin Laden was not a Muslim leader. He had killed scores of Muslims. I hope that in the coming days, we will not see misguided passions lead to more attacks on American Muslims. In order to live up to our American values we must protect all Americans from attack. I thank the President and the Attorney General for their unwavering leadership on civil rights issues.

I ask unanimous consent that Mr. Dettelbach's short article be printed in the RECORD. I hope all Senators will read it.

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

[From the Cleveland Plain Dealer, Apr. 29, 2011]

OHIO'S MUSLIM, ARAB NEIGHBORS

(By Steven M. Dettelbach)

Those of us in law enforcement know all too well that terrorists continue to target the United States. We have seen the dangerous consequences take hold in places like Fort Hood, Texas, and Times Square in New York, and even reach here in Ohio, where our office and the FBI prosecuted a homegrown terror cell plotting to kill Americans abroad. Preventing these kinds of attacks is our top priority.

Our enemies seek not only to kill our citizens and destroy our cities, they also want to attack the most fundamental American principle of all—our free, open and diverse society. We cannot and will not let them succeed.

We find ourselves facing foreign-based terrorists, including al-Qaida, seeking to radicalize people here in the United States in new ways. Using sleek ad campaigns on the Internet, these terrorists try to recruit Americans to attack their neighbors. We must counter these efforts, but must do it wisely and without sacrificing our ideals.

Some, however, have wrongly resorted to portraying American Arab or Muslim communities, or the Islamic faith itself, as a threat to our country. While we must repel attempts by foreign terrorists to radicalize Americans, vilifying Islam or all Arab-Americans will not make our nation safer. Indeed, suggesting these Americans are less loyal than their countrymen is not only inaccurate and irresponsible, it also adds an air of legitimacy to violent extremism of another kind: directed not by American Muslims and Arabs, but at them.

In the past year, a passenger stabbed a New York cabbie after learning he was Muslim, and an arsonist in Tennessee burned a mosque, among other examples. Such acts are not only illegal, they are also profoundly at odds with one of our nation's bedrock values: ''E pluribus unum,'' or ''Out of many, one.''

Stigmatizing Muslim communities not only contradicts our nation's commitment to religious freedom, it also makes it easier for al-Qaida to radicalize Americans. Since the day a band of religious refugees stumbled off their ship near Cape Cod in what eventually would become the commonwealth of Massachusetts, practitioners of every faith have come and worshiped freely in this country.

Acts of violence and hostility against American Muslims risk obscuring these truths and feeding the enemy's false narrative that America is at war with Islam.

We must recognize that American Muslim and Arab communities are a vital part of the solution to the problem of radicalization. Terrorists do not radicalize entire communities; they recruit individuals. American Muslims and Arabs who recognized threats have worked with law enforcement when they suspect a problem. For this we owe them gratitude, not sideways glances.

In an effort to improve communication, collaboration and trust with Muslims and Arab-Americans, I have been part of a group of U.S. attorneys across the country having a series of conversations to better understand the needs of these American communities. The people of these communities should understand that the Department of Justice is here to protect them.

I have met with hundreds of American Muslims in Northern Ohio over the past few months. Not surprisingly, they want for their children what everyone wants—a good education, freedom from bullying and the opportunity for their children to grow and become productive citizens.

I heard troubling stories from parents whose children's trust in this country was shaken by various indignities suffered in our community, which they perceived to have stemmed from their religion or ethnicity. This is wrong. It is not the Ohio I know and love, and none of us should stand silently by and tolerate such intolerance.

I heard from doctors, architects and workers who have a deep love for their nation. I spoke with their American-born children who, just like the youth in our Irish, Italian and Eastern European communities, are working on their resumes, fiddling far too much with their Blackberrys and who think of themselves as American more than anything else—because that is who they are.

Law enforcement alone cannot eradicate the root causes of terrorism and hate crimes. Each of us must do all we can to forge lasting relationships with our Muslim and Arab neighbors. We need to affirm loudly that they, too, are Ohioans, our neighbors in a wonderfully diverse state that thrives on its many faiths, languages and ethnicities.

2011 AMERICAN AMBULANCE ASSOCIATION STARS OF LIFE

Mr. LEAHY. Madam President, I rise today to honor the brave men and women of the emergency medical services, EMS, profession all across the country who dedicate their lives to providing lifesaving health care and first responder services to people in need.

In particular, I would like to recognize the 81 EMS professionals being recognized today by the American Ambulance Association as ''Stars of Life.'' These 81 Stars of Life will be on Capitol Hill for the next couple of days, and I strongly encourage my colleagues to take the time to meet with these exceptional individuals.

Every year, the dispatch of an ambulance is the first response to millions of medical emergencies. Often, the survival of a patient is enhanced by the prompt medical attention provided by paramedics and emergency medical technicians, EMTs, prior to the arrival at an emergency room. As a result of the selfless acts of these courageous and devoted men and women, the lives of thousands of Americans are saved each year. While these professionals do not expect to receive recognition for their work, they deserve our outmost gratitude.

For the past 20 years, the American Ambulance Association has honored those paramedics, EMTs, dispatchers, and other ambulance service personnel who exemplify what is best about the EMS field. The American Ambulance Association has appropriately designated these individuals as ''Stars of Life.'' Past Stars of Life have included paramedics and EMTs who were part of the rescue efforts at the terrorist attacks on the World Trade Center or provided evacuation and response to the victims of Hurricanes Katrina and Rita and the recent flooding and storms in the South and Midwest. Of equal importance, this program also pays tribute to those ambulance service personnel whose heroic acts or community service activities may not have made the news but were just as meaningful to the people they aided. I consider myself fortunate to have met with many Vermont paramedics and EMTs over the years, and I have heard firsthand accounts of the tireless efforts that they perform on a daily basis for their communities. They are truly America's health care safety net.

One of the Stars of Life from Vermont left a lasting impression on me. His name was Dale Long—a 2008 Stars of Life awardee. Just several weeks after I had the opportunity to meet him, Dale was killed in the line of duty as a paramedic with the Bennington Rescue Squad. Since Dale was employed by a private nonprofit agency, he was not covered by the Department of Justice's Public Safety Officer Benefit, PSOB, program—even though his agency is the 9–1–1 emergency ambulance service agency for Bennington, VT. In honor of Dale, I introduced the Dale Long Emergency Medical Services Provider Protection Act, S. 385, which would make paramedics and EMTs who work for a private nonprofit EMS agency eligible for the PSOB program. In February, the Senate unanimously approved the Dale Long Act as an amendment to the FAA reauthorization bill, and I am hopeful that the Dale Long provision will be retained in the final conference report.

Madam President, I ask unanimous consent that the names of the 2011 American Ambulance Association Stars of Life honorees be printed in the RECORD.

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

FIRST NAME	LAST NAME	COMPANY	CITY	STATE
Daniel	Griswold	Arizona Ambulance Transport	Sierra Vista	AZ
John	Sullivan	Arizona Ambulance Transport	Sierra Vista	AZ
Michael	Atwell	American Medical Response	Victorville	CA
Michael	O'Grady	American Medical Response	San Mateo	CA
Kevin	Smith	American Medical Response	Sonoma	CA
Gary	Smotrys	American Medical Response	Palm Springs	CA
Forrest	Uhland	American Medical Response	San Mateo	CA
Thomas	Westbrook	American Medical Response	Concord	CA
Matt	Berckefeldt	American Medical Response	Pueblo	CO
Autumn	DePolo	American Medical Response	Colorado Springs	CO
Chris	Erickson	Ute Pass Regional Ambulance District	Woodland Park	CO
Jim	Hollman	Ute Pass Regional Ambulance District	Woodland Park	CO
William	Broadbridge	Hunter's Ambulance Service	Meriden	CT
Kelly	Brunell	Hunter's Ambulance Service	Meriden	CT
Marisa	Carriveau	American Medical Response	West Hartford	CT
Katrina	Perrelli	Hunter's Ambulance Service	Meriden	CT
John	Pourciau	American Medical Response	Waterbury	CT
Jared	Yager	Hunter's Ambulance Service	Meriden	CT
Donald	Anderson	American Medical Response	Broward County	FL
Thomas	Dawiczkowski	Nature Coast EMS	Lecanto	FL
Marvin ''Happy''	Montgomery	Mid Georgia Ambulance	Macon	GA
Tito	Villanueva	American Medical Response	Lihue	HI
Jane	Hagen	Iowa EMS Association	Urbandale	IA
Nathan	Wilzbacher	American Medical Response	Evansville	IN
Steven	Simon	Acadian Ambulance Service	Lafayette	LA
Todd	Weir	Acadian Ambulance Service	Lafayette	LA
Michelle	Borden	Action Ambulance Service	Wilmington	MA
Christopher	Borges	Cataldo Ambulance Service	Somerville	MA
Theodore	Crosby	Action Ambulance Service	Wilmington	MA
Clayton	Davis	Cataldo Ambulance Service	Somerville	MA
Kris	Keraghan	Armstrong Ambulance Service	Arlington	MA
Ann	McGrath	Armstrong Ambulance Service	Arlington	MA
Jeff	Simmons	Cataldo Ambulance Service	Somerville	MA
Angela	Spofford	Action Ambulance Service	Wilmington	MA
Martin	Tyrrell	American Medical Response	Brockton	MA
Rachael	Goeman	American Medical Response	Grand Rapids	MI
Robert	Kirkland	Community EMS	Southfield	MI
Matt	Mills	LifeCare Ambulance Service	Battle Creek	MI
Erik	Olsen	Life EMS Ambulance	Grand Rapids	MI
Velvet	Whitt	Tri-Township EMS	Atlanta	MI
Tracy	Woodard	Huron Valley Ambulance	Ann Arbor	MI
Michelle	Anderson	Lakes Region EMS	North Branch	MN
Todd	Fisk	Lakes Region EMS	North Branch	MN
Brian	Murley	Mayo Clinic Medical Transport	Rochester	MN
Tommy	Walker	American Medical Response/Abbott EMS	St. Louis	MO
Derek	Poole	American Medical Response	Jackson	MS
Thomas	White	American Medical Response	Natchez	MS
Cathy	Jordan	Medic, Mecklenburg EMS Agency	Charlotte	NC
Virgil	Leggett	Medic, Mecklenburg EMS Agency	Charlotte	NC
Jamie	Stanford	Medic, Mecklenburg EMS Agency	Charlotte	NC
Marnie	Olson	North Dakota EMS Association	Bismarck	ND
Keith	Monaghan	American Medical Response	Egg Harbor Township	NJ
Jessica	Bauer	REMSA	Reno	NV
Debi	Kubiak	REMSA	Reno	NV
Leonard	Spice	American Medical Response	Las Vegas	NV
Mark	Camplese	Community Care Ambulance	Ashtabula	OH
Jason	Fellows	Community Care Ambulance	Ashtabula	OH
Shane	McKenzie	Community Ambulance Service	Zanesville	OH
Beth	Sundman	Community Care Ambulance	Ashtabula	OH
Ron	Causby	EMSA	Tulsa	OK
Mark E.	Hopping	Life EMS	Enid	OK
Mike	McWilliams	Oklahoma Ambulance Association	Muskogee	OK

FIRST NAME	LAST NAME	COMPANY	CITY	STATE
Preston	White	EMSA	Tulsa	OK
Robert	Breihof, III	Metro West Ambulance	Hillsboro	OR
Rose	Durschmidt	Woodburn Ambulance Service	Woodburn	OR
Daren	Groff	Bay Cities Ambulance	Coos Bay	OR
Christopher	Pfingsten	Metro West Ambulance	Hillsboro	OR
Philip	Reid	Metro West Ambulance	Hillsboro	OR
Tracy	Schroeder	Medix Ambulance	Warrenton	OR
Monica	Stephens	Pacific West Ambulance	Newport	OR
Nicholas	Yoder	American Medical Response	Milwaukie	OR
Andy	Brijmohansingh	Global Medical Response	Santa Rosa Heights, Arima	Trinidad & Tobago
Rick	Dodd	LifeNet	Texarkana	TX
David	Macias	Life Ambulance Service	El Paso	TX
Alejandro	Munoz	Life Ambulance Service	El Paso	TX
Pablo	Rios	American Medical Response	San Antonio	TX
Bryan	Shelton	LifeNet	Texarkana	TX
William	Mapes	Regional Ambulance Service	Rutland	VT
Lawrence J.	Salisbury	Bennington Resque Squad	Bennington	VT
Rebecca	Ainley	American Medical Response	Seattle	WA
Niccole	Gibbs	American Medical Response	Vancouver	WA

WOMEN'S PREVENTIVE HEALTH SERVICES

Ms. CANTWELL. Madam President, I join my colleagues to come to the floor this afternoon and talk about tomorrow's votes on two different resolutions and to say that I am proud to join my female Senate Democratic colleagues in this effort and to speak out about this important issue.

To me the American people have sent us a clear message. They want us to focus on job creation, promoting innovation and putting Americans back to work. But instead tomorrow we will be on the Senate floor trying to defend access to health care for women. We will vote tomorrow on whether to defund Planned Parenthood, an agency that serves hundreds of thousands of people in my State on important exams such as breast examination and helping to prevent infections and various things.

And just a few weeks ago I talked about one of our constituents, a 22-year-old woman from Seattle, who was diagnosed with an abnormal growth on her cervix at Planned Parenthood and was able to receive life-saving treatment. She was uninsured, and without Planned Parenthood, she would not have been able to get that kind of treatment and certainly her health would have been in major danger in the future. I tell her story to emphasize the importance of Planned Parenthood on prevention and that they are centers of prevention for many, many women who have no other access to health care.

And so we cannot jeopardize the access to that preventive health care at a time when it is so important for us to reduce long-term costs. In fact, even in the investment area, every dollar invested in family planning and publicly funded family planning clinics saves about $4 in Medicaid-related costs alone. So prevention of health care is good for us in saving dollars and it is certainly good for our individual constituents who have a lack of access to health care.

That is why I am so disappointed and the situation that we are having now where our colleagues are saying to us, you can get a budget deal, but you have to defund women's health care access to do so. The avoidance of a government shutdown has also brought on, I think, a challenge on the backs of women in the District of Columbia because it included a provision denying DC leaders the option of using locally raised funds to provide abortion services to low-income women.

For those who argue against big government this is a contradiction because this is a real imposition on the ability of elected officials in the District of Columbia to decide what to do with their locally raised funds. I know because I am in the Hart Building, what the Mayor and others on the council had to say about this. This is an imposition on the health services of low-income women in the District of Columbia and certainly has gone almost unnoticed in the eleventh hour. And I think sets a precedent for a dangerous slippery slope with what we are telling local governments to do.

But it is time for us to focus on our budget, living within our means, and getting back to work, but certainly not to try to do all of that on the backs of women. And it is not time to shut down access to women's health care. Republicans in the house have decided to wage war and to say women should be a bargaining chip.

Well, I think the American people have sent us a clear message. They want us to get back to work and they support Planned Parenthood and the efforts of Planned Parenthood on preventive health care and health care delivery services. A recent CNN poll showed that 65 percent of Americans polled support continued funding of Planned Parenthood.

And I know my colleagues on the other side of the aisle would like to say that these funds are used and helped in funding organizations that may be involved in doing full reproductive choice services. But I ask them to think about that issue and that logic. Where will they stop? It is Planned Parenthood today, but are they going to stop every institution in America from receiving Federal dollars?

It is illegal for Planned Parenthood to use Federal dollars for the full reproductive choice including abortion. It is illegal. You cannot use those funds. And yet the other side would like to say that this is an issue where they would like to stop Planned Parenthood today and then they will try to stop other organizations in the future.

It is time to say no to this tomorrow and to say no on trying to pull back from the full health care funding bill at a time when we need to implement the reforms to keep costs down and to increase access for those who currently don't have access to health care and come back to the system with much more expensive health care needs in the future.

So I am very disappointed that at the eleventh hour of a budget debate that is about living within our means, about how we take the limited recovery we have had and move it forward economically, that instead we are saying we cannot move forward on a budget in a recovery until we take everything that we can away from women and access to women's health care.

We will fight this tomorrow and I am proud to be here with my colleagues to say we will be the last line of defense for women in America who are going about their busy lives right now, taking their kids to school, trying to juggle many things at home and work and they are every day as the budget people within their own homes trying to figure out how to live within their means and the national budget debate has broken to this point? We can only have a budget agreement if you defund women's full access to health care. That is wrong and we will be here tomorrow to fight this battle and speak up for women.

I just want to point out to my colleague, Senator KIRSTEN GILLIBRAND, that I remember in 1993, in the ''year of the woman,'' when so many women got elected to Congress, it was the first time in the House of Representatives we had a woman on every single committee.

And the end result of that is we had an increase in funding for women's health research. So much of the research had been up to this point focused on men. Why? Because there wasn't anybody on the committee to speak up about how women had uniquely different health care needs and deserved to have a bigger share of funding for health care needs of women than were currently being funded.

That is what you get when you get representation and the women Senators will be here tomorrow to fight, to say that women deserve to have access to health care through Planned Parenthood and title X and, please, for those working moms who are out there juggling dealing with children and

childcare, dealing with their jobs, dealing with pay equity at work, dealing with all of these other issues that women are struggling with, that they don't have to be a pawn in the debate on the budget. That there are people who believe just like the majority of Americans do that we should move forward with this kind of preventive health care for women in America.

REMEMBERING MAX VAN DER STOEL

Mr. CARDIN. Madam President, as the Senate chairman of the U.S. Helsinki Commission, I rise today to pay tribute to Max van der Stoel, the first High Commissioner on National Minorities at the Organization for Security and Cooperation in Europe, OSCE, who died last week at his home in The Hague at the age of 86. Van der Stoel, a two-time Dutch foreign minister, worked tirelessly throughout the OSCE region as High Commissioner from 1992 to 2001 to prevent crises involving minority issues.

Max van der Stoel had a life-long commitment to human rights. From his early life in Nazi-occupied Netherlands to defining moments spent with Soviet-era dissidents, van der Stoel was deeply affected by the abuses he witnessed. He described one such encounter, in then-Czechoslovakia in 1977, when as foreign minister he met with Charter 77 activist, Jan Patocka in full view of Czechoslovak authorities. Van der Stoel commented that, ''This support was of great concern to the Communist authorities. After our short meeting, Professor Patocka was arrested and rigorously interrogated. He died of a heart attack the next day.''

Following the first gulf war, van der Stoel was appointed U.N. Human Rights Representative for Iraq, and he continued to raise human rights concerns in Iraq throughout the 1990s.

In 1992, he was appointed as the OSCE's first High Commissioner on National Minorities, HCNM, with a mandate aimed at preventing conflict through quiet diplomacy and early warning to the OSCE countries. His successes in that role are largely unrecognized, as they lie in what did not happen rather than in what did. He traveled to countries where tensions were rising, encouraged dialogue, and made practical recommendations to address underlying issues related to ethnic tension.

He worked in Estonia and Latvia in the early 1990s to address the processing for acquiring citizenship—which at the time disadvantaged particularly ethnic Russians in the newly independent states because of stringent language testing. He was the OSCE Chairmanship's Personal Representative on Kosovo—although unfortunately his early warnings in 1997 and 1998 went unheeded by policymakers. His work on inter-ethnic relations and education in Macedonia resulted in the establishment of the South Eastern European University in Tetovo in 2001, which is still a model for integrated education. Throughout his time as HCNM, he promoted rights for Roma, the single largest minority in the OSCE region as a whole.

His job was not easy, but his integrity, commitment, and diplomatic skills paved the way for his successors and built the position of the HCNM into one of the most effective OSCE tools for conflict prevention. His legacy to the OSCE is not only the work he did as HCNM, but the advice he left behind on the importance of early action to prevent conflict.

In his last statement to the OSCE Permanent Council in 2001, he said:

> Governments should see the self-interest in protecting minority rights and living in peaceful and prosperous multi-ethnic states. The only people who profit from inter-ethnic conflict are nationalist entrepreneurs. That is not a business that reaps long term profits. In the end, intolerance, violence and instability hurt us all.
>
> I maintain that preventing inter-ethnic conflict will continue to be one of the organization's biggest challenges in the near future. Despite improvements in many OSCE states, conflicts still rage and tensions boil below the surface. We have to sharpen our tools and invest sufficient resources to ensure that we remain on the cutting edge of conflict prevention. . . . Collectively, we must do more to act in response to the warning signs. It is not enough to admonish States for falling short of their commitments. A concerted response by the international community must be resolute, targeted, and timely.
>
> . . . When a crisis becomes acute, everyone wonders what went wrong or what steps should be taken to contain the situation. Things do not need to get to that point. While Foreign Ministries seem to be increasingly sensitive to the benefits of relatively limited funding, treasuries are still hesitant to invest in preventing the conflicts of tomorrow. We need to put our money where our mouth is. It makes political and financial sense to put resources into keeping multi-ethnic states together, rather than bailing them out after they have fallen apart.

His words are as timely and relevant today as they were 10 years ago. It is my hope that, inspired by the dedication and accomplishments of Max van der Stoel, the United States and its allies will strive to ensure that ethic tension and human rights violations are not allowed to fester until they erupt into conflict.

TRIBUTE TO ROBERT McCARTHY

Mr. BROWN of Massachusetts. Madam President, today I wish to recognize Robert McCarthy of Watertown, MA, who is retiring after 23 years as president of the Professional Fire Fighters of Massachusetts. As a fire fighter, Bob McCarthy fought to save lives and property from fires and accidents. As head of the PFFM, Bob fought to protect and defend his 12,000 PFFM brothers and sisters.

Thanks to his leadership, the Commonwealth's professional fire fighters are healthier, safer, better equipped and better trained. And of course, better equipped, better trained fire fighters mean increased public safety.

For Bob McCarthy, fire fighting came naturally; you might say it was in his blood. Like his father and grandfather before him, Bob was a Watertown fireman, rising through the ranks to become captain of the Watertown Fire Department. When he retired from actively fighting fires, he dedicated his life to fighting for his fellow firemen.

Bob McCarthy served as the union's legislative agent for 2 years before being elected president of the PFFM in 1987. As president, Bob was a highly effective advocate for Massachusetts' professional fire fighters. Believe me; as soon as an issue arose that impacted his members, it was usually about thirty seconds before my office phone rang.

I would like to note just a few of Bob McCarthy's many accomplishments as president of the PFFM. Bob McCarthy was a major force in the passage of a cancer presumption law which protects firefighters for 5 additional years after they retire. He worked diligently to maintain laws pertaining to fire fighters' heart and lung health and to preserve grants for better safety gear. He played a major role in funding critical incident stress management for the fire service. And one of his greatest legacies are the biennial educational seminars which play a vital role in ensuring that Massachusetts' professional fire fighters receive ongoing education on the latest safety issues.

Bob McCarthy hasn't limited his service to fire fighters; he was also a valued member of numerous boards of directors of leading firms and organizations in my State. It is hard to gauge just how many people's lives he has not only impacted but actually saved. All too often the focus is on what is lost in fires. What goes unreported is what professional firefighters save. Not only thousands of lives and homes, but pets and items of sentimental value.

Bob leaves the PFFM in the very able hands of Mr. Ed Kelly who was sworn in as president last month. This evening, the Professional Firefighters of Massachusetts will celebrate Bob's 26 years of service to his community at their annual dinner. I join their 12,000 members in honoring Bob McCarthy for his service to the PFFM and my Commonwealth, and wish Bob and his wife Dorothy all the very best in the years ahead.

FRATERNAL BENEFIT SOCIETIES

Mr. KOHL. Madam President, I rise today to praise the work of fraternal benefit societies, little-known but critical nonprofit organizations that meet the needs of millions of Americans day in and day out. There are over 9 million fraternal members across the country.

Every day, their volunteers supplement the social services provided by overburdened government agencies—

serving children, the elderly, veterans, and others who need help. In the past year alone, fraternal members invested 91 million hours in community service and contributed $400 million to charitable programs. In the State of Wisconsin, there are 252,232 fraternal members, and in the last year, these members spent over 4 million hours volunteering and donated over $25 million throughout the state.

Fraternal benefit societies are tax-exempt organizations that sell financial products such as life insurance and annuities, and use the profits to meet community needs. From a small Federal investment of $50 million a year, over $400 million is put back directly into communities. A recent study found that fraternal benefit societies contribute more than $3 billion annually to society. The fraternal benefit societies leverage additional community resources through fund matching programs and by bringing people together to do good. These community needs would not be met without fraternal benefit societies, especially at this time of shrinking federal, state and local resources.

From acting as a first-response network in the face of natural disasters, to building homes for families in need, to assisting families struggling with overwhelming medical bills, to providing scholarships to deserving students, fraternals are dedicated to improving the lives of their members, families, and communities.

Many of these societies have been around for over a century. They began, in large part to meet needs of immigrant populations that could not otherwise be met—helping families when a breadwinner got sick or died; helping a community member find a place to stay or meet medical needs. While the organizations have evolved, today they still meet needs that are otherwise not met. They help pay for medical bills, have scholarship funds, assist in neighborhood playground builds, clean up after disasters, stock food pantries and bring meals to seniors.

I want to honor these groups during their annual meeting. I want to take the opportunity to thank the 9 million fraternal members for all of the great work they do around the country.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR GENERAL ALLEN E. TACKETT

• Mr. MANCHIN. Madam President, I would like to take this opportunity to pay tribute to MG Allen E. Tackett, a great West Virginian who shepherded an evolutionary change in the role of the West Virginia National Guard during his 15-year tenure as adjutant general.

Across our Nation, the Guard mission has been synonymous with being the first on the scene for disaster relief and keeping the peace at home—that mission remains true today. However, since the terrorist attacks of September 11, 2001, the members of the National Guard have pulled double duty, becoming the essential soldiers in our military missions overseas.

This new role for the Guard often means long and frequent deployments away from home, disruption to civilian careers, and new readiness challenges for the Guard's leadership. For global peacekeeping missions in Bosnia, Kosovo, and for the wars in Iraq and Afghanistan, Guard leadership has to ensure their troops have the right equipment at the right time, the proper training for uncommon dangers, and as needed, be the glue that mends and holds together the families of Guard members. Under General Tackett's leadership, the West Virginia National Guard has received all this and more. With tenacious grace, the General asked for—and received—new training facilities, planes, new runways, and congressional backing for family support programs.

Under General Tackett's leadership, the readiness of the West Virginia National Guard skyrocketed to the best in the Nation.

Under General Tackett's leadership, the soldier, especially the new and uninitiated, took center stage. General Tackett believes a soldier's success depends on higher education, the best training, and personal initiative.

Under General Tackett's guidance, future leaders of the West Virginia National Guard have a head start because of his dogged support for the National Guard Youth Challenge Program, the Guard's Tuition Assistance Program, and the technical skills program known as Helmets to Hard Hats.

And, under General Tackett's leadership and vision, our Nation's Guard and Reserve components, Active-Duty servicemembers, and our first responders use state-of-the-art training resources at the Memorial Tunnel and Camp Dawson to prepare defenses in response to 21st century national security threats.

Like other Golden Gloves champions, General Tackett struck his own path in his youth; he honed his individual athletic skills and refined the meaning of a disciplined work ethic. His pride in his home State of West Virginia kept him giving back to the Mountaineer State with years of civilian successes while rising in the ranks of the Special Forces.

His stellar leadership as Adjutant General for the West Virginia National Guard began on September 11, 1995, under Governor Gaston Caperton. I would like to recall a list of his accomplishments in order to recognize the contributions of MG Allen E. Tackett.

Upon his retirement on January 31, 2011, MG Allen E. Tackett remains the longest serving Adjutant General in the history of the State of West Virginia and the United States.

As Adjutant General of the West Virginia National Guard, General Tackett commanded more than 6,000 soldiers and airmen, including more than 10,000 West Virginia National Guard, soldiers, and airmen that have deployed since September 11, 2001 in support of the global war on terrorism.

General Tackett directed the West Virginia National Guard in response to more than 80 emergencies in the State of West Virginia.

General Tackett has served five Governors of the State of West Virginia, representing both political parties.

The West Virginia National Guard, under the leadership of General Tackett, rose from the rank of 24th in the United States in readiness to first in an 18-month period, has continued to demonstrate its superior level of readiness as judged by the Army readiness criteria, and has remained at or near the top rank in readiness for 15 years.

Under the leadership of General Tackett, the West Virginia National Guard undertook a significant modernizaton program to ensure that modern facilities are constructed to meet the demands placed upon soldiers and airmen in the 21st century, including projects to replace outdated armories, build new hangars, acquire ramp space to protect the 130th Airlift Wing from the base realignment and closure process, and to convert the Martinsburg Air National Guard base for a fleet of C–5s.

Under the leadership of General Tackett, the Joint Interagency Training and Education Center was built to provide homeland security training to Department of Defense assets, other Federal agencies, and first responders at Camp Dawson and the Memorial Tunnel. As a result, he was described in a 2001 U.S. News & World Report article as someone who could soon be ''the nation's defacto chief of anti-terror preparedness.''

Under the leadership of General Tackett, the West Virginia National Guard maintained 36 armories and was present in 34 communities.

Under the leadership of General Tackett, the West Virginia National Guard has had a significant positive economic impact across the State of West Virginia, including the addition of nearly 1,500 full-time jobs.

Under the leadership of Major General Tackett, the West Virginia National Guard sponsored and operated the Mountaineer ChalleNGe Academy, which provides at-risk youth with an opportunity to earn a general education diploma.

And, under the leadership of Major General Tackett, 43 percent of the members of the West Virginia National Guard have earned a degree from an institution of higher education or are enrolled in an institution of higher education and participate in the State of West Virginia tuition assistance program.

As his one-time commander, I am proud to share with the American people General Tackett's distinguished and exemplary career, to take this opportunity to publicly thank him, and

to wish him continued success and future happiness in his well-deserved retirement.●

VERMONTS' JUNIOR IRON CHEF COMPETITION

● Mr. SANDERS. Madam President, today I wish to honor the students who participated in Vermont's fourth annual Junior Iron Chef Competition. Forty Vermont middle schools and 16 Vermont high schools sent teams to the day-long event, a cooking competition which promotes local agriculture and healthy choices in school nutrition. I was very impressed, when I attended the competition, to see the creativity and energy the students brought to this endeavor.

Vermont's Junior Iron Chef Competition brings aspiring chefs together for a timed ''cook-off.'' Middle schools face off in one division and high schools in another. Each team is composed of up to five students and is accompanied by an adult supervisor who is allowed to offer guidance but not take part in the actual cooking.

Contestants must use their culinary skills to create original school lunch dishes using at least five ingredients produced by local farmers. Prizes were awarded in three categories. I would like to recognize the winners from each category and commend the students from all competing schools for their excellent effort. Teams from Twin Valley swept the Best in Show prizes; Team Murdock winning at the middle school level and Hakuna Matata for high school. The Barre City Chefs of Barre City Elementary Middle School won the award for Most Creative Dish for middle schools and the Food Fighters from Centerpoint School won in the high school category. The awards for Greatest Number and Best Use of Local Ingredients went to the Barretown Bobcats of Barre Town Middle School and the Rebel Chefs from South Burlington High School.

In addition to extending education beyond the traditional classroom, I admire the competition for promoting local agriculture and healthy eating choices. Junior Iron Chef attempts to change the often stale homogeneity of school lunches by bolstering what is now a statewide effort, led by groups like Vermont Food Education Every Day, FEED, and the Burlington School Food Project. It attempts, successfully, to reconnect young Vermonters with our state's agricultural roots and to restore a bond between our schools and the food that Vermont produces.

Vermont is, I believe, among the leaders in promoting small scale agriculture. While Vermont has long been known for its dairy farms, smaller scale agriculture is growing rapidly in our State.

Scientific studies have shown that the health of Americans is threatened by an overdependence on fast food, on sugar-enhanced drinks, on snacks low in nutrition and high in fats. Too often we, adults and children alike, turn to processed fast foods instead of eating nutritionally balanced meals. Our national diet is, unfortunately, responsible for many unhealthy results, including a surge in both childhood obesity and childhood diabetes. Creative efforts like Vermont's Junior Iron Chef Competition are terribly important in the effort to effectively combat unhealthy diets and the rise of childhood obesity and childhood diabetes.

To the Junior Iron Chef Competition sponsors, Vermont's agriculture community and its forward thinking school systems, to those who organized the event, to the adult supervisors, and especially to the Vermont students who participated in the Junior Iron Chef Competition, let me offer my congratulations.●

MESSAGE FROM THE HOUSE

At 10:04 a.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 bills, in which it requests the concurrence of the Senate:

H.R. 362. An act to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''.

H.R. 1423. An act to designate the facility of the United States Postal Service located at 115 4th Avenue Southwest in Ardmore, Oklahoma, as the ''Specialist Micheal E. Phillips Post Office''.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 362. An act to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the ''George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building''; to the Committee on Environment and Public Works.

H.R. 1423. An act to designate the facility of the United States Postal Service located at 115 4th Avenue Southwest in Ardmore, Oklahoma, as the ''Specialist Micheal E. Phillips Post Office''; to the Committee on Homeland Security and Governmental Affairs.

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. MENENDEZ:

S. 867. A bill to fight criminal gangs; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. ALEXANDER, Mr. BARRASSO, Mr. BURR, Mr. COBURN, Mr. CORNYN, Mr. JOHANNS, and Mr. KYL):

S. 868. A bill to restore the longstanding partnership between the States and the Federal Government in managing the Medicaid program; to the Committee on Finance.

By Mr. GRAHAM:

S. 869. A bill to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority; to the Committee on Energy and Natural Resources.

By Mr. TESTER:

S. 870. A bill to amend the Federal Water Pollution Control Act to modify oil and hazardous substance liability, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COBURN (for himself, Mrs. FEINSTEIN, Mr. WEBB, Mr. BURR, Ms. COLLINS, Mr. CARDIN, and Mr. RISCH):

S. 871. A bill to repeal the Volumetric Ethanol Excise Tax Credit; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 872. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land; to the Committee on Indian Affairs.

By Mr. AKAKA:

S. 873. A bill to amend title 38, United States Code, to provide benefits for children with spina bifida of veterans exposed to herbicides while serving in the Armed Forces during the Vietnam era outside Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA:

S. 874. A bill to amend title 38, United States Code, to modify the provision of compensation and pension to surviving spouses of veterans in the months of the deaths of the veterans, to improve housing loan benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG:

S. 875. A bill to amend the Safe Drinking Water Act to require additional monitoring of certain contaminants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 876. A bill to amend title 23 and 49, United States Code, to modify provisions relating to the length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr.

LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 159. A resolution honoring the members of the military and intelligence community who carried out the mission that killed Osama bin Laden, and for other purposes; submitted and read.

By Mr. BURR (for himself, Mrs. FEINSTEIN, and Mrs. BOXER):

S. Res. 160. A resolution designating May 6, 2011, as ''Military Spouse Appreciation Day''; considered and agreed to.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. COONS):

S. Res. 161. A resolution designating May 2011, as ''National Inventors Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 164

At the request of Ms. AYOTTE, her name was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from West Virginia (Mr. MANCHIN) 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 California (Mrs. FEINSTEIN) 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 California (Mrs. FEINSTEIN) 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. 219

At the request of Mr. TESTER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 219, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 253

At the request of Mr. ROCKEFELLER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 253, a bill to establish a commission to ensure a suitable observance of the centennial of World War I, and to designate memorials to the service of men and women of the United States in World War I.

S. 325

At the request of Mrs. MURRAY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 325, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 384

At the request of Mrs. FEINSTEIN, the name of the Senator from North Dakota (Mr. CONRAD) 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. 490

At the request of Mr. AKAKA, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 490, a bill to amend title 38, United States Code, to increase the maximum age for children eligible for medical care under the CHAMPVA program, and for other purposes.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 530

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 530, a bill to modify certain subsidies for ethanol production, and for other purposes.

S. 539

At the request of Mr. WHITEHOUSE, the names of the Senator from Maine (Ms. COLLINS), the Senator from Rhode Island (Mr. REED), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 570

At the request of Mr. TESTER, the name of the Senator from Missouri (Mr. BLUNT) 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. 584

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 584, a bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues associated with recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes.

S. 587

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 587, a bill to amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing, and for other purposes.

S. 595

At the request of Mrs. MURRAY, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 596

At the request of Mr. WYDEN, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Washington (Ms. CANTWELL) and the Senator from Ohio (Mr. BROWN) 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. 657

At the request of Mr. CARDIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 657, a bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.

S. 665

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 665, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 668

At the request of Mr. CORNYN, the name of the Senator from Nebraska (Mr. JOHANNS) 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. 712

At the request of Mr. DEMINT, the name of the Senator from Arkansas

(Mr. BOOZMAN) was added as a cosponsor of S. 712, a bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 745

At the request of Mr. SCHUMER, the name of the Senator from Oregon (Mr. MERKLEY) 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. 747

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 747, a bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes.

S. 752

At the request of Mrs. FEINSTEIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 755

At the request of Mr. WYDEN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past due.

S. 770

At the request of Mr. BROWN of Ohio, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 770, a bill to amend the Fair Labor Standards Act of 1938 to ensure that employees are not misclassified as non-employees, and for other purposes.

S. 778

At the request of Mr. MORAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 778, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 818

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of 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.

S. 829

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 829, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 830

At the request of Mrs. MURRAY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 830, a bill to establish partnerships to create or enhance educational and skills development pathways to 21st century careers, and for other purposes.

S. 838

At the request of Mr. TESTER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of 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.

S.J. RES. 4

At the request of Mr. SHELBY, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S.J. Res. 4, a joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not to exceed 20 per cent of the gross national product of the United States during the previous calendar year.

S. RES. 80

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor 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. 116

At the request of Mr. SCHUMER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 116, a resolution to provide for expedited Senate consideration of certain nominations subject to advice and consent.

S. RES. 144

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Montana (Mr. TESTER), the Senator from Maine (Ms. SNOWE) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. Res. 144, a resolution supporting early detection for breast cancer.

AMENDMENT NO. 212

At the request of Ms. AYOTTE, her name was added as a cosponsor of amendment No. 212 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 299

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of amendment No. 299 intended to be 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. TESTER:

S. 870. A bill to amend the Federal Water Pollution Control Act to modify oil and hazardous substance liability, and for other purposes; to the Committee on Environment and Public Works.

Mr. TESTER. Mr. President, on April 20, 2010, an explosion and fire destroyed BP's Deepwater Horizon oil rig, killing 11 workers and causing the largest oil spill in American history.

A year later, the well is capped and Americans who live near and rely on the Gulf of Mexico are still struggling with the ramifications of the Deepwater Horizon spill, while facing destruction from unprecedented storms ripping across the region. Meantime, BP, the second largest oil company in the United States who just reported 7.1 billion dollars in profits last quarter, is attempting to skirt their fines for this unprecedented disaster.

In early April, BP indicated it is exploring wording in the Federal Water Pollution Prevention Act or the Clean Water Act which allows the court to determine the fines by either the number of days of the incident, or by the number of barrels of oil spilled. Current law leaves the determination of which metric to use up to the court. In this case, the difference between these two metrics is enormous. At the low end, using the per-day charge of $32,500, BP could pay less than $3 million for the whole incident. This amount of money isn't sufficient to change BP's safety culture and improve its workplace and environmental safety.

Per barrel fines range from $1,000 to $4,300 per barrel. Under this metric, BP's fines would total between $5 billion and $18 billion, which is a much more appropriate fine for the environmental damage that was done.

We must address this outrageous loophole to prevent corporate polluters from skirting accountability and responsibility if they wreak havoc on our land and in our water. We must speak the only language that corporations understand and that is profit. These fines, which are the only penalties the corporation cannot write off on their taxes, are critically important to sending a message that pollution doesn't profit; that corporations act responsibly to protect workers and the resources they use. If we accept minimal fines, we are condoning this irresponsible behavior.

Many will argue that we don't need this legislation, because the court will fine them accordingly. But to date, the largest Clean Water Act fine ever levied was $13 million. $13 million is less than BP spent in 2009 on lobbying.

That is why I am introducing the Pollution Accountability Act of 2011, which requires the court to fine violators of the Clean Water Act whichever fine is higher, per day or per barrel. If you pollute, there will be consequences. There will be accountability. We will demand responsibility.

I urge my colleagues to join me in supporting this legislation and expeditiously passing it into law.

By Mrs. FEINSTEIN:

S. 872. A bill to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is considered to be held in trust and to provide for the conduct of certain activities on the land; to the Committee on Indian Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to reintroduce the Lytton Gaming Oversight Act. This legislation will ensure that regular process under Federal law is followed when Native American tribes take land into trust for operating gaming facilities.

Congress passed the Omnibus Indian Advancement Act in 2000, which included a provision to re-recognize the Lytton Band of Pomo Indians and allow them to acquire trust land in the San Francisco Bay area.

The Lytton Band has had a long and difficult history in my state, and by all accounts the Tribe deserved to be recognized and have a homeland.

But the Omnibus Indian Advancement Act did so in a way that was both controversial and unfair in how it granted an individual tribe an unprecedented exemption to the law.

The land taken into trust for the Lytton Band was miles away from their historical homeland and it treated the acquisition as if it was completed before 1988.

Why would something like that matter?

The answer is simple: the land the tribe acquired was home to an existing casino and 1988 is the year that Congress passed the Indian Gaming Regulatory Act.

Therefore, by treating the land as if it were taken into trust before 1988, the Tribe is able to operate the casino outside the framework set up by Congress to govern how and where tribes may open casinos.

The Omnibus Indian Advancement Act set aside well-established rules and procedures, and left the government with little ability to regulate the Lytton Band's gaming operation.

The result: the Lytton Band acquired land and a casino without having to go through the normal oversight process. No local input. No community feedback and no consideration for the best interest of the region.

The Lytton Gaming Oversight Act would implement a reasonable solution to this problem.

It does so by taking two simple steps.

It protects the sovereignty of the Tribe by allowing continued operation of existing gaming activities, provided the tribe follows standards established by the Indian Gaming Regulatory Act for gaming on newly-acquired lands in the future.

Secondly it protects the interest of the surrounding community by precluding any physical or operational expansion of the Tribe's current gaming facility unless the Tribe consults with locals and obtains the consent of the Governor and the Secretary of the Interior as required by current law.

The bill does not modify or eliminate the tribe's federal recognition status. It does not alter the trust status of the Tribe's land. It does not take away the Tribe's ability to conduct gaming through the standard process prescribed by current law.

Circumventing the Indian Gaming Regulatory Act process deprives local and tribal governments the ability to weigh in on this incredibly important issue.

A 2006 report entitled Gambling in the Golden State found serious problems associated with gambling establishments; casinos are associated with a 10 percent increase in violent crime, a 10 percent increase in bankruptcy rates, and a per capita increase of $15.34 for law enforcement.

If this bill is not approved, the Lytton Tribe could take the existing casino that serves as their reservation and turn it into a large Nevada-style gambling complex. In fact, this is exactly what was proposed in the summer of 2004. I am pleased that the tribe has abandoned the plan seeking a sizable Class III casino, but without this legislation the tribe could reverse their decision at any time.

Identical legislation passed this body in the past two Congresses. It had unanimous approval from both Democrats and Republicans. This is in large part because I have worked and negotiated with the Tribe to ensure that this legislation is fair and balanced.

The bill is simple, straightforward, and reasonable. It restores the intent of Congress and preserves the sovereignty of the Lytton Band.

I urge my colleagues to support this bill, and look forward to working with you to ensure its passage again in the coming year.

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

S. 872

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

SECTION 1. LYTTON RANCHERIA OF CALIFORNIA.

Section 819 of the Omnibus Indian Advancement Act (Public Law 106–568; 114 Stat. 2919) is amended—

(1) in the first sentence, by striking ''Notwithstanding'' and inserting the following:

''(a) ACCEPTANCE OF LAND.—Notwithstanding'';

(2) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(b) DECLARATION.—The Secretary''; and

(3) by striking the third sentence and inserting the following:

''(c) TREATMENT OF LAND FOR PURPOSES OF CLASS II GAMING.—

''(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Lytton Rancheria of California may conduct activities for class II gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land taken into trust under this section.

''(2) REQUIREMENT.—The Lytton Rancheria of California shall not expand the exterior physical measurements of any facility on the Lytton Rancheria in use for class II gaming activities on the date of enactment of this paragraph.

''(d) TREATMENT OF LAND FOR PURPOSES OF CLASS III GAMING.—Notwithstanding subsection (a), for purposes of class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)), the land taken into trust under this section shall be treated, for purposes of section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as if the land was acquired on October 9, 2003, the date on which the Secretary took the land into trust.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 159—HONORING THE MEMBERS OF THE MILITARY AND INTELLIGENCE COMMUNITY WHO CARRIED OUT THE MISSION THAT KILLED OSAMA BIN LADEN, AND FOR OTHER PURPOSES

Mr. REID of Nevada (for himself, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MILULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr.

WYDEN) submitted the following resolution; which was submitted and read:

S. RES. 159

Whereas, on May 1, 2011, United States personnel killed terrorist leader Osama bin Laden during the course of a targeted strike against his secret compound in Abbottabad, Pakistan;

Whereas Osama bin Laden was the leader of the al Qaeda terrorist organization, the most significant terrorism threat to the United States and the international community;

Whereas Osama bin Laden was the architect of terrorist attacks which killed nearly 3,000 civilians on September 11, 2001, the most deadly terrorist attack against our Nation, in which al Qaeda terrorists hijacked four airplanes and crashed them into the World Trade Center in New York City, the Pentagon in Washington, D.C., and, due to heroic efforts by civilian passengers to disrupt the terrorists, near Shanksville, Pennsylvania;

Whereas Osama bin Laden planned or supported numerous other deadly terrorist attacks against the United States and its allies, including the 1998 bombings of United States embassies in Kenya and Tanzania and the 2000 attack on the U.S.S. Cole in Yemen, and against innocent civilians in countries around the world, including the 2004 attack on commuter trains in Madrid, Spain and the 2005 bombings of the mass transit system in London, England;

Whereas, following the September 11, 2001, terrorist attacks, the United States, under President George W. Bush, led an international coalition into Afghanistan to dismantle al Qaeda, deny them a safe haven in Afghanistan and ungoverned areas along the Pakistani border, and bring Osama bin Laden to justice;

Whereas President Barack Obama in 2009 committed additional forces and resources to efforts in Afghanistan and Pakistan as ''the central front in our enduring struggle against terrorism and extremism'';

Whereas the valiant members of the United States Armed Forces have courageously and vigorously pursued al Qaeda and its affiliates in Afghanistan and around the world;

Whereas the anonymous, unsung heroes of the intelligence community have pursued al Qaeda and affiliates in Afghanistan, Pakistan, and around the world with tremendous dedication, sacrifice, and professionalism;

Whereas the close collaboration between the Armed Forces and the intelligence community prompted the Director of National Intelligence, General James Clapper, to state, ''Never have I seen a more remarkable example of focused integration, seamless collaboration, and sheer professional magnificence as was demonstrated by the Intelligence Community in the ultimate demise of Osama bin Laden.'';

Whereas, while the death of Osama bin Laden represents a significant blow to the al Qaeda organization and its affiliates and to terrorist organizations around the world, terrorism remains a critical threat to United States national security; and

Whereas President Obama said, ''For over two decades, bin Laden has been al Qaeda's leader and symbol, and has continued to plot attacks against our country and our friends and allies. The death of bin Laden marks the most significant achievement to date in our Nation's effort to defeat al Qaeda.'': Now, therefore, be it

Resolved, That the Senate—

(1) declares that the death of Osama bin Laden represents a measure of justice and relief for the families and friends of the nearly 3,000 men and women who lost their lives on September 11, 2001, the men and women in the United States and around the world who have been killed by other al Qaeda-sponsored attacks, the men and women of the United States Armed Forces and the intelligence community who have sacrificed their lives pursuing Osama bin Laden and al Qaeda;

(2) commends the men and women of the United States Armed Forces and the United States intelligence community for the tremendous commitment, perseverance, professionalism, and sacrifice they displayed in bringing Osama bin Laden to justice;

(3) commends the men and women of the United States Armed Forces and the United States intelligence community for committing themselves to defeating, disrupting, and dismantling al Qaeda;

(4) commends the President for ordering the successful operations to locate and eliminate Osama bin Laden; and

(5) reaffirms its commitment to disrupting, dismantling, and defeating al Qaeda and affiliated organizations around the world that threaten United States national security, eliminating a safe haven for terrorists in Afghanistan and Pakistan, and bringing terrorists to justice.

SENATE RESOLUTION 160—DESIGNATING MAY 6, 2011, AS ''MILITARY SPOUSE APPRECIATION DAY''

Mr. BURR (for himself, Mrs. FEINSTEIN, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 160

Whereas the month of May marks ''National Military Appreciation Month'';

Whereas military spouses provide vital support to men and women in the Armed Forces and help to make the service of such men and women in the Armed Forces possible;

Whereas military spouses have been separated from loved ones because of deployment in support of overseas contingency operations and other military missions carried out by the Armed Forces;

Whereas the establishment of ''Military Spouse Appreciation Day'' is an appropriate way to honor the spouses of members of the Armed Forces; and

Whereas May 6, 2011, would be an appropriate date to establish as ''Military Spouse Appreciation Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates May 6, 2011, as ''Military Spouse Appreciation Day'';

(2) honors and recognizes the contributions made by spouses of members of the Armed Forces; and

(3) encourages the people of the United States to observe ''Military Spouse Appreciation Day'' to promote awareness of the contributions of spouses of members of the Armed Forces and the importance of the role of military spouses in the lives of members of the Armed Forces and veterans.

SENATE RESOLUTION 161—DESIGNATING MAY 2011, AS ''NATIONAL INVENTORS MONTH''

Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. COONS) submitted the following resolution; which was considered and agreed to:

S. RES. 161

Whereas the first United States patent was issued in 1790 to Samuel Hopkins of the State of Vermont for a process to make better fertilizer;

Whereas American inventors have contributed to advances in life sciences, technology, and manufacturing;

Whereas the Constitution specifically provides for the granting of exclusive rights to inventors for their discoveries;

Whereas the United States patent system is intended to implement that constitutional imperative and incentivize inventions;

Whereas American inventors benefit from an up-to-date and efficient patent system and the economy, jobs, and consumers of the United States benefit from the inventions;

Whereas the next great American invention could be among the 700,000 patent applications pending as of the date of approval of this resolution in the United States Patent and Trademark Office;

Whereas the last changes to the United States patent system were made nearly 60 years ago;

Whereas an updated patent system will unleash innovation and create jobs in the United States without adding to the deficit;

Whereas every May, a new class of inventors is inducted into the National Inventors Hall of Fame;

Whereas in the 112th Congress, a bill was introduced in the House of Representatives entitled the ''America Invents Act'' (H.R. 1249) to make reforms to the United States patent system; and

Whereas the Senate on March 8, 2011, passed the bill entitled the ''America Invents Act'' (S. 23), which will make the first comprehensive reforms to the United States patent system in nearly 60 years: Now, therefore, be it

Resolved, That the Senate designates May 2011, as ''National Inventors Month''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 303. Mr. ALEXANDER (for himself, Mr. GRAHAM, and Mr. DEMINT) 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 304. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 305. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 306. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 307. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 308. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 309. Mr. COBURN (for himself, Mrs. FEINSTEIN, Mr. BURR, Mr. WEBB, Ms. COLLINS, Mr. CARDIN, and Mr. RISCH) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 310. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 311. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 312. Mr. MCCAIN submitted an amendment intended to be proposed by him to the

bill S. 493, supra; which was ordered to lie on the table.

SA 313. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 314. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 315. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 316. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 317. Mr. KERRY (for himself, Mr. LUGAR, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table .

TEXT OF AMENDMENTS

SA 303. Mr. ALEXANDER (for himself, Mr. GRAHAM, and Mr. DEMINT) 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. ___. PROTECTION OF RIGHT TO WORK.

(a) APPLICABILITY OF NLRA TO STATE RIGHT TO WORK LAWS.—Section 14 of the National Labor Relations Act (29 U.S.C. 164) is amended by striking subsection (b) and inserting the following:

''(b) Nothing in this Act shall be construed to limit the application of any State law that prohibits, or otherwise places restraints upon, agreements between labor organizations and employers that make membership in the labor organization, or that require the payment of dues or fees to such organization, a condition of employment either before or after hiring.''.

(b) APPLICABILITY OF RAILWAY LABOR ACT TO STATE RIGHT TO WORK LAWS.—Title II of the Railway Labor Act (45 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 209. EFFECT ON STATE RIGHT TO WORK LAWS.

''Nothing in this Act shall be construed to limit the application of any State law that prohibits, or otherwise places restraints upon, agreements between labor organizations and carriers that make membership in the labor organization, or that require the payment of dues or fees to such organization, a condition of employment either before or after hiring.''.

SA 304. Mr. MERKLEY 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:

On page 49, line 16, strike ''and'' and all that follows through line 18 and insert the following:

(B) by striking ''SBIR projects'' and inserting ''SBIR or STTR projects'';

(C) in subparagraph (C), by striking ''and'' at the end;

(D) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(E) developing and manufacturing in the United States new commercial products and processes resulting from such projects.'';

SA 305. Mr. MERKLEY 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:

On page 83, line 15, strike ''and'' and all that follows through line 22 and insert the following:

''(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program; and

''(ix) whether the small business concern—

''(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of a Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States;'';

SA 306. Mr. MERKLEY 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:

On page 90, line 10, strike ''and'' and all that follows through line 13 and insert the following:

''(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency;

''(D) estimate, to the extent practicable, the amount of production and manufacturing in the United States that resulted from awards under the SBIR program or STTR program of the agency; and

''(E) make recommendations, if any, for changes to the SBIR program or STTR program of the agency that would increase production and manufacturing in the United States.

SA 307. Mr. MERKLEY 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:

On page 91, line 20, strike ''and'' and all that follows through line 22 and insert the following:

''(3) the dollar amount of the Phase III award; and

''(4) whether the small business concern or individual receiving the Phase III award is developing, testing, producing, or manufacturing the product or service that is the subject of the Phase III award in the United States.''.

SA 308. Mr. MERKLEY 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:

On page 115, line 8, insert after ''programs'' the following: '', including the impact on production and manufacturing in the United States''.

SA 309. Mr. COBURN (for himself, Mrs. FEINSTEIN, Mr. BURR, Mr. WEBB, Ms. COLLINS, Mr. CARDIN, and Mr. RISCH) 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 end of title V, add the following:

SEC. _____. REPEAL OF VEETC.

(a) SHORT TITLE.—This section may be cited as the ''Ethanol Subsidy and Tariff Repeal Act''.

(b) ELIMINATION OF EXCISE TAX CREDIT OR PAYMENT.—

(1) Section 6426(b)(6) of the Internal Revenue Code of 1986 is amended by striking ''December 31, 2011'' and inserting ''the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act)''.

(2) Section 6427(e)(6)(A) of such Code is amended by striking ''December 31, 2011'' and inserting ''the later of June 30, 2011, or the date of the enactment the Ethanol Subsidy and Tariff Repeal Act''.

(c) ELIMINATION OF INCOME TAX CREDIT.—The table contained in section 40(h)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2011'' and inserting ''the later of June 30, 2011, or the date of the enactment of the Ethanol Subsidy and Tariff Repeal Act'',

(2) by adding at the end the following:

''After such date	zero	zero''.

(d) REPEAL OF DEADWOOD.—

(1) Section 40(h) of the Internal Revenue Code of 1986 is amended by striking paragraph (3).

(2) Section 6426(b)(2) of such Code is amended by striking subparagraph (C).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to any sale, use, or removal for any period after the later of June 30, 2011, or the date of the enactment of the Act.

SEC. _____. REMOVAL OF TARIFFS ON ETHANOL.

(a) DUTY-FREE TREATMENT.—Chapter 98 of the Harmonized Tariff Schedule of the United States is amended by adding at the end the following new subchapter:

''Subchapter XXIII
Alternative Fuels

Heading/ Subheading	Article Description	Rates of Duty		
		1		2
		General	Special	
9823.01.01	Ethyl alcohol (provided for in subheadings 2207.10.60 and 2207.20) or any mixture containing such ethyl alcohol (provided for in heading 2710 or 3824) if such ethyl alcohol or mixture is to be used as a fuel or in producing a mixture of gasoline and alcohol, a mixture of a special fuel and alcohol, or any other mixture to be used as fuel (including motor fuel provided for in subheading 2710.11.15, 2710.19.15 or 2710.19.21), or is suitable for any such uses	Free	Free	20%''.

(b) CONFORMING AMENDMENTS.—Subchapter I of chapter 99 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking heading 9901.00.50; and

(2) by striking U.S. notes 2 and 3.

(c) EFFECTIVE DATE.—The amendments made by this section apply to goods entered, or withdrawn from warehouse for consumption, on or after the later of June 30, 2011, or the date of the enactment of this Act.

SA 310. Mr. MCCAIN 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 end, add the following:

SEC. 504. PROHIBITION ON CERTAIN NO-BID CONTRACTS.

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate official'' means the official of the Department who is designated to approve the award of sole-source contracts;

(2) the term ''covered participant'' means an Indian tribe, Alaska Native Corporation or Alaska Native Village, Native Hawaiian Organization, or community development corporation participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(3) the term ''Department'' means the Department of Homeland Security; and

(4) the term ''Secretary'' means the Secretary of Homeland Security.

(b) IN GENERAL.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to provide that the Secretary may not award a sole-source contract under the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) to a covered participant for an amount exceeding $4,000,000, if the covered contract is for the procurement of services, or $6,500,000 if the covered contract is for the procurement of property, unless—

(1) the contracting officer for the contract justifies the use of a sole-source contract in writing;

(2) the justification is approved by the appropriate official designated to approve contract awards for dollar amounts that are comparable to the amount of the sole-source contract; and

(3) the justification and related information are made public.

(c) ELEMENTS OF JUSTIFICATION.—The justification of a sole-source contract required under subsection (b) shall include—

(1) a description of the needs of the Department for the matters covered by the contract;

(2) a specification of the statutory provision providing the exception from the requirement to use competitive procedures in entering into the contract;

(3) a determination that the use of a sole-source contract is in the best interest of the Department;

(4) a determination that the anticipated cost of the contract will be fair and reasonable; and

(5) such other matters as the Secretary shall specify for purposes of this section.

(d) ADJUSTMENT OF AMOUNTS.—The dollar amounts described in subsection (b) shall be adjusted for inflation in accordance with section 1908 of title 41, United States Code.

SA 311. Mr. DEMINT 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. ___. NATIONAL RIGHT-TO-WORK.

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking ''except to'' and all that follows through ''authorized in section 8(a)(3)''.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking '': *Provided*, That'' and all that follows through ''retaining membership'';

(B) in subsection (b)—

(i) in paragraph (2), by striking ''or to discriminate'' and all that follows through ''retaining membership''; and

(ii) in paragraph (5), by striking ''covered by an agreement authorized under subsection (a)(3) of this section''; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SA 312. Mr. MCCAIN 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 end, add the following:

SEC. 504. OVERSIGHT BY THE SMALL BUSINESS ADMINISTRATION OF NO-BID CONTRACTS AWARDED TO TRIBALLY-OWNED SMALL BUSINESS CONCERNS.

The Administrator of the Small Business Administration shall amend section 124.604 of title 13, Code of Federal Regulations, to specify that the information required to be submitted under such section 124.604—

(1) is required to be submitted to the Small Business Administration as part of any annual review submission made on or after September 14, 2011; and

(2) shall include, for each contract entered into under the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a))—

(A) the total number of Tribal or native members employed under each contract; and

(B) the ratio of Tribal or native members to other individuals directly employed under each contract.

SA 313. Mr. MCCAIN 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 end, add the following:

SEC. 504. ALASKA NATIVE CORPORATIONS AND ALASKA NATIVE VILLAGES.

(a) IN GENERAL.—Section 29(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)) is amended—

(1) in paragraph (1), by striking ''For all purposes of'' and inserting ''Except as provided in paragraph (5), for all purposes of'';

(2) in paragraph (2), by striking ''For all purposes of'' and inserting ''Except as provided in paragraph (5), for all purposes of''; and

(3) by adding at the end the following:

''(5) For purposes of sections 7(j)(10) and 8(a) of the Small Business Act (15 U.S.C. 636(j)(10) and 637(a)), whether a Native Corporation or Native village or a direct and indirect subsidiary corporation, joint venture, or partnership of a Native Corporation or Native village is economically disadvantaged shall be determined in accordance with section 8(a)(6) of the Small Business Act.''.

(b) STANDARDS.—Section 8(a)(6) of the Small Business Act (15 U.S.C. 637(a)(6)) is amended—

(1) in subparagraph (A), in the third sentence, by inserting ''including an Alaska Native Corporation or Alaska Native Village,'' after ''Indian tribe,''; and

(2) by adding at the end the following:

''(F) For purposes of this subsection and section 7(j)(10), the Administrator shall annually determine whether an Alaska Native Corporation or Alaska Native Village is economically disadvantaged in the same manner as for an applicant for or participant in the program under this subsection that—

''(i) is an Indian tribe; and

''(ii) is not an Alaska Native Corporation or Alaska Native Village.''.

(c) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the Administrator shall amend the regulations issued under sections 7(j)(10) and 8(a) of the Small Business Act (15 U.S.C. 636(j)(10) and 637(a)) in accordance with this section and the amendments made by this section, which shall include establishing criteria for determining whether an Alaska Native Corporation or Alaska Native Village is economically disadvantaged.

SA 314. Mr. MERKLEY 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:

On page 116, strike lines 15 and 16 and insert the following:

SEC. 503. CREATING DOMESTIC MANUFACTURING JOBS.

(a) TECHNICAL ASSISTANCE.—Section 9(q)(1) of the Small Business Act (15 U.S.C. 638(q)(1)), as amended by this Act, is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) developing and manufacturing in the United States new commercial products and processes resulting from such projects.'';

(b) SBIR DATA COLLECTION.—Section 9(g)(8)(A) of the Small Business Act, as added by this Act, is amended—

(1) in clause (vi), by striking ''or'' at the end;

(2) in clause (vii), by striking ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(viii)(I) has a product, process, technology, or service that received funding under the SBIR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and''.

(c) STTR DATA COLLECTION.—Section 9(o)(9)(A) of the Small Business Act, as added by this Act, is amended—

(1) in clause (vi), by striking ''or'' at the end;

(2) in clause (vii), by striking ''and'' at the end and inserting ''or''; and

(3) by adding at the end the following:

''(viii)(I) has a product, process, technology, or service that received funding under the STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and''.

(d) PUBLIC DATABASE.—Section 9(k)(1)(F) of the Small Business Act, as added by this Act, is amended—

(1) in clause (iv), by striking ''or'' at the end;

(2) in clause (v), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(vi)(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States.''.

(e) GOVERNMENT DATABASE.—Section 9(k)(2)(A) of the Small Business Act (15 U.S.C. 638(k)(2)(A)), as amended by this Act, is amended—

(1) in clause (vii), by striking ''and'' at the end;

(2) in clause (viii), by adding ''and'' at the end; and

(3) by adding at the end the following:

''(ix) whether the small business concern—

''(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of a Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States;''.

(f) EVALUATION BY NATIONAL ACADEMY OF SCIENCIES.—Section 108(e)(1) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), as added by this Act, is amended—

(1) in subparagraph (B), by striking ''and'' at the end;

(2) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) estimate, to the extent practicable, the amount of production and manufacturing in the United States that resulted from awards under the SBIR program or STTR program of the agency; and

''(E) make recommendations, if any, for changes to the SBIR program or STTR program of the agency that would increase production and manufacturing in the United States.''.

(g) TECHNOLOGY INSERTION REPORTING REQUIREMENTS.—Section 9(ii) of the Small Business Act, as added by this Act, is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(4) whether the small business concern or individual receiving the Phase III award is developing, testing, producing, or manufacturing the product or service that is the subject of the Phase III award in the United States.''.

(h) INTERAGENCY POLICY COMMITTEE.—In addition to the duties established under section 314 of this Act, the Interagency SBIR/STTR Policy Committee established under section 314 of this Act shall identify ways for Federal agencies to create incentives for recipients of awards under the SBIR program and the STTR program to carry out research, development, testing, production, and manufacturing in the United States.

(i) REPORT ON PROGRAM GOALS.—Section 9(ll)(1)(C) of the Small Business Act, as added by this Act, is amended by inserting before the period at the end the following: '', including the impact on production and manufacturing in the United States''.

(j) COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.—Section 9(ff) of the Small Business Act, as added by this Act, is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

''(5) INCREASING DOMESTIC CAPABILITIES.—In carrying out a pilot program, the head of a covered Federal agency shall give preference to applicants that intend to test, develop, manufacture or commercialize a product or service in the United States.''.

SEC. 504. COMPETITIVE SELECTION PROCEDURES FOR SBIR AND STTR PROGRAMS.

SA 315. Mr. MERKLEY 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:

On page 49, line 16, strike ''and'' and all that follows through page 115, line 8, and insert the following:

(B) by striking ''SBIR projects'' and inserting ''SBIR or STTR projects'';

(C) in subparagraph (C), by striking ''and'' at the end;

(D) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(E) developing and manufacturing in the United States new commercial products and processes resulting from such projects.'';

(2) in paragraph (2), by striking ''3 years'' and inserting ''5 years''; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting ''or STTR'' after ''SBIR''; and

(ii) by striking ''$4,000'' and inserting ''$5,000'';

(B) by striking subparagraph (B) and inserting the following:

''(B) PHASE II.—A Federal agency described in paragraph (1) may—

''(i) provide to the recipient of a Phase II SBIR or STTR award, through a vendor selected under paragraph (2), the services described in paragraph (1), in an amount equal to not more than $5,000 per year; or

''(ii) authorize the recipient of a Phase II SBIR or STTR award to purchase the services described in paragraph (1), in an amount equal to not more than $5,000 per year, which shall be in addition to the amount of the recipient's award.''; and

(C) by adding at the end the following:

''(C) FLEXIBILITY.—In carrying out subparagraphs (A) and (B), each Federal agency shall provide the allowable amounts to a recipient that meets the eligibility requirements under the applicable subparagraph, if the recipient requests to seek technical assistance from an individual or entity other than the vendor selected under paragraph (2) by the Federal agency.

''(D) LIMITATION.—A Federal agency may not—

''(i) use the amounts authorized under subparagraph (A) or (B) unless the vendor selected under paragraph (2) provides the technical assistance to the recipient; or

''(ii) enter a contract with a vendor under paragraph (2) under which the amount provided for technical assistance is based on total number of Phase I or Phase II awards.''.

SEC. 203. COMMERCIALIZATION READINESS PROGRAM AT DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)) is amended—

(1) in the subsection heading, by striking ''PILOT'' and inserting ''READINESS'';

(2) by striking ''Pilot'' each place that term appears and inserting ''Readiness'';

(3) in paragraph (1)—

(A) by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program''; and

(B) by adding at the end the following: ''The authority to create and administer a Commercialization Readiness Program under this subsection may not be construed to eliminate or replace any other SBIR program or STTR program that enhances the insertion or transition of SBIR or STTR technologies, including any such program in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3136).'';

(4) in paragraph (2), by inserting ''or Small Business Technology Transfer Program'' after ''Small Business Innovation Research Program'';

(5) by striking paragraphs (5) and (6); and

(6) by inserting after paragraph (4) the following:

''(5) INSERTION INCENTIVES.—For any contract with a value of not less than $100,000,000, the Secretary of Defense is authorized to—

''(A) establish goals for the transition of Phase III technologies in subcontracting plans; and

''(B) require a prime contractor on such a contract to report the number and dollar amount of contracts entered into by that prime contractor for Phase III SBIR or STTR projects.

''(6) GOAL FOR SBIR AND STTR TECHNOLOGY INSERTION.—The Secretary of Defense shall—

''(A) set a goal to increase the number of Phase II SBIR contracts and the number of Phase II STTR contracts awarded by that Secretary that lead to technology transition into programs of record or fielded systems;

''(B) use incentives in effect on the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or create new incentives, to encourage agency program managers and prime contractors to meet the goal under subparagraph (A); and

''(C) include in the annual report to Congress the percentage of contracts described in subparagraph (A) awarded by that Secretary, and information on the ongoing status of projects funded through the Commercialization Readiness Program and efforts to transition these technologies into programs of record or fielded systems.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 9(i)(1) of the Small Business Act (15 U.S.C. 638(i)(1)) is amended by inserting ''(including awards under subsection (y))'' after ''the number of awards''.

SEC. 204. COMMERCIALIZATION READINESS PILOT PROGRAM FOR CIVILIAN AGENCIES.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ff) PILOT PROGRAM.—

''(1) AUTHORIZATION.—The head of each covered Federal agency may allocate not more than 10 percent of the funds allocated to the SBIR program and the STTR program of the covered Federal agency—

''(A) for awards for technology development, testing, and evaluation of SBIR and STTR Phase II technologies; or

''(B) to support the progress of research or research and development conducted under the SBIR or STTR programs to Phase III.

''(2) APPLICATION BY FEDERAL AGENCY.—

''(A) IN GENERAL.—A covered Federal agency may not establish a pilot program unless the covered Federal agency makes a written application to the Administrator, not later than 90 days before to the first day of the fiscal year in which the pilot program is to be established, that describes a compelling reason that additional investment in SBIR or STTR technologies is necessary, including unusually high regulatory, systems integration, or other costs relating to development or manufacturing of identifiable, highly promising small business technologies or a class of such technologies expected to substantially advance the mission of the agency.

''(B) DETERMINATION.—The Administrator shall—

''(i) make a determination regarding an application submitted under subparagraph (A) not later than 30 days before the first day of the fiscal year for which the application is submitted;

''(ii) publish the determination in the Federal Register; and

''(iii) make a copy of the determination and any related materials available to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

''(3) MAXIMUM AMOUNT OF AWARD.—The head of a covered Federal agency may not make an award under a pilot program in excess of 3 times the dollar amounts generally established for Phase II awards under subsection (j)(2)(D) or (p)(2)(B)(ix).

''(4) REGISTRATION.—Any applicant that receives an award under a pilot program shall register with the Administrator in a registry that is available to the public.

''(5) INCREASING DOMESTIC CAPABILITIES.—In carrying out a pilot program, the head of a covered Federal agency shall give preference to applicants that intend to test, develop, or manufacture a product or service in the United States.

''(6) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

''(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(8) DEFINITIONS.—In this subsection—

''(A) the term 'covered Federal agency'—

''(i) means a Federal agency participating in the SBIR program or the STTR program; and

''(ii) does not include the Department of Defense; and

''(B) the term 'pilot program' means the program established under paragraph (1).''.

SEC. 205. ACCELERATING CURES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 42, as redesignated by section 201 of this Act, the following:

''SEC. 43. SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

''(a) NIH CURES PILOT.—

''(1) ESTABLISHMENT.—An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the 'advisory board') to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the 'NIH') institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The advisory board shall consist of—

''(i) the Director of the NIH;

''(ii) the Director of the SBIR program of the NIH;

''(iii) senior NIH agency managers, selected by the Director of NIH;

''(iv) industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and

''(v) owners or operators of small business concerns that have received an award under the SBIR program of the NIH, selected by the Associate Administrator for Technology of the Administration.

''(B) NUMBER OF MEMBERS.—The total number of members selected under clauses (iii), (iv), and (v) of subparagraph (A) shall not exceed 10.

''(C) EQUAL REPRESENTATION.—The total number of members of the advisory board selected under clauses (i), (ii), (iii), and (iv) of subparagraph (A) shall be equal to the number of members of the advisory board selected under subparagraph (A)(v).

''(b) ADDRESSING DATA GAPS.—In order to enhance the evidence-base guiding SBIR program decisions and changes, the Director of the SBIR program of the NIH shall address the gaps and deficiencies in the data collection concerns identified in the 2007 report of the National Academy of Science entitled 'An Assessment of the Small Business Innovation Research Program at the NIH'.

''(c) PILOT PROGRAM.—

''(1) IN GENERAL.—The Director of the SBIR program of the NIH may initiate a pilot program, under a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the development of cures and therapies.

''(2) CONSIDERATIONS.—The Director of the SBIR program of the NIH may consider conducting a pilot program to include individuals with successful SBIR program experience in study sections, hiring individuals with small business development experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

''(d) REPORT TO CONGRESS.—The Director of the NIH shall submit an annual report to Congress and the advisory board on the activities of the SBIR program of the NIH under this section.

''(e) SBIR GRANTS AND CONTRACTS.—

''(1) IN GENERAL.—In awarding grants and contracts under the SBIR program of the NIH each SBIR program manager shall emphasize applications that identify products, processes, technologies, and services that may enhance the development of cures and therapies.

''(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The advisory board shall evaluate the implementation of the requirement under paragraph (1) by examining increased commercialization and other metrics, to be determined and collected by the SBIR program of the NIH.

''(3) PHASE I AND II.—To the greatest extent practicable, the Director of the SBIR program of the NIH shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR program of the NIH to 90 days.

''(f) LIMIT.—Not more than a total of 1 percent of the extramural budget (as defined in section 9 of the Small Business Act (15 U.S.C. 638)) of the NIH for research or research and development may be used for the pilot program under subsection (c) and to carry out subsection (e).''.

(b) PROSPECTIVE REPEAL.—Effective 5 years after the date of enactment of this Act, the Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by striking section 43, as added by subsection (a); and

(2) by redesignating sections 44 and 45 as sections 43 and 44, respectively.

SEC. 206. FEDERAL AGENCY ENGAGEMENT WITH SBIR AND STTR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE I AWARDS BUT HAVE NOT BEEN AWARDED PHASE II AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(gg) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN PHASE I SBIR AND STTR AWARDEES.—

''(1) DEFINITION.—In this subsection, the term 'covered awardee' means a small business concern that—

''(A) has received multiple Phase I awards over multiple years, as determined by the head of a Federal agency, under the SBIR program or the STTR program of the Federal agency; and

''(B) has not received a Phase II award—

''(i) under the SBIR program or STTR program, as the case may be, of the Federal agency described in subparagraph (A); or

''(ii) relating to a Phase I award described in subparagraph (A) under the SBIR program or the STTR program of another Federal agency.

''(2) PERFORMANCE MEASURES.—The head of each Federal agency that participates in the SBIR program or the STTR program shall develop performance measures for any covered awardee relating to commercializing research or research and development activities under the SBIR program or the STTR program of the Federal agency.''.

SEC. 207. CLARIFYING THE DEFINITION OF "PHASE III".

(a) PHASE III AWARDS.—Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the SBIR program'' after ''phase'';

(2) in paragraph (6)(C), in the matter preceding clause (i), by inserting ''for work that derives from, extends, or completes efforts made under prior funding agreements under the STTR program'' after ''phase'';

(3) in paragraph (8), by striking ''and'' at the end;

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(10) the term 'commercialization' means—

''(A) the process of developing products, processes, technologies, or services; and

''(B) the production and delivery of products, processes, technologies, or services for sale (whether by the originating party or by others) to or use by the Federal Government or commercial markets;''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 9 (15 U.S.C. 638)—

(A) in subsection (e)—

(i) in paragraph (4)(C)(ii), by striking ''scientific review criteria'' and inserting ''merit-based selection procedures'';

(ii) in paragraph (9), by striking ''the second or the third phase'' and inserting ''Phase II or Phase III''; and

(iii) by adding at the end the following:

''(11) the term 'Phase I' means—

''(A) with respect to the SBIR program, the first phase described in paragraph (4)(A); and

''(B) with respect to the STTR program, the first phase described in paragraph (6)(A);

''(12) the term 'Phase II' means—

''(A) with respect to the SBIR program, the second phase described in paragraph (4)(B); and

''(B) with respect to the STTR program, the second phase described in paragraph (6)(B); and

''(13) the term 'Phase III' means—

''(A) with respect to the SBIR program, the third phase described in paragraph (4)(C); and

''(B) with respect to the STTR program, the third phase described in paragraph (6)(C).'';

(B) in subsection (j)—

(i) in paragraph (1)(B), by striking ''phase two'' and inserting ''Phase II'';

(ii) in paragraph (2)—

(I) in subparagraph (B)—

(aa) by striking ''the third phase'' each place it appears and inserting ''Phase III''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(II) in subparagraph (D)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II'';

(III) in subparagraph (F), by striking ''the third phase'' and inserting ''Phase III'';

(IV) in subparagraph (G)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(V) in subparagraph (H)—

(aa) by striking ''the first phase'' and inserting ''Phase I'';

(bb) by striking ''second phase'' each place it appears and inserting ''Phase II''; and

(cc) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) by striking ''the first phase (as described in subsection (e)(4)(A))'' and inserting ''Phase I'';

(bb) by striking ''the second phase (as described in subsection (e)(4)(B))'' and inserting ''Phase II''; and

(cc) by striking ''the third phase (as described in subsection (e)(4)(C))'' and inserting ''Phase III''; and

(II) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II'';

(C) in subsection (k)—

(i) by striking ''first phase'' each place it appears and inserting ''Phase I''; and

(ii) by striking ''second phase'' each place it appears and inserting ''Phase II'';

(D) in subsection (l)(2)—

(i) by striking ''the first phase'' and inserting ''Phase I''; and

(ii) by striking ''the second phase'' and inserting ''Phase II'';

(E) in subsection (o)(13)—

(i) in subparagraph (B), by striking ''second phase'' and inserting ''Phase II''; and

(ii) in subparagraph (C), by striking ''third phase'' and inserting ''Phase III'';

(F) in subsection (p)—

(i) in paragraph (2)(B)—

(I) in clause (vi)—

(aa) by striking ''the second phase'' and inserting ''Phase II''; and

(bb) by striking ''the third phase'' and inserting ''Phase III''; and

(II) in clause (ix)—

(aa) by striking ''the first phase'' and inserting ''Phase I''; and

(bb) by striking ''the second phase'' and inserting ''Phase II''; and

(ii) in paragraph (3)—

(I) by striking ''the first phase (as described in subsection (e)(6)(A))'' and inserting ''Phase I'';

(II) by striking ''the second phase (as described in subsection (e)(6)(B))'' and inserting ''Phase II''; and

(III) by striking ''the third phase (as described in subsection (e)(6)(A))'' and inserting ''Phase III'';

(G) in subsection (q)(3)—

(i) in subparagraph (A)—

(I) in the subparagraph heading, by striking ''FIRST PHASE'' and inserting ''PHASE I''; and

(II) by striking ''first phase'' and inserting ''Phase I''; and

(ii) in subparagraph (B)—

(I) in the subparagraph heading, by striking ''SECOND PHASE'' and inserting ''PHASE II''; and

(II) by striking ''second phase'' and inserting ''Phase II'';

(H) in subsection (r)—

(i) in the subsection heading, by striking ''THIRD PHASE'' and inserting ''PHASE III'';

(ii) in paragraph (1)—

(I) in the first sentence—

(aa) by striking ''for the second phase'' and inserting ''for Phase II'';

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(cc) by striking ''second phase period'' and inserting ''Phase II period''; and

(II) in the second sentence—

(aa) by striking ''second phase'' and inserting ''Phase II''; and

(bb) by striking ''third phase'' and inserting ''Phase III''; and

(iii) in paragraph (2), by striking ''third phase'' and inserting ''Phase III''; and

(I) in subsection (u)(2)(B), by striking ''the first phase'' and inserting ''Phase I''; and

(2) in section 34(c)(2)(B)(vii) (15 U.S.C. 657e(c)(2)(B)(vii)), as redesignated by section 201 of this Act, by striking ''third phase'' and inserting ''Phase III''.

SEC. 208. SHORTENED PERIOD FOR FINAL DECISIONS ON PROPOSALS AND APPLICATIONS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (g)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the SBIR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''; and

(2) in subsection (o)(4)—

(A) by inserting ''(A)'' after ''(4)'';

(B) by adding ''and'' after the semicolon at the end; and

(C) by adding at the end the following:

''(B) make a final decision on each proposal submitted under the STTR program—

''(i) not later than 90 days after the date on which the solicitation closes; or

''(ii) if the Administrator authorizes an extension for a solicitation, not later than 180 days after the date on which the solicitation closes;''.

(b) NIH PEER REVIEW PROCESS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(hh) NIH PEER REVIEW PROCESS.—The Director of the National Institutes of Health may make an award under the SBIR program or the STTR program of the National Institutes of Health if the application for the award has undergone technical and scientific peer review under section 492 of the Public Health Service Act (42 U.S.C. 289a).''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 105 of the National Institutes of Health Reform Act of 2006 (42 U.S.C. 284n) is amended—

(A) in subsection (a)(3)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''; and

(B) in subsection (b)(5)—

(i) by striking ''A grant'' and inserting ''Except as provided in section 9(hh) of the Small Business Act (15 U.S.C. 638(hh)), a grant''; and

(ii) by striking ''section 402(k)'' and all that follows through ''Act)'' and inserting ''section 402(l) of such Act''.

TITLE III—OVERSIGHT AND EVALUATION

SEC. 301. STREAMLINING ANNUAL EVALUATION REQUIREMENTS.

Section 9(b) of the Small Business Act (15 U.S.C. 638(b)), as amended by section 102 of this Act, is amended—

(1) in paragraph (7)—

(A) by striking ''STTR programs, including the data'' and inserting the following: ''STTR programs, including—

''(A) the data'';

(B) by striking ''(g)(10), (o)(9), and (o)(15), the number'' and all that follows through ''under each of the SBIR and STTR programs, and a description'' and inserting the following: ''(g)(8) and (o)(9); and

''(B) the number of proposals received from, and the number and total amount of awards to, HUBZone small business concerns and firms with venture capital investment (including those majority-owned by multiple venture capital operating companies) under each of the SBIR and STTR programs;

''(C) a description of the extent to which each Federal agency is increasing outreach and awards to firms owned and controlled by women and social or economically disadvantaged individuals under each of the SBIR and STTR programs;

''(D) general information about the implementation of, and compliance with the allocation of funds required under, subsection (cc) for firms owned in majority part by venture capital operating companies and participating in the SBIR program;

''(E) a detailed description of appeals of Phase III awards and notices of noncompliance with the SBIR Policy Directive and the STTR Policy Directive filed by the Administrator with Federal agencies; and

''(F) a description''; and

(2) by inserting after paragraph (7) the following:

''(8) to coordinate the implementation of electronic databases at each of the Federal agencies participating in the SBIR program or the STTR program, including the technical ability of the participating agencies to electronically share data;''.

SEC. 302. DATA COLLECTION FROM AGENCIES FOR SBIR.

Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) by striking paragraph (10);

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(3) by inserting after paragraph (7) the following:

''(8) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from awardees as is necessary to assess the SBIR program, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the awardee has received as of the date of the award; and

''(II) the amount of additional capital that the awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

''(vii) is located in a State described in subsection (u)(3); or

''(viii)(I) has a product, process, technology, or service that received funding under the SBIR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and

''(B) a justification statement from the agency, if an awardee receives an award in an amount that is more than the award guidelines under this section;''.

SEC. 303. DATA COLLECTION FROM AGENCIES FOR STTR.

Section 9(o) of the Small Business Act (15 U.S.C. 638(o)) is amended by striking paragraph (9) and inserting the following:

''(9) collect annually, and maintain in a common format in accordance with the simplified reporting requirements under subsection (v), such information from applicants and awardees as is necessary to assess the STTR program outputs and outcomes, including information necessary to maintain the database described in subsection (k), including—

''(A) whether an applicant or awardee—

''(i) has venture capital or is majority-owned by multiple venture capital operating companies, and, if so—

''(I) the amount of venture capital that the applicant or awardee has received as of the date of the application or award, as applicable; and

''(II) the amount of additional capital that the applicant or awardee has invested in the SBIR technology;

''(ii) has an investor that—

''(I) is an individual who is not a citizen of the United States or a lawful permanent resident of the United States, and if so, the name of any such individual; or

''(II) is a person that is not an individual and is not organized under the laws of a State or the United States, and if so the name of any such person;

''(iii) is owned by a woman or has a woman as a principal investigator;

''(iv) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(v) received assistance under the FAST program under section 34 or the outreach program under subsection (s);

''(vi) is a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001);

''(vii) is located in a State in which the total value of contracts awarded to small business concerns under all STTR programs is less than the total value of contracts awarded to small business concerns in a majority of other States, as determined by the Administrator in biennial fiscal years, beginning with fiscal year 2008, based on the most recent statistics compiled by the Administrator; or

''(viii)(I) has a product, process, technology, or service that received funding under the STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and

''(B) if an awardee receives an award in an amount that is more than the award guidelines under this section, a statement from the agency that justifies the award amount;''.

SEC. 304. PUBLIC DATABASE.

Section 9(k)(1) of the Small Business Act (15 U.S.C. 638(k)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) for each small business concern that has received a Phase I or Phase II SBIR or STTR award from a Federal agency, whether the small business concern—

''(i) has venture capital and, if so, whether the small business concern is registered as majority-owned by multiple venture capital operating companies as required under subsection (cc)(4);

''(ii) is owned by a woman or has a woman as a principal investigator;

''(iii) is owned by a socially or economically disadvantaged individual or has a socially or economically disadvantaged individual as a principal investigator;

''(iv) received assistance under the FAST program under section 34, as in effect on the day before the date of enactment of the SBIR/STTR Reauthorization Act of 2011, or the outreach program under subsection (s);

''(v) is owned by a faculty member or a student of an institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); or

''(vi)(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States.''.

SEC. 305. GOVERNMENT DATABASE.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''Not later'' and all that follows through ''Act of 2000'' and inserting ''Not later than 90 days after the date of enactment of the SBIR/STTR Reauthorization Act of 2011'';

(B) by striking subparagraph (C);

(C) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(D) by inserting before subparagraph (B), as so redesignated, the following:

''(A) contains, for each small business concern that applies for, submits a proposal for, or receives an award under Phase I or Phase II of the SBIR program or the STTR program—

''(i) the name, size, and location, and an identifying number assigned by the Administration of the small business concern;

''(ii) an abstract of the project;

''(iii) the specific aims of the project;

''(iv) the number of employees of the small business concern;

''(v) the names of key individuals that will carry out the project;

''(vi) the percentage of effort each individual described in clause (iv) will contribute to the project;

''(vii) whether the small business concern is majority-owned by multiple venture capital operating companies;

''(viii) the Federal agency to which the application is made, and contact information for the person or office within the Federal agency that is responsible for reviewing applications and making awards under the SBIR program or the STTR program; and

''(ix) whether the small business concern—

''(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of a Federal agency and that is produced or delivered for sale to or

use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States;'';

(E) by redesignating subparagraphs (D), and (E) as subparagraphs (E) and (F), respectively;

(F) by inserting after subparagraph (C), as so redesignated, the following:

''(D) includes, for each awardee—

''(i) the name, size, location, and any identifying number assigned to the awardee by the Administrator;

''(ii) whether the awardee has venture capital, and, if so—

''(I) the amount of venture capital as of the date of the award;

''(II) the percentage of ownership of the awardee held by a venture capital operating company, including whether the awardee is majority-owned by multiple venture capital operating companies; and

''(III) the amount of additional capital that the awardee has invested in the SBIR technology, which information shall be collected on an annual basis;

''(iii) the names and locations of any affiliates of the awardee;

''(iv) the number of employees of the awardee;

''(v) the number of employees of the affiliates of the awardee; and

''(vi) the names of, and the percentage of ownership of the awardee held by—

''(I) any individual who is not a citizen of the United States or a lawful permanent resident of the United States; or

''(II) any person that is not an individual and is not organized under the laws of a State or the United States;'';

(G) in subparagraph (E), as so redesignated, by striking ''and'' at the end;

(H) in subparagraph (F), as so redesignated, by striking the period at the end and inserting ''; and''; and

(I) by adding at the end the following:

''(G) includes a timely and accurate list of any individual or small business concern that has participated in the SBIR program or STTR program that has committed fraud, waste, or abuse relating to the SBIR program or STTR program.''; and

(2) in paragraph (3), by adding at the end the following:

''(C) GOVERNMENT DATABASE.—Not later than 60 days after the date established by a Federal agency for submitting applications or proposals for a Phase I or Phase II award under the SBIR program or STTR program, the head of the Federal agency shall submit to the Administrator the data required under paragraph (2) with respect to each small business concern that applies or submits a proposal for the Phase I or Phase II award.''.

SEC. 306. ACCURACY IN FUNDING BASE CALCULATIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a fiscal and management audit of the SBIR program and the STTR program for the applicable period to—

(A) determine whether Federal agencies comply with the expenditure amount requirements under subsections (f)(1) and (n)(1) of section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act;

(B) assess the extent of compliance with the requirements of section 9(i)(2) of the Small Business Act (15 U.S.C. 638(i)(2)) by Federal agencies participating in the SBIR program or the STTR program and the Administration;

(C) assess whether it would be more consistent and effective to base the amount of the allocations under the SBIR program and the STTR program on a percentage of the research and development budget of a Federal agency, rather than the extramural budget of the Federal agency; and

(D) determine the portion of the extramural research or research and development budget of a Federal agency that each Federal agency spends for administrative purposes relating to the SBIR program or STTR program, and for what specific purposes, including the portion, if any, of such budget the Federal agency spends for salaries and expenses, travel to visit applicants, outreach events, marketing, and technical assistance; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the audit conducted under paragraph (1), including the assessments required under subparagraphs (B) and (C), and the determination made under subparagraph (D) of paragraph (1).

(b) DEFINITION OF APPLICABLE PERIOD.—In this section, the term ''applicable period'' means—

(1) for the first report submitted under this section, the period beginning on October 1, 2005, and ending on September 30 of the last full fiscal year before the date of enactment of this Act for which information is available; and

(2) for the second and each subsequent report submitted under this section, the period—

(A) beginning on October 1 of the first fiscal year after the end of the most recent full fiscal year relating to which a report under this section was submitted; and

(B) ending on September 30 of the last full fiscal year before the date of the report.

SEC. 307. CONTINUED EVALUATION BY THE NATIONAL ACADEMY OF SCIENCES.

Section 108 of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note) is amended by adding at the end the following:

''(e) EXTENSIONS AND ENHANCEMENTS OF AUTHORITY.—

''(1) IN GENERAL.—Not later than 6 months after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, the head of each agency described in subsection (a), in consultation with the Small Business Administration, shall cooperatively enter into an agreement with the National Academy of Sciences for the National Research Council to, not later than 4 years after the date of enactment of the SBIR/STTR Reauthorization Act of 2011, and every 4 years thereafter—

''(A) continue the most recent study under this section relating to—

''(i) the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1); and

''(ii) 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;

''(B) make recommendations with respect to the issues described in subparagraph (A)(ii) and subparagraphs (A), (D), and (E) of subsection (a)(2);

''(C) estimate, to the extent practicable, the number of jobs created by the SBIR program or STTR program of the agency; and

''(D) estimate, to the extent practicable, the amount of production and manufacturing in the United States that resulted from awards under the SBIR program or STTR program of the agency; and

''(E) make recommendations, if any, for changes to the SBIR program or STTR program of the agency that would increase production and manufacturing in the United States.

''(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 the agency entering into the agreement, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (1).''.

SEC. 308. TECHNOLOGY INSERTION REPORTING REQUIREMENTS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ii) PHASE III REPORTING.—The annual SBIR or STTR report to Congress by the Administration under subsection (b)(7) shall include, for each Phase III award made by the Federal agency—

''(1) the name of the agency or component of the agency or the non-Federal source of capital making the Phase III award;

''(2) the name of the small business concern or individual receiving the Phase III award;

''(3) the dollar amount of the Phase III award; and

''(4) whether the small business concern or individual receiving the Phase III award is developing, testing, producing, or manufacturing the product or service that is the subject of the Phase III award in the United States.''.

SEC. 309. INTELLECTUAL PROPERTY PROTECTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the SBIR program to assess whether—

(1) Federal agencies comply with the data rights protections for SBIR awardees and the technologies of SBIR awardees under section 9 of the Small Business Act (15 U.S.C. 638);

(2) the laws and policy directives intended to clarify the scope of data rights, including in prototypes and mentor-protégé relationships and agreements with Federal laboratories, are sufficient to protect SBIR awardees; and

(3) there is an effective grievance tracking process for SBIR awardees who have grievances against a Federal agency regarding data rights and a process for resolving those grievances.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding the study conducted under subsection (a).

SEC. 310. OBTAINING CONSENT FROM SBIR AND STTR APPLICANTS TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(jj) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

''(1) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program or an STTR program shall enable a small business concern that is an SBIR applicant or an STTR applicant to indicate to the Federal agency whether the Federal agency has the consent of the concern to—

''(A) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant or an STTR applicant; and

''(B) release the contact information of the concern to such organizations.

''(2) RULES.—The Administrator shall establish rules to implement this subsection. The rules shall include a requirement that a Federal agency include in the SBIR and STTR application a provision through which the applicant can indicate consent for purposes of paragraph (1).''.

SEC. 311. PILOT TO ALLOW FUNDING FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(kk) ASSISTANCE FOR ADMINISTRATIVE, OVERSIGHT, AND CONTRACT PROCESSING COSTS.—

''(1) IN GENERAL.—Subject to paragraph (2), for the 3 full fiscal years beginning after the date of enactment of this subsection, the Administrator shall allow each Federal agency required to conduct an SBIR program to use not more than 3 percent of the funds allocated to the SBIR program of the Federal agency for—

''(A) the administration of the SBIR program or the STTR program of the Federal agency;

''(B) the provision of outreach and technical assistance relating to the SBIR program or STTR program of the Federal agency, including technical assistance site visits and personnel interviews;

''(C) the implementation of commercialization and outreach initiatives that were not in effect on the date of enactment of this subsection;

''(D) carrying out the program under subsection (y);

''(E) activities relating to oversight and congressional reporting, including the waste, fraud, and abuse prevention activities described in section 313(a)(1)(B)(ii) of the SBIR/STTR Reauthorization Act of 2011;

''(F) targeted reviews of recipients of awards under the SBIR program or STTR program of the Federal agency that the head of the Federal agency determines are at high risk for fraud, waste, or abuse, to ensure compliance with requirements of the SBIR program or STTR program, respectively;

''(G) the implementation of oversight and quality control measures, including verification of reports and invoices and cost reviews;

''(H) carrying out subsection (cc);

''(I) carrying out subsection (ff);

''(J) contract processing costs relating to the SBIR program or STTR program of the Federal agency; and

''(K) funding for additional personnel and assistance with application reviews.

''(2) PERFORMANCE CRITERIA.—A Federal agency may not use funds as authorized under paragraph (1) until after the effective date of performance criteria, which the Administrator shall establish, to measure any benefits of using funds as authorized under paragraph (1) and to assess continuation of the authority under paragraph (1).

''(3) RULES.—Not later than 180 days after the date of enactment of this subsection, the Administrator shall issue rules to carry out this subsection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(A) in subsection (f)(2)(A), as so designated by section 103(2) of this Act, by striking ''shall not'' and all that follows through ''make available for the purpose'' and inserting ''shall not make available for the purpose''; and

(B) in subsection (y), as amended by section 203—

(i) by striking paragraph (4);

(ii) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

(2) TRANSITIONAL RULE.—Notwithstanding the amendments made by paragraph (1), subsection (f)(2)(A) and (y)(4) of section 9 of the Small Business Act (15 U.S.C. 638), as in effect on the day before the date of enactment of this Act, shall continue to apply to each Federal agency until the effective date of the performance criteria established by the Administrator under subsection (kk)(2) of section 9 of the Small Business Act, as added by subsection (a).

(3) PROSPECTIVE REPEAL.—Effective on the first day of the fourth full fiscal year following the date of enactment of this Act, section 9 of the Small Business Act (15 U.S.C. 638), as amended by paragraph (1) of this section, is amended—

(A) in subsection (f)(2)(A), by striking ''shall not make available for the purpose'' and inserting the following: ''shall not—

''(i) use any of its SBIR budget established pursuant to paragraph (1) for the purpose of funding administrative costs of the program, including costs associated with salaries and expenses; or

''(ii) make available for the purpose''; and

(B) in subsection (y)—

(i) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(ii) by inserting after paragraph (3) the following:

''(4) FUNDING.—

''(A) IN GENERAL.—The Secretary of Defense and each Secretary of a military department may use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program for payment of expenses incurred to administer the Commercialization Pilot Program under this subsection.

''(B) LIMITATIONS.—The funds described in subparagraph (A)—

''(i) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(ii) shall not be used to make Phase III awards.''.

SEC. 312. GAO STUDY WITH RESPECT TO VENTURE CAPITAL OPERATING COMPANY INVOLVEMENT.

Not later than 3 years after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the impact of requirements relating to venture capital operating company involvement under section 9(cc) of the Small Business Act, as added by section 108 of this Act; and

(2) submit to Congress a report regarding the study conducted under paragraph (1).

SEC. 313. REDUCING VULNERABILITY OF SBIR AND STTR PROGRAMS TO FRAUD, WASTE, AND ABUSE.

(a) FRAUD, WASTE, AND ABUSE PREVENTION.—

(1) GUIDELINES FOR FRAUD, WASTE, AND ABUSE PREVENTION.—

(A) AMENDMENTS REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Administrator shall amend the SBIR Policy Directive and the STTR Policy Directive to include measures to prevent fraud, waste, and abuse in the SBIR program and the STTR program.

(B) CONTENT OF AMENDMENTS.—The amendments required under subparagraph (A) shall include—

(i) definitions or descriptions of fraud, waste, and abuse;

(ii) a requirement that the Inspectors General of each Federal agency that participates in the SBIR program or the STTR program cooperate to—

(I) establish fraud detection indicators;

(II) review regulations and operating procedures of the Federal agencies;

(III) coordinate information sharing between the Federal agencies; and

(IV) improve the education and training of, and outreach to—

(aa) administrators of the SBIR program and the STTR program of each Federal agency;

(bb) applicants to the SBIR program or the STTR program; and

(cc) recipients of awards under the SBIR program or the STTR program;

(iii) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program; and

(iv) a requirement that each Federal agency that participates in the SBIR program or STTR program include the telephone number of the hotline established under paragraph (2)—

(I) on the Web site of the Federal agency; and

(II) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program.

(2) FRAUD, WASTE, AND ABUSE PREVENTION HOTLINE.—

(A) HOTLINE ESTABLISHED.—The Administrator shall establish a telephone hotline that allows individuals to report fraud, waste, and abuse in the SBIR program or STTR program.

(B) PUBLICATION.—The Administrator shall include the telephone number for the hotline established under subparagraph (A) on the Web site of the Administration.

(b) STUDY AND REPORT.—

(1) STUDY.—Not later than 1 year after the date of enactment of this Act, and every 3 years thereafter, the Comptroller General of the United States shall—

(A) conduct a study that evaluates—

(i) the implementation by each Federal agency that participates in the SBIR program or the STTR program of the amendments to the SBIR Policy Directive and the STTR Policy Directive made pursuant to subsection (a);

(ii) the effectiveness of the management information system of each Federal agency that participates in the SBIR program or STTR program in identifying duplicative SBIR and STTR projects;

(iii) the effectiveness of the risk management strategies of each Federal agency that participates in the SBIR program or STTR program in identifying areas of the SBIR program or the STTR program that are at high risk for fraud;

(iv) technological tools that may be used to detect patterns of behavior that may indicate fraud by applicants to the SBIR program or the STTR program;

(v) the success of each Federal agency that participates in the SBIR program or STTR program in reducing fraud, waste, and abuse in the SBIR program or the STTR program of the Federal agency; and

(vi) the extent to which the Inspector General of each Federal agency that participates

in the SBIR program or STTR program effectively conducts investigations of individuals alleged to have submitted false claims or violated Federal law relating to fraud, conflicts of interest, bribery, gratuity, or other misconduct; and

(B) submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the head of each Federal agency that participates in the SBIR program or STTR program a report on the results of the study conducted under subparagraph (A).

SEC. 314. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy (in this section referred to as the ''Director''), in conjunction with the Administrator, shall establish an Interagency SBIR/STTR Policy Committee (in this section referred to as the ''Committee'') comprised of 1 representative from each Federal agency with an SBIR program or an STTR program and 1 representative of the Office of Management and Budget.

(b) COCHAIRPERSONS.—The Director and the Administrator shall serve as cochairpersons of the Committee.

(c) DUTIES.—The Committee shall review, and make policy recommendations on ways to improve the effectiveness and efficiency of, the SBIR program and the STTR program, including—

(1) reviewing the effectiveness of the public and government databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k));

(2) identifying—

(A) best practices for commercialization assistance by Federal agencies that have significant potential to be employed by other Federal agencies;

(B) proposals by Federal agencies for initiatives to address challenges for small business concerns in obtaining funding after a Phase II award ends and before commercialization; and

(C) ways for Federal agencies to create incentives for recipients of awards under the SBIR program and the STTR program to carry out research, development, testing, production, and manufacturing in the United States; and

(3) developing and incorporating a standard evaluation framework to enable systematic assessment of the SBIR program and STTR program, including through improved tracking of awards and outcomes and development of performance measures for the SBIR program and STTR program of each Federal agency.

(d) REPORTS.—The Committee shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Science and Technology and the Committee on Small Business of the House of Representatives—

(1) a report on the review by and recommendations of the Committee under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on the review by and recommendations of the Committee under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on the review by and recommendations of the Committee under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 315. SIMPLIFIED PAPERWORK REQUIREMENTS.

Section 9(v) of the Small Business Act (15 U.S.C. 638(v)) is amended—

(1) in the subsection heading, by striking ''SIMPLIFIED REPORTING REQUIREMENTS'' and inserting ''REDUCING PAPERWORK AND COMPLIANCE BURDEN'';

(2) by striking ''The Administrator'' and inserting the following:

''(1) STANDARDIZATION OF REPORTING REQUIREMENTS.—The Administrator''; and

(3) by adding at the end the following:

''(2) SIMPLIFICATION OF APPLICATION AND AWARD PROCESS.—Not later than one year after the date of enactment of this paragraph, and after a period of public comment, the Administrator shall issue regulations or guidelines, taking into consideration the unique needs of each Federal agency, to ensure that each Federal agency required to carry out an SBIR program or STTR program simplifies and standardizes the program proposal, selection, contracting, compliance, and audit procedures for the SBIR program or STTR program of the Federal agency (including procedures relating to overhead rates for applicants and documentation requirements) to reduce the paperwork and regulatory compliance burden on small business concerns applying to and participating in the SBIR program or STTR program.''.

SEC. 316. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

''(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

''(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).''.

TITLE IV—POLICY DIRECTIVES

SEC. 401. CONFORMING AMENDMENTS TO THE SBIR AND THE STTR POLICY DIRECTIVES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall promulgate amendments to the SBIR Policy Directive and the STTR Policy Directive to conform such directives to this Act and the amendments made by this Act.

(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish the amended SBIR Policy Directive and the amended STTR Policy Directive in the Federal Register.

TITLE V—OTHER PROVISIONS

SEC. 501. RESEARCH TOPICS AND PROGRAM DIVERSIFICATION.

(a) SBIR PROGRAM.—Section 9(g) of the Small Business Act (15 U.S.C. 638(g)) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, rare diseases, security, energy, transportation, or improving the security and quality of the water supply of the United States, and the efficiency of water delivery systems and usage patterns in the United States (including the territories of the United States) through the use of technology (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;''; and

(2) by adding after paragraph (12), as added by section 111(a) of this Act, the following:

''(13) encourage applications under the SBIR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the SBIR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(b) STTR PROGRAM.—Section 9(o) of the Small Business Act (15 U.S.C. 638(o)), as amended by section 111(b) of this Act, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking ''broad research topics and to topics that further 1 or more critical technologies'' and inserting ''applications to the Federal agency for support of projects relating to nanotechnology, security, energy, rare diseases, transportation, or improving the security and quality of the water supply of the United States (to the extent that the projects relate to the mission of the Federal agency), broad research topics, and topics that further 1 or more critical technologies or research priorities'';

(B) in subparagraph (A), by striking ''or'' at the end; and

(C) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in any subsequent report by the National Academy of Sciences on sustainability, energy, or alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in any subsequent report by the National Institutes of Health on rare diseases research activities;

''(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the report entitled 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the Research and Innovative Technology Administration of the Department of Transportation, and in any subsequent report issued by the National Academy of Sciences or the Department of Transportation on transportation and infrastructure; or

''(F) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in any report issued by the National Science and Technology Council Committee on Technology that focuses on areas of nanotechnology identified in such plan;'';

(2) in paragraph (15), by striking ''and'' at the end;

(3) in paragraph (16), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(17) encourage applications under the STTR program (to the extent that the projects relate to the mission of the Federal agency)—

''(A) from small business concerns in geographic areas underrepresented in the STTR program or located in rural areas (as defined in section 1393(a)(2) of the Internal Revenue Code of 1986);

''(B) small business concerns owned and controlled by women;

''(C) small business concerns owned and controlled by veterans;

''(D) small business concerns owned and controlled by Native Americans; and

''(E) small business concerns located in a geographic area with an unemployment rates that exceed the national unemployment rate, based on the most recently available monthly publications of the Bureau of Labor Statistics of the Department of Labor.''.

(c) RESEARCH AND DEVELOPMENT FOCUS.—Section 9(x) of the Small Business Act (15 U.S.C. 638(x)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

SEC. 502. REPORT ON SBIR AND STTR PROGRAM GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(ll) ANNUAL REPORT ON SBIR AND STTR PROGRAM GOALS.—

''(1) DEVELOPMENT OF METRICS.—The head of each Federal agency required to participate in the SBIR program or the STTR program shall develop metrics to evaluate the effectiveness, and the benefit to the people of the United States, of the SBIR program and the STTR program of the Federal agency that—

''(A) are science-based and statistically driven;

''(B) reflect the mission of the Federal agency; and

''(C) include factors relating to the economic impact of the programs, including the impact on production and manufacturing in the United States.

SA 316. Mr. MERKLEY 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:

On page 56, strike line 16 and all that follows through page 57, line 4, and insert the following:

''(5) INCREASING DOMESTIC CAPABILITIES.—In carrying out a pilot program, the head of a covered Federal agency shall give preference to applicants that intend to test, develop, or manufacture a product or service in the United States.

''(6) REPORT.—The head of each covered Federal agency shall include in the annual report of the covered Federal agency to the Administrator an analysis of the various activities considered for inclusion in the pilot program of the covered Federal agency and a statement of the reasons why each activity considered was included or not included, as the case may be.

''(7) TERMINATION.—The authority to establish a pilot program under this section expires at the end of fiscal year 2014.

''(8) DEFINITIONS.—In this subsection—

SA 317. Mr. KERRY (for himself, Mr. LUGAR, and Mr. UDALL of Colorado) 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 end of title V, add the following:

SEC. 504. STARTUP VISA ACT OF 2011.

(a) SHORT TITLE.—This section may be cited as the ''StartUp Visa Act of 2011''.

(b) STARTUP VISAS.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 203(b)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following:

''(6) SPONSORED ENTREPRENEURS.—

''(A) IN GENERAL.—StartUp visas shall be made available, from the number of visas allocated under paragraph (5), to qualified immigrant entrepreneurs—

''(i)(I) who have proven that a qualified venture capitalist, a qualified super angel investor, or a qualified government entity, as determined by the Secretary of Homeland Security, has invested not less than $100,000 on behalf of each such entrepreneur; and

''(II) whose commercial activities will, during the 2-year period beginning on the date on which the visa is issued under this subparagraph—

''(aa) create not fewer than 5 new full-time jobs in the United States employing people other than the immigrant's spouse, sons, or daughters;

''(bb) raise not less than $500,000 in capital investment in furtherance of a commercial entity based in the United States; or

''(cc) generate not less than $500,000 in revenue;

''(ii)(I) who—

''(aa) hold an unexpired H1–B visa; or

''(bb) have completed a graduate level degree in science, technology, engineering, math, computer science, or other relevant academic discipline from an accredited United States college, university, or other institution of higher education;

''(II) who demonstrate—

''(aa) annual income of not less than 250 percent of the Federal poverty level; or

''(bb) the possession of assets equivalent to not less than 2 years of income at 250 percent of the Federal poverty level; and

''(III) who have proven that a qualified venture capitalist, a qualified super angel investor, or a qualified government entity, as determined by the Secretary of Homeland Security, has invested not less than $20,000 on behalf of each such entrepreneur; or

''(iii) who have a controlling interest in a foreign company—

''(I) that has generated, during the most recent 12-month period, not less than $100,000 in revenue from sales in the United States; and

''(II) whose commercial activities, during the 2-year period beginning on the date on which the visa is issued under this subparagraph, will—

''(aa) create not fewer than 3 new full-time jobs in the United States that employ people other than the immigrant's spouse, sons, or daughters;

''(bb) raise not less than $100,000 in capital investment in furtherance of a commercial entity based in the United States; or

''(cc) generate not less than $100,000 in revenue.

''(B) REVOCATION.—If the Secretary of Homeland Security determines that the commercial activities of an alien who received a StartUp visa pursuant to subparagraph (A)(i)(II) fail to meet the requirements under such subparagraph, the Secretary shall, not later than 1 year after the end of the applicable 2-year period described in such subparagraph—

''(i) revoke such visa; and

''(ii) notify the alien that he or she—

''(I) may voluntarily depart from the United States in accordance to section 240B; or

''(II) will be subject to removal proceedings under section 240 if the alien does not depart from the United States not later than 6 months after receiving such notification.

''(C) DEFINITIONS.—In this paragraph:

''(i) QUALIFIED SUPER ANGEL INVESTOR.—The term 'qualified super angel investor' means an individual who—

''(I) is an accredited investor (as defined in section 230.501(a) of title 17, Code of Federal Regulations);

''(II) is a United States citizen; and

''(III) has made at least 2 equity investments of not less than $50,000 in each of the previous 3 years.

''(ii) QUALIFIED VENTURE CAPITALIST.—The term 'qualified venture capitalist' means an entity that—

''(I) is classified as a 'venture capital operating company' under section 2510.3–101(d) of title 29, Code of Federal Regulations;

''(II) is based in the United States;

''(III) is comprised of partners, the majority of whom are United States citizens;

''(IV) has capital commitments of not less than $10,000,000;

''(V) has been operating for at least 2 years; and

''(VI) has made at least 2 investments of not less than $500,000 during each of the most recent 2 years.''.

(c) CONDITIONAL PERMANENT RESIDENT STATUS.—Section 216A of the Immigration and Nationality Act (8 U.S.C. 1186b) is amended—

(1) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''(as defined in subsection (f)(1))'' and inserting '', sponsored entrepreneur''; and

(ii) by striking ''(as defined in subsection (f)(2)) shall'' and inserting ''shall each''; and

(B) in paragraph (2)(A), by inserting ''sponsored entrepreneur,'' after ''alien entrepreneur,'';

(3) in subsection (b), by adding at the end the following:

''(3) SPONSORED ENTREPRENEURS.—The Secretary of Homeland Security shall terminate the permanent resident status of a sponsored

entrepreneur and the alien spouse and children of such entrepreneur if the Secretary determines, not later than 3 years after the date on which such permanent resident status was conferred, that—

''(A) the qualified venture capitalist or qualified super angel investor who sponsored the entrepreneur failed to meet the investment requirements under section 203(b)(6)(A)(i); or

''(B) the entrepreneur failed to meet the job creation, capital investment, or revenue generation requirements under section 203(b)(6)(A)(ii).'';

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''sponsored entrepreneur,'' after ''alien entrepreneur,''; and

(ii) by striking ''alien entrepreneur must'' each place such term appears and inserting ''entrepreneur shall''; and

(B) in paragraph (3)—

(i) in subparagraph (A)(ii), by inserting ''or sponsored entrepreneur'' after ''alien entrepreneur''; and

(ii) in subparagraph (C), by inserting ''sponsored entrepreneur,'' after ''alien entrepreneur'';

(5) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A), by striking ''alien'' and inserting ''alien entrepreneur or sponsored entrepreneur, as applicable'';

(B) in clause (i), by striking ''invested, or is actively in the process of investing,'' and inserting ''has invested, is actively in the process of investing, or has been sponsored by a qualified super angel investor or qualified venture capitalist who has invested,''; and

(C) in clause (ii), by inserting ''or 203(b)(6), as applicable'' before the period at the end; and

(6) in subsection (f), by adding at the end the following:

''(4) The term 'sponsored entrepreneur' means an alien who obtains the status of an alien lawfully admitted for permanent residence under section 203(b)(6).''.

(d) GOVERNMENT ACCOUNTABILITY OFFICE STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress on the StartUp Visa Program, authorized under section 203(b)(6) of the Immigration and Nationality Act, as added by subsection (b).

(2) CONTENTS.—The report described in paragraph (1) shall include information regarding—

(A) the number of immigrant entrepreneurs who have received a visa under the immigrant entrepreneurs program established under section 203(b)(6) of the Immigration and Nationality Act, listed by country of origin;

(B) the localities in which such immigrant entrepreneurs have initially settled;

(C) whether such immigrant entrepreneurs generally remain in the localities in which they initially settle;

(D) the types of commercial enterprises that such immigrant entrepreneurs have established; and

(E) the types and number of jobs created by such immigrant entrepreneurs.

NOTICE OF INTENT TO SUSPEND THE RULE

Mr. COBURN. 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, including germaneness requirements, for the purpose of proposing and considering amendment No. 309 on S. 493 (text of the amendment can be found in the section denoted ''Text of Amendments'').

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, May 10, 2011, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on new developments in upstream oil and gas technologies.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Abigail Campbell@energy.senate.gov.

For further information, please contact Allyson Anderson at (202) 224-7143 or Abigail Campbell at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 3, 2011, at 10 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on May 3, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on May 3, 2011, at 10 a.m. in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 3, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''Is the Distribution of Tax Burdens and Tax Benefits Equitable?''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on May 3, 2011, at 10 a.m., to hold a hearing entitled, ''Afghanistan: What is an Acceptable End-State and How Do We Get There?''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 3, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on May 3, 2011, at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Blake Tice Taylor, Emily Wei, and Lynae Gruber of my staff be granted floor privileges for the duration of today's proceedings.

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

MILITARY SPOUSE APPRECIATION DAY

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 160.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 160) designating May 6, 2011, as ''Military Spouse Appreciation Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

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

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 160

Whereas the month of May marks ''National Military Appreciation Month'';

Whereas military spouses provide vital support to men and women in the Armed Forces and help to make the service of such men and women in the Armed Forces possible;

Whereas military spouses have been separated from loved ones because of deployment in support of overseas contingency operations and other military missions carried out by the Armed Forces;

Whereas the establishment of ''Military Spouse Appreciation Day'' is an appropriate way to honor the spouses of members of the Armed Forces; and

Whereas May 6, 2011, would be an appropriate date to establish as ''Military Spouse Appreciation Day'': Now, therefore, be it

Resolved, That the Senate—

(1) designates May 6, 2011, as ''Military Spouse Appreciation Day'';

(2) honors and recognizes the contributions made by spouses of members of the Armed Forces; and

(3) encourages the people of the United States to observe ''Military Spouse Appreciation Day'' to promote awareness of the contributions of spouses of members of the Armed Forces and the importance of the role of military spouses in the lives of members of the Armed Forces and veterans.

NATIONAL INVENTORS MONTH

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 161.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 161) designating May 2011 as ''National Inventors Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam 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 that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 161

Whereas the first United States patent was issued in 1790 to Samuel Hopkins of the State of Vermont for a process to make better fertilizer;

Whereas American inventors have contributed to advances in life sciences, technology, and manufacturing;

Whereas the Constitution specifically provides for the granting of exclusive rights to inventors for their discoveries;

Whereas the United States patent system is intended to implement that constitutional imperative and incentivize inventions;

Whereas American inventors benefit from an up-to-date and efficient patent system and the economy, jobs, and consumers of the United States benefit from the inventions;

Whereas the next great American invention could be among the 700,000 patent applications pending as of the date of approval of this resolution in the United States Patent and Trademark Office;

Whereas the last changes to the United States patent system were made nearly 60 years ago;

Whereas an updated patent system will unleash innovation and create jobs in the United States without adding to the deficit;

Whereas every May, a new class of inventors is inducted into the National Inventors Hall of Fame;

Whereas in the 112th Congress, a bill was introduced in the House of Representatives entitled the ''America Invents Act'' (H.R. 1249) to make reforms to the United States patent system; and

Whereas the Senate on March 8, 2011, passed the bill entitled the ''America Invents Act'' (S. 23), which will make the first comprehensive reforms to the United States patent system in nearly 60 years: Now, therefore, be it

Resolved, That the Senate designates May 2011, as ''National Inventors Month''.

Mr. LEAHY. Madam President, I am pleased that the Senate has acted quickly to pass a resolution designating May 2011 as National Inventors Month. On May 4, the National Inventors Hall of Fame, in partnership with the United States Patent and Trademark Office, will hold its 39th Annual National Inventors Hall of Fame Induction Ceremony.

Our Nation's inventors are the catalyst of our economy. Their inventions, when protected by a strong, efficient, and balanced patent system lead to new products and processes for American consumers and new jobs for American workers.

Earlier this year, the United States Senate passed overwhelmingly the America Invents Act, to ensure that our Nation's inventors and innovators have a 21st Century patent system that speeds high quality patents to market. The United States House Committee on the Judiciary recently voted to approve a very similar version of this legislation on a strong bipartisan vote. I look forward to working together to get the America Invents Act to the President's desk and providing our inventors with the legal landscape they need to flourish.

I appreciate the efforts of Inventors Digest Magazine and others who have promoted National Inventors Month.

ORDERS FOR WEDNESDAY, MAY 4, 2011

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, May 4; 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, and the Senate then proceed to a period for the transaction of morning business for debate only until 12 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes; further, that the filing deadline for all second-degree amendments to S. 493 be at 11 a.m.; finally, I ask unanimous consent that the cloture vote with respect to S. 493 occur at 12 p.m. on Wednesday.

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

PROGRAM

Mr. REID. Madam President, there will be up to two rollcall votes at noon tomorrow. The first rollcall vote will be on the motion to invoke cloture on S. 493, the small business jobs bill. If cloture is not invoked on the bill, the Senate will immediately proceed to a rollcall vote on the motion to invoke cloture on the nomination of John McConnell to be a U.S. District Judge for the District of Rhode Island.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam 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 4:59 p.m., adjourned until Wednesday, May 4, 2011, at 10 a.m.