



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 158

WASHINGTON, THURSDAY, MARCH 29, 2012

No. 52

## Senate

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

### PRAYER

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

Let us pray.

Eternal God, our dwelling place in all generations, help us to run when we can, to walk when we ought, and to wait when we must.

Give our lawmakers this day the wisdom to follow Your guidance. Illuminate them with Your Divine Light, providing them with a discernment greater than their own. Sustain them by the radiant vision of the ultimate triumph of Your truth. May they sense Your presence and make this day one of constant inner conversation with You. Lord, give them a productive day as they cast their burdens on You.

We pray in Your merciful Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 29, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator

from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will resume consideration of the motion to proceed to S. 2230, the Paying A Fair Share Act, with the time until 11:30 a.m. equally divided and controlled between the two leaders or their designees. The majority will control the first 30 minutes and the Republicans the next 30 minutes.

The filing deadline for second-degree amendments to S. 2204 is 10:30 a.m. this morning.

At 11:30 a.m., there will be a cloture vote on the Repeal Big Oil Tax Subsidies Act.

The Transportation bill expires at the end of this month, so that will have to be addressed before we leave this week. We are waiting to see what the House is doing. As I think a lot of people know, they have tried, the Republican leadership there has tried, to bring up a bill on two separate occasions. They had to bring it down because they did not have the votes to pass what they wanted. So I assume something will pass over there—I guess. We have been waiting all week. I am confident they can scrounge up 218 votes.

### BIG OIL SUBSIDIES

Mr. REID. Mr. President, over the past decade, the five major oil compa-

nies have made more than \$1 trillion—that is not billions; it is “T,” trillions. They have also taken home billions of dollars in taxpayer subsidies—our money they have also taken—to add to those grossly exaggerated profits. They get these subsidies they do not need.

You do not need to take my word for it. Even oil executives admit an industry making hundreds of billions of dollars in profits every year does not need a handout from the American taxpayer.

Former Shell CEO John Hofmeister said a decade of high gas prices is incentive enough for oil companies to drill for more oil:

My point of view is that with high oil prices, such subsidies are [totally] unnecessary.

We agree. So do almost 80 percent of the American people. There is no reason for these companies—five companies last year made \$137 billion—to need subsidies from the American taxpayer.

So today Senate Republicans are going to have a chance—another chance, another opportunity—to show Americans where they stand on this issue. I hope they will allow us to invoke cloture on this and to complete this legislation today. They appear poised, however—what I have heard from my friends on the other side of the aisle—to pick the pockets of American taxpayers in order to line the pockets of these oil executives.

But unless we vote to repeal these wasteful giveaways, the country will spend another \$25 billion over the next decade making these rich oil companies that much richer.

The oil executives who benefit from this bad policy—and the Republicans who go to bat for them—want you to believe repealing taxpayer subsidies will increase gas prices. It is not true. The only effective way to bring down prices at the pump is to reduce our reliance on foreign oil.

We have made progress toward that during the Obama years. For almost

• This “buller” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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the 4 years he has been in office, domestic oil production has increased every year, and America's dependence on foreign oil has decreased every year.

Everyone should hear again what I said: During the Obama years, domestic oil production has increased, dependence on foreign oil has decreased.

Last year, America used a lower percentage of foreign oil than at any time in almost two decades, thanks to President Obama's smart energy policies. We have heard speeches in the last couple days here in effect saying: Drill, baby, drill. We are doing a good job. We cannot produce our way out of this mess we are in. America controls less than 2 percent of the oil in the world. We use more than 20 percent of it. And even though we are doing better—and that is good—we must lessen our dependence. We must become energy independent. And we can do that.

There are huge discoveries of natural gas that the Republicans voted against using. Can you imagine that? A bipartisan bill, Menendez-Burr, to use the natural gas. We have more natural gas reserves than any other country in the world. So we wanted to start a program here: Why don't we use some of it? Boone Pickens—by the way, who is not a Democrat—it is his idea, joined by others: to move the big fleets we have. Millions of these 18-wheelers every day use all this fuel unnecessarily. We could convert these to natural gas—less polluting, easier on the engines. But the Republicans voted against that. I guess the oil companies would rather we use their oil.

The prices at the pump continue to rise. That is because chanting, as I said, "drill, baby, drill" is not a comprehensive solution to this Nation's energy problems, including high gas prices. We know what is going on in the Middle East. We know there are complicated issues. We need to continue responsible domestic oil exploration. But we cannot drill our way to energy independence, as I have said. America must also invest in clean energy technologies that will free us from our addiction to oil over the long term.

President Obama was in Nevada last week. Between a place called Railroad Pass and my home in Searchlight, there is a huge what we used to call a dry lake. On that—Boulder City now owns that real estate—they have allowed huge construction projects of solar. You drive by that—it used to be, when I was a little boy, we would drive by that dry lake, and if you looked out there, it looked as though there was water. It was a mirage. Now it is not a mirage. It looks like a lake because there are all those solar panels—more than a million of them there producing huge amounts of energy, nonpolluting. That is the way it should be. We should do lots more of that.

Repealing \$24 billion in lavish subsidies to oil companies would pay for those clean energy investments, with money to spare. With the savings, we can help move forward proven tech-

nologies such as solar, wind, advanced batteries, and even next-generation vehicles. We can give innovators the tools they need to bring the next electric car or advanced solar panel from the drawing board to the boardroom.

As most everyone knows, my wife has not been well, so I have not been going to Nevada as much as I had over the 30 years I have been here. But I am going out this coming week because she is doing much better. One of the people I am going to visit next week is a man by the name of Byron Georgiou, who has developed a company for electric cars. I am looking forward to that. They are a manufacturer there in Nevada. It is programs like this that we need. We need to give innovators the tools they need to bring the next electric car, as we have in Nevada, or advanced solar panel from the drawing board to the boardroom, and we can pay down the deficit with the money that is left over. But we cannot do any of that if we continue to give taxpayer dollars to the most profitable corporations in the world—corporations that made, as I indicated, a record \$137 billion in profits last year. It is easy to keep track of because there are only five of them, these multinational corporations.

This morning, when the Republicans consider whether to put oil company coffers ahead of taxpayers' wallets, I hope they consider this fact: The five major oil companies raked in last year \$260,000—it is actually more—more than \$260,000 in profits every minute of every day for 1 year. They did not take Christmas off. It was still made during Christmas: \$265,000 a minute. During Thanksgiving, New Year's, they got the money; more than \$260,000 a minute. That is a huge amount: \$260,000 in profits every minute—every minute—24 hours a day, 7 days a week. It takes a typical family 5 years to earn what those oil companies took home in profits in a single minute last year.

American families are struggling. Big oil companies are not. Before my Republican colleagues vote to send another taxpayer dollar to Big Oil, I hope they will consider the \$260,000 a minute, and I hope they will make the right decision as we vote at 11:30 today.

#### RESERVATION OF LEADER TIME

Mr. REID. Mr. President, would the Chair announce the business of the day.

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

#### IMPOSING A MINIMUM EFFECTIVE TAX RATE FOR HIGH-INCOME TAXPAYERS—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2230, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 339 (S. 2230) a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

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

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

#### BIG OIL SUBSIDIES

Mr. LAUTENBERG. Madam President, I rise today in a moment when America is in crisis, and I don't think we are paying appropriate attention to the problems that befall our society. There are still too many people out of work, too many people who can't afford health care presently, and too many people who can't educate their children because they don't have the means. They are struggling. Millions of homes are still on the edge of foreclosure. And here we see a situation that is unacceptable under any stretch of the imagination.

I rise today to talk to the American people who are struggling every week to provide the necessities for family life. At the same time, I ask my Republican colleagues why they would insist on continuing tax subsidies—gifts, really—to multibillion-dollar oil companies at the expense of ordinary, hard-working, middle-income families. Right now, these families are forced to come up with \$4 per gallon—\$60 to \$80 dollars, typically—to fill the tank every time they have to go to the gas station. That is a huge burden. The big five oil companies have made almost \$1 trillion in profits in the last decade. Look at how much money these companies made in the last year alone. It was a record \$137 billion between the big five oil companies.

Look at them: ExxonMobil—these poor guys need a subsidy. They only made \$41 billion—\$41 billion—in a single year. Look down the list. The last of the five must believe that trying to catch up is pretty tough. They only made \$12 billion. That is Conoco, the last. In 1 year, they made \$12 billion.

Given how well these companies are doing, why are we giving them billions of dollars in tax breaks? The legislation we are voting on today presents a better idea. It says we should end these tax breaks and instead invest in clean energy solutions that can break our dangerous dependence on oil.

Investing in renewable energy has helped launch industries that create jobs and clean up our air and provide homemade — homemade — American power. Clean energy is also our best chance to break through spiraling gas

prices and our reliance on foreign oil. One would think our colleagues on the other side of the aisle would want to put a stop to the punishing effects of higher and higher gas prices on middle-income working people. Why wouldn't they want to end America's dependence on fossil fuels and eliminate needless tax breaks for oil companies? Two words: Big Oil.

Big Oil is doing all it can to protect their tax breaks. Even a retired chairman and CEO of Exxon said it is not necessary; they do not need it. But they are taking it. Big Oil is doing all it can to protect their tax breaks, and the Republicans are lining up to help Big Oil.

It is time to tell the truth. Making oil companies pay their fair share in taxes is not going to raise the price of gas, contrary to what they publish. It just means Big Oil executives might have to trim their sail a little bit and share in the problems we have. A long time ago when I was a soldier, we had an excess profits tax for companies that made, in a way, unconscionable amounts of money based on the situation our country was facing. So it is just a matter of sharing some of the responsibility our country has in order to keep everybody feeling as though they are participating in the American dream, not a nightmare.

While millions of Americans are struggling every week to pay their bills, everybody should take a look at how much oil companies are paying their executives. Here is a fellow who personally runs ExxonMobil, the CEO, and he was paid \$29 million last year. That is what I said, \$29 million. Conoco Phillips' CEO received \$18 million, and Chevron's exec made \$16 million in income in 1 single year.

By the way, that is from money earned for an essential product. When we look at gasoline, it almost compares to having medicines available because when we look at the cost of gasoline, we might ask: What would it take to educate all the children who can learn? Way less than we see demonstrated on these charts and their balance sheets. Working men and women in this country on average make just over \$27,000 a year—\$27,000 a year.

I don't begrudge high profits. I really don't. I ran a big company, a company I helped start, which has 45,000 employees. It is a huge company. It is a company that calculates the employment records every month. The company is called ADT. So I don't mind big profits.

The question is, Who are you taking them from and how critical is the product they are being forced to buy? Right now, people are paying an average of \$3.91 per gallon of gas.

What about the people who live in other places? We picked at random a county in Mississippi. The county is called Issaquena County. Last year, the entire income for all the people in that county who were working was just over \$16 million. All the people in a single

county made \$16 million. This poor guy at Chevron made \$16 million by himself, and the others would leave all of those in that county way behind. A single oil company CEO made more in 1 year than all the people in that county put together. These hard-working people are already contributing to the income of oil executives whenever they fill up their gas tanks. Is it fair to ask them to chip in with their tax dollars to pay even more toward these record-setting salaries?

Over the last 10 years, CEO pay at Exxon and Chevron has more than tripled. Over the same period, gas prices have nearly tripled. The picture is clear: Working people are struggling to fill up their tanks while oil executives are struggling to carry their big fat paychecks to the bank. It is almost beyond belief that Senators are lining up to protect tax breaks for oil companies—some Senators, I say—beyond belief.

I say to them: Mind your responsibilities. You were elected not just by oil company executives or even oil company employees. Let's focus on the hard-working Americans who are paying more and more at the gas pump, the clean energy workers who might lose their jobs, and our men and women in uniform who put their lives on the line to protect oil supplies.

The American people know these subsidies are unnecessary, that they are ineffective, and they are immoral considering the conditions that exist in our society. Continuing to subsidize oil companies only increases our dependence on dirty fuels. It keeps us on a dead-end road to sky-high energy bills, more oil spills, and dangerous pollution levels.

So I call on my colleagues to kick Big Oil off of the welfare rolls and invest in clean energy jobs. Let's end the industry's tax breaks and break our country's addiction to oil and other dirty fuels. Let's invest in clean energy and smart transportation, not windfalls for oil industry executives and lobbyists. Let's make certain our children and our grandchildren inherit a country that is fiscally sound, morally responsible, and free from its dependence on oil.

Let's not worry about the oil companies. They can take care of themselves. Let's stop this drain on our society, this drain on working-class citizens. Let's pay attention to the millions and millions of people in America who say: Just give us a chance, give us a chance to make a decent living; give us a chance to educate our children; give us a chance to keep our jobs; give us a chance to maintain our homes; get us off the possible foreclosure line. That is what we are looking for.

That is the purpose of this legislation—to say to the American people: Look in this Chamber, Mr. and Mrs. America. Look in this Chamber and see the people who are supporting Big Oil profit fattening. Look at those who are supporting these profits.

Again, I don't mind companies making profits, but when the profits come in almost blood money, when you think of the effect gasoline has on family life, it is unfair, it is indecent, and it is improper.

With that, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Our friends on the other side, the Senate Democrats, have put on a clinic this week on how not to run a serious legislative body. If they have achieved anything at all, it is to make Americans even more frustrated with Congress, as if that were possible.

Faced with skyrocketing gas prices, Senate Democrats turned to a bill that even they admit doesn't lower them. Then, to make matters worse, they blocked Republicans from offering anything that might. That was their brilliant plan on how to deal with gas prices: raise taxes on energy companies, when gas is already hovering around \$4 a gallon, then block consideration of anything else just to make sure gas prices don't go anywhere but up.

Somehow they thought doing this would set up some kind of political win for them, which, frankly, I don't understand. I mean, I can't imagine anybody giving them any high-fives for not lowering gas prices. But, anyway, that was obviously the plan. It appears to have fallen short because now they want to move off this issue and on to another political vote to yet another debate where the goal isn't to make a difference but, rather, to make a point—to increase taxes not lower prices at the pump.

Well, I don't expect this next vote will have the political punch they expect either. But that is the Democratic plan anyway. It is getting quite tedious. Day after day after day, Senate Democrats all choose to come out here not so we can make an actual difference in the lives of working Americans and families struggling to fill the gas tank, but so we can watch them stage votes for show. For some reason they thought they would put some political points on the board this week if the American people saw them voting for a tax hike we all knew ahead of time didn't have the votes to pass.

That didn't work. If anyone has any doubt about that, just ask yourself why they were moving to actually get off of it. Now they think they will score political points by staging another vote on a tax hike we know doesn't have the votes to pass.

None of this makes sense to me. But that is how the Democrats have chosen to run this place. If they want to keep trying to distract the American people from the fact they do not have any solutions to the problems we face, that is their prerogative. But that is not going to keep Republicans from talking about ours. That is not going to keep us from trying to actually make a difference around here.

Surveys show two-thirds of Americans disapprove of the way the President is handling high gas prices.

We know high gas prices are having a negative impact on Americans' daily lives. So we think the American people are entitled to this debate. They sent us to do something other than put on a show, and that is why we will continue to insist on a serious debate.

The majority leader frequently complains there isn't any time to focus on priorities such as cybersecurity, postal reform, and the Export-Import Bank, not to mention maybe passing a budget for the first time in 3 years. Yet he seems to find the time to hold not one but two political show votes on tax hikes.

The way I see it, the American people didn't send us to score political points. As I said, they sent us to make a difference. So I will be voting against this tax hike on American energy manufacturers, and I would urge my colleagues to do the same.

I hope that when the Senate returns in April, Democrats will have heard from their constituents and will focus on jobs and prices at the pump—rather than the latest political vote.

Mr. REID. Madam President, if my friend would yield. I have a unanimous consent request.

Mr. MCCONNELL. I will be happy to yield.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I ask unanimous consent that the cloture vote on S. 2204, which is currently set for 11:30, be moved to start at 11:15.

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

Mr. REID. Members should not be worried about this because we will keep the vote open until at least noon. So everybody who was scheduling to vote at 11:30 can still do that.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### HEALTH CARE

Mr. MCCONNELL. Madam President, we have all been following what has been going on across the street this week with great interest. While we all have our preferences, none of us knows at this point how the Supreme Court will rule. But one thing we should all be able to agree on is that the President's health care bill is a mess, an absolute mess.

The American people clearly don't like it. Polls show the majority want the law repealed. More than two-thirds of the public, including most Democrats, believe the core of this bill is unconstitutional. It is loaded, literally loaded with broken promises.

The President said it would lower costs. It is, in fact, raising costs. Proponents said it would create jobs. Now we know it means fewer jobs. The President said families would save on their premiums. They are, in fact, going up. He said people would be able to keep the insurance they have and like. They will not. CBO's most likely prediction finds 3 to 5 million Americans will lose their current plan every single year. The President said he would protect Medicare, but, instead, the law raids Medicare for over \$500 billion, cutting billions from hospitals, nursing homes, hospices, and Medicare Advantage.

The President promised the American people their taxes wouldn't go up one penny. Two years later, the American people found out their taxes will be going up by more than \$550 billion. The Joint Committee on Taxation found no fewer than 11 separate taxes and penalties that fall squarely on the middle class.

Remember the CLASS Act? The administration said it would be fiscally stable and would reduce the deficit. A couple months ago, it was determined to be unsustainable and was shut down before it even began.

The President told the American people, "Federal conscience laws will remain in place." Two years later, he turned around and gave his approval to HHS to mandate that religious-affiliated schools, universities, hospitals, and charities would have to violate their religious tenets or pay a hefty fine.

Finally, the health care law will increase Medicaid rolls by nearly 25 million people, costing already cash-strapped States another \$118 billion—money many Governors, including Kentucky's, don't know where to get.

This law is bad for Kentucky, it is bad for the country, and it is bad for health care. Americans don't want it. Regardless of what the court decides this summer, it should be repealed and it should be replaced. It should be replaced with commonsense reforms that lower costs and that Americans actually want—reforms that protect jobs and State budgets, reduce the deficit, reform entitlements, and strengthen Medicare.

One broken promise is one too many. This law is full of broken promises from top to bottom.

Two years ago, then-Speaker PELOSI said we would have to pass this bill to find out what was in it. Now we know. The American people have had a chance to decide for themselves. They don't like it. They want it repealed, and that is what we plan to do.

#### TORNADO RELIEF

Madam President, I once again share with my colleagues stories of the heartbreaking events in my home State of Kentucky in the aftermath of the horrific wave of storms and tornadoes that ravaged my State, along with several others in the Midwest, earlier this month.

As I have already stated on the floor, these were very severe tornadoes, with at least 11 funnel clouds confirmed by the National Weather Service to have touched down in my State, blowing at wind speeds up to 125 miles an hour.

We know 24 Kentuckians lost their lives and more than 300 were injured. Many homes, churches, schools, and places of business were destroyed. Scenes of destruction still exist across the State in places such as Magoffin County, Menifee County, Kenton, Morgan, Laurel, Lawrence, Martin, Pulaski, Johnson, and Trimble, all those counties in my State which were among the hardest hit.

Kentuckians are working hard to rebuild. I am pleased to say that despite the tragedy of lives lost, families grieving, and memories destroyed forever, there is some good news to report; that is, how inspiring it is to see so many good-hearted Kentuckians come together to provide for their neighbors in the wake of these tornadoes.

Take, for example, the congregation of Arthur Ridge Baptist Church in the town of East Bernstadt, located in Laurel County. Thanks to the leadership of Pastor Steve Smith, Arthur Ridge Baptist Church opened its doors within hours of the storm's end to provide food and shelter for those who needed it.

Pastor Smith kept the church doors open for 24 hours a day and served up to 700 meals a day to local residents who had no food, no kitchen, and no home to call their own. According to Pastor Smith, people from all over the area pitched in. Folks from different churches worked to prepare meals, and many residents donated items such as dishes, silverware, toiletries, pillows, and blankets for care packages to distribute to the victims of the storm. Local businesses did their part too. The nearby Little Caesar's pizza in London gave away 120 pizzas in 1 day, soon after the tornadoes. Many other local restaurants donated food as well.

Thanks in part to the efforts of Pastor Smith and the congregation of Arthur Ridge Baptist Church, life is just a little bit better for many in East Bernstadt. At first, the church had to tend to people's most immediate and "simple needs—water, a hot meal, an air mattress to sleep on," says Pastor Smith, who is a Laurel County native and has been the pastor at Arthur Ridge now for 6 years. He says, however, "People are over the shock and awe."

Weeks after the tornadoes passed, the church was still open 14 hours a day, distributing 125 to 150 meals a day and running a clothing distribution center. Pastor Smith's latest focus was on finding a place to set up donated washing and drying machines so local storm victims without homes can actually clean their clothes.

Over 3,500 people have registered to volunteer in the region, and as of last week over 25,000 meals had been served to displaced families.

This is just one story of how many Kentuckians have joined together to help the least fortunate in my State. Hawk Creek Baptist Church in Laurel County, First Baptist Church of East Bernstadt, and Trinity Freewill Baptist Church of Martin County also opened their doors to provide shelter and relief to displaced Kentuckians and the volunteers working to help them in the days after the disaster struck.

Jim Paul, director of the organization called Ken-Tenn Relief Team, was in East Bernstadt the morning after the storms with food supplies. He trucked in a tractor-trailer load of donated food and other items and personally volunteered dozens of hours in at least three counties to aid storm victims.

In Morgan County, the local Appalachian Regional Healthcare hospital suffered serious damage. Every second-floor window of the hospital was literally blown out, doors were torn off their hinges, and part of the roof was ripped off. Dozens of people were injured and the patients had to be evacuated to nearby hospitals.

Luckily, Martie and Teresa Johnson, owners of a nearby Wendy's restaurant, stepped in to help. They served 450 hot meals to the cleanup crew who came in to repair the Morgan County ARH hospital and also traveled to Salyersville and gave away food there.

One television station in Hazard, WYMT, held a telethon to raise money for victims across the State. I was pleased to play a small part in that effort myself, as the television station asked me to record a greeting describing the devastating effects of the tornados. The people of the region raised over \$180,000 in the telethon for disaster relief.

The local J.C. Penney of Corbin donated clothing and shoes to area elementary school students, and the employees of the store took up a collection to donate winter, spring, and summer clothing for the children.

"Some of [the employees] don't have a lot to give, but when this came up, they all wanted to know what else we needed," says Tiffany Flint, the Corbin J.C. Penney store manager.

We hope it will help the children to look good and feel good. We just wanted to do this to help them get back on their feet.

The men's soccer team from Kentucky's University of the Cumberlands donated some of their time to help the less fortunate. Head soccer coach Brenton Benware, his staff, and nearly 30 student athletes drove to East Bernstadt to help clean up debris in the area.

"Going . . . was just another reminder of how blessed we really are," said Coach Benware. "I think we were all deeply affected by what we saw and reminded how important it is to serve and help our neighbors in times of need."

While there, the University of the Cumberlands soccer team may have run into the soccer team from Union

College, which also traveled to Laurel County to help. The team stacked wood from downed trees, cleared debris from backyards, and helped a man move a displaced steel roof that the tornado had deposited in his yard.

Union College dean of students Debbie D'Anna was responsible for sponsoring the trip, while the school's campus food services donated snacks and bottled water, and James Jimerson of the school's physical plant loaned out tools. Local businesses, such as Knox Hardware and Pope's Lumber, donated work and cleaning supplies. Many faculty, staff and students of Union College donated items such as food, clothing, and other essentials.

In Salyersville, a town in Magoffin County, the block known as "Restaurant Row" was hit by a tornado and nearly every restaurant on it destroyed. One of the few left was a Dairy Queen owned by Doug and Sue Mortimer.

On the night of the storms, they opened their restaurant, running on generator power, and served free meals to the volunteers working to clean up the wreckage.

Several Home Depot stores in Kentucky and Indiana contributed to the relief efforts as well. In the West Liberty area, district manager Becky Young and store manager Jim Householder coordinated donations of approximately \$2,600, and Jim's store employees were out immediately after the storm handing out paper towels, trash bags, and gloves to relief volunteers.

Other Home Depot stores in Kentucky and Indiana, led by district manager Tim Choate and district human resource manager Lee Ann Bruce, donated thousands of dollars' worth of products such as chainsaws, gloves, respirators, tarps, water, and trash bags to organizations such as the Henryville Fire Department and local United Way chapters. And store employees volunteered to assist those organizations in the recovery.

Lowe's stores in Kentucky have also pitched in, providing gloves, tarps, shovels, bleach, and other supplies to communities all across the State. In addition to over \$300,000 donated by the company to relief efforts after the storms, the Lowe's district manager for Kentucky, Stephen West, dispatched "Lowe's Heroes," store employees who are volunteering their time and construction know-how.

Local Walmart stores in Kentucky as well as the company's foundation have provided tens of thousands of dollars' worth of water, cleaning supplies, baby food, diapers, and more to help the community. Bob Gound, the market human resources manager for Walmart locations in eastern Kentucky, has taken the lead in coordinating these efforts. And local store employees are making bag lunches and handing them out in the hardest-hit Kentucky communities.

I have seen firsthand in my recent visits to the Bluegrass State both how

severe the destruction is, and how hard the people of Kentucky are working to rebuild and lift their neighbors out of the dire circumstances that the cruel forces of nature have put so many of them in.

It is thanks to altruistic and generous Kentuckians like Pastor Steve Smith, among many others, that I am confident that the Kentuckians hurt by these storms will recover. I and my staff throughout the State have heard so many heart-warming stories like the few I have just shared that it would not be possible for me to recite them all on this Senate floor.

But I hope that the few stories I have shared are more than enough to reassure my colleagues, the people of Kentucky, and the world that we Kentuckians are stout of heart and firm in our resolve. We will prevail over this tragedy. We will rebuild towns like East Bernstadt to be better than they were before. And the families of Kentucky will hopefully one day heal the wounds in their hearts and continue on.

#### TRIBUTE TO LAURA DOVE

Madam President, I know I have inconvenienced the Senator from Georgia, but I have one more rather brief comment. I would like to say a few words about Laura Dove, who is leaving us this week, sitting right here at the table on the Republican side of the Chamber in the well.

For C-SPAN2 watchers out there, Laura is the assistant secretary for the minority. We wish she were the assistant secretary for the majority, but she is assistant secretary for the minority, which means she is one of the people who make this place run every day but whose names you don't hear on the rollcall.

She has put in her time, starting out as a page in high school and later moving to the Republican cloakroom. She did a stint at the Senate Republican Conference and the National Republican Senatorial Committee. And then Dave Schiappa, the Secretary for the Minority, hired her back into his shop about 10 years ago.

And she's done a fabulous job. Senate work is in Laura's DNA. Her dad's a past Senate parliamentarian. And she's been an invaluable member of the floor team for as long as I can remember—counseling members on the floor, working with committees to clear legislation, and doing countless other essential tasks, big and small, that nobody watching from home would even notice.

She always has a smile, always handles the pressure down in the well with a cool-head, and I know she's been an anchor for Dave over the years. So we will miss having her around.

And we wish her all the best as she moves onto other things.

I know she wants to travel with her husband Dan, and her two children Jakey and Abby. I don't think any of us would be surprised if Laura came back. But for now, I thank her for her service to the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I would note that it is never an inconvenience to be deferred by a beautiful lady, and again I take all the remarks made by the leader about Ms. Dove, and I would add one thing about the best and greatest institution in America, the U.S. Senate, and that is that a young mother of two has become an institution to herself. Laura, we appreciate all you have done.

#### MISSILE DEFENSE

Mr. ISAKSON. Madam President, I rise to talk about two specific subjects, one of them a very troubling comment picked up by a microphone that was not believed to be live, made by President Obama to President Medvedev of Russia. It is a troubling comment to me because I spent most of the previous year in the Senate as a member of the Foreign Relations Committee working on the New START treaty, which the Senate adopted with 71 favorable votes a year ago, a treaty that is a treaty on offensive missiles, not defensive missiles nor strategic missiles.

It is a treaty that began under Ronald Reagan, was ratified by George H.W. Bush shortly after the fall of the Berlin Wall, was extended under George W. Bush and terminated a couple of years ago and needed to be renewed. It is a treaty that did three things. First of all, it reduced offensive weapons held by the Russians and the Americans; second, gave us unilateral access to Russia and the Russians unilateral access to us to trust but verify the warheads that existed; and third, new identification systems and holographs that made it almost impossible to hide or mimic nuclear warheads. It is a comprehensive treaty that is important to America, important to the free world, and, quite frankly, important to Russia.

I would like to quote from the Washington Post exactly what the President was picked up as having said when he was talking to Mr. Medvedev after their official conversation.

I quote from the Washington Post:

On all these issues, but particularly missile defense, this can be solved—

I underline, nobody knows what “this” means—

but it’s important for him to give me space.

President Medvedev said back:

Yeah, I understand.

Then the President said the following:

This is my last election. After my election, I [will] have more flexibility.

That flexibility obviously refers back to “this,” which was in the first comment.

So as a continuing member of the Foreign Relations Committee, one who is proud of the work we did on the START treaty but one who understands particularly the commitments of the country, I think it important

that the President clarify what “this” meant and how flexibility would be applied if he were reelected as President of the United States for this reason: In the President’s letter to the Senate to endorse the New START treaty and ask for its ratification, he said the following: that he pledged in his message to the Senate on the New START treaty “to continue development and deployment of all stages of the Phased Adaptive Approach to missile defense in Europe, including qualitative and quantitative improvements to such system.” That is a unilateral statement.

I met with Vice President JOE BIDEN in his office outside this Chamber during the debate. Vice President BIDEN committed the administration in terms of continuing on missile defense. I met with Secretary of State Clinton. I met with Ellen Tauscher, who was one of the chief negotiators and chief operatives, a former Member of the House working for the State Department. There was never any wiggle room nor need for flexibility. The United States was committed to missile defense in Europe, we remain committed to this day, and it is important that the President reaffirm that and it not be in any way confused or blurred by the comments picked up by that microphone. It is too important to the country, it is too important to this body, and it is too important to me for us to be able to trust the words of each other, not to find out sometime later that they want flexibility to possibly move from those words. Nuclear defense clearly is very sensitive with the Russians, and I understand that. If there are negotiations on that, that ought to be in the open, not after we have time for flexibility. It ought to be forthright.

I also would like to add that there is another missile defense issue that looms out there that we have to pay attention to. Israel is surrounded by missiles with warheads to injure the people of that country and take the country down. A missile defense system for Israel would be equally as important as missile defense deployment would be for the Eastern European countries.

So missile defense was a vision of Ronald Reagan’s, continued under every President of the United States since Ronald Reagan, and it is important that we remain committed to it. I believe it is particularly important to understand what the President said, particularly on missile defense, what “this” meant when he asked for flexibility, because there should be no wiggle room in our desire to protect and defend democracy not only in the United States but around the world.

Madam President real quickly, we talked all week about gas prices, and there has been a lot of demonization from both sides. I am a pretty simple guy. I was a businessman for 33 years, went and got a degree in college in business, studied economics in high

school, and learned one principle of free enterprise and competition: prices are determined by supply and demand. If your supply goes down and your demand goes up, your prices go up. On the contrary, if the supply is plentiful and demand goes down, your prices go down. You can blame gas companies, presidents’ salaries, anything you want to blame; the fact is, we are talking out of the side of our mouth—and particularly in the administration—when it comes to exploration for natural resources in the United States of America, and only can we become energy independent when we develop all of our resources. I support that. I drive a hybrid car. I am not just somebody who talks about it, I believe it is important. It reduces my consumption, it extends my miles per gallon, and it is better for the environment.

But we have proven through the Solyndra and other cases that some of the alternative energy sources were either not perfected or frankly just don’t work. So while we are developing ones that do, we should be robustly exploring in the gulf, in Alaska, in the Midwest, in the Northwest, and offshore, such as my State of Georgia, the resources we know exist to raise the supply of petroleum in the United States and lower the price to the American taxpayer.

All four sources of energy that are safe and reliable should be promoted. That includes nuclear energy. I am very proud and I am thankful to the President that he issued the loan guarantee on the first reactors licensed in this country since 1978. They are in Plant Vogtle in Augusta or Burke County, GA. But his Chairman of the Nuclear Regulatory Commission voted no on that final approval. He was outvoted 4 to 1, but he voted no. That sends a signal that we may talk on one hand about having robust development of all resources, but when it comes to playing our hand on the actual vote, we really don’t do it. The same thing is true with the Keystone Pipeline. You can’t just approve the pipeline to the south without connecting it to the north because if you do, you don’t get the petroleum.

We can blame whomever we want to blame, but the fact is facts are stubborn, and supply and demand is what dictates price. We should robustly be exploring the natural resources of the United States for America to have less dependence on foreign oil and more dependence on our own oil where we know we have resources. We should pay attention to our environment and recognize that no country in the world has done a better job in the modern era since the industrial revolution of cleaning up its environment than the United States of America. No one looks after their environment harder than the United States of America. We owe it to our people to look equally hard at the cost of gasoline, the price of petroleum, and the robust exploration of our own natural resources here at home for less dependency overseas.



I yield the floor and defer to the Senator from Louisiana, who has a lot of offshore resources of his own.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I rise to talk about one of the most pressing challenges Louisiana families—indeed, most American families—face, and that is the price at the pump and the enormous hit that is to their family budgets, their pocketbooks, their wallets. It is really making life very difficult in the midst of a very weak economy.

A few years ago the price was \$1.84. That was on the day Barack Obama was sworn in as President of the United States. Now it has more than doubled; it is \$3.80-plus. It seems to be rising every day, and that is a real crisis to a lot of American families. We should be committed here in the Senate, here in Washington, to connecting with the real world and focusing on real problems and real crises. For millions of Louisiana and American families, that is absolutely it. Unfortunately, I don't see real solutions and a real policy to address that coming out of the President or some of my colleagues on the Senate floor. Right now, to the minute, as we speak on the Senate floor, the President is speaking at the White House, and he is laying out his proposal to raise taxes on domestic energy companies and domestic oil and gas production. That is not a policy that is going to help Louisiana and American families with the price at the pump. In fact, it is a policy that is going to make it worse and not better.

Folks get it in the real world. They certainly do in Louisiana. When we increase taxes on something, those are costs that almost every business, if they possibly can, is going to pass on to consumers. That is pushing prices up, not down.

It is also the first rule of economics, as my colleague from Georgia said, supply and demand. If we tax something more, we get less of it. If we increase taxes on domestic energy producers, on domestic oil and gas, we will get less of it. Less supply means the price goes up. So those are two compelling reasons this proposal is not going to help Louisiana families and American families with their struggles with the price at the pump. It is going to make it even worse, when it has been getting worse on its own for a lot of related reasons, very dramatically. So that is not a policy. That is not a commonsense or a real-world solution.

Likewise, one of the few other things I have heard from the President in terms of this matter is essentially begging other countries to increase their production. I don't think that is a policy worthy of America either. I think the perfect symbol for that approach is the President bowing to the princes of Saudi Arabia. It is a symbol of his approach of trying to deal with the price at the pump, and it is not good enough and it is not worthy of the American people.

Other folks have also adopted this approach. Senator SCHUMER, our colleague in this Chamber, recently wrote Secretary of State Clinton on February 28, 2012, just a few weeks ago:

To address this situation—

Meaning the price at the pump—

I urge the State Department to work with the government of Saudi Arabia to increase its oil production, as they are currently producing well under their capacity.

Begging Saudi Arabia is not an adequate solution, and it is not a policy worthy of America.

President Obama's own Energy Secretary Secretary Chu said even more recently, on March 20 of this year:

We're very grateful that Saudi Arabia has extra capacity and it feels confident that it can fulfill any potential deficits, at least the way the current markets are now, the current demand I should say, are now.

Again, begging Saudi Arabia, begging the Middle East, begging other countries, that is not an adequate policy and it is not a policy worthy of America.

President Obama has done a world tour doing some of this in other countries. Notably, on March 20, 2011, when my part of the country was still struggling with the de facto moratorium in the Gulf of Mexico, a permit logjam blocking us from producing good, reliable American energy, putting Americans, Louisianans to work, the President went to Brazil to beg them to produce their resources and to promise them that the United States would be a great customer. Quote:

We want to help you with the technology and support to develop these oil reserves safely. And when you're ready to start selling, we want to be one of your best customers. At a time when we've been reminded how easily instability in other parts of the world can affect the price of oil, the United States could not be happier with the potential for a new, stable source of energy.

He means drilling in Brazil. I have to say this was like rubbing salt in the wound to most Louisianans. As I said, this was March 2011, a year ago, and we were still suffering from a continuing de facto moratorium that the President had imposed following the BP incident. So he was going to Brazil and urging them to drill, urging them to explore, committing America to that, and refusing to do it in America in the Gulf of Mexico. That is not a commonsense solution. That is not a real-world policy. That is not a policy worthy of America. None of this begging is.

Other countries do have an energy policy, and it is not begging; it is developing. It is controlling their own future. Very recently in the press there have been reports that PetroChina has now become the leading company publicly traded in terms of production of oil, far surpassing Big Oil and all the other companies that have been demonized by my colleagues on the left on the Senate floor.

Madam President, I ask unanimous consent to have the press report printed for the RECORD.

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

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

[From the Washington Post, Mar. 29, 2012]

PETROCHINA PRODUCED MORE OIL THAN INDUSTRY GIANT EXXON MOBIL IN 2011

(By Associated Press)

NEW YORK.—A big shift is happening in Big Oil: an American giant now ranks behind a Chinese upstart.

Exxon Mobil is no longer the world's biggest publicly traded producer of oil. For the first time, that distinction belongs to a 13-year-old Chinese company called PetroChina. The Beijing company was created by the Chinese government to secure more oil for that nation's booming economy.

PetroChina announced Thursday that it pumped 2.4 million barrels a day last year, surpassing Exxon by 100,000. The company has grown rapidly over the last decade by squeezing more from China's aging oil fields and outspending Western companies to acquire more petroleum reserves in places like Canada, Iraq and Qatar. It's motivated by a need to lock up as much oil as possible.

The company's output increased 3.3 percent in 2011 while Exxon's fell 5 percent. Exxon's oil production also fell behind Rosneft, the Russian energy company.

PetroChina's rise highlights a fundamental difference in how the largest petroleum companies plan to supply the world as new deposits become tougher to find and more expensive to produce.

Every major oil company has aggressively pursued new finds to replace their current wells. But analysts say Western oil firms like Exxon Mobil have been more conservative than the Chinese, mindful of their bottom line and investor returns. With oil prices up 19 percent in 2011, they still made money without increasing production.

PetroChina Co. Ltd. has a different mission. The Chinese government owns 86 percent of its stock and the nation uses nearly every drop of oil PetroChina pumps. Its appetite for gasoline and other petroleum products is projected to double between 2010 and 2035.

"There's a lot of anxiety in China about the energy question," says energy historian Dan Yergin. "It's just growing so fast."

While PetroChina sits atop other publicly traded companies in oil production, it falls well short of national oil companies like Saudi Aramco, which produces nearly 8 million barrels a day. And Exxon is still the biggest publicly traded energy company when counting combined output of oil and natural gas. PetroChina ranks third behind Exxon and BP in total output of oil and natural gas.

PetroChina is looking to build on its momentum in 2012.

"We must push ahead," PetroChina chairman Jiang Jiemin said in January.

PetroChina has grown by pumping everything it can from reserves in China, estimated to contain more than 6.5 billion barrels. It drilled thousands of oil wells across vast stretches of the nation's northern grasslands. Some of those fields are ancient by industry standards, dating close to the beginning of China's communist government in the 1950s.

The commitment to aging fields distinguishes PetroChina from its biggest Western rivals. Exxon and other major oil companies typically sell their aging, low-performing fields, or they put them out of commission.

PetroChina also has been on a buying spree, acquiring new reserves in Iraq, Australia, Africa, Qatar and Canada. Since 2010, its acquisitions have totaled \$7 billion, about

twice as much as Exxon, according to data provider Dealogic.

Several other Chinese companies have become deal makers around the globe as well. Total acquisitions by Chinese energy firms jumped from less than \$2 billion between 2002 and 2003 to nearly \$48 billion in 2009 and 2010, according to the International Energy Agency. More times than not, the companies are paying above the industry average to get those deals done.

It's making some in the West nervous.

In 2005, for example, CNOOC Ltd., a company mostly owned by the Chinese government tried to buy American oil producer Unocal. U.S. lawmakers worked to block the deal, asking President Bush to investigate the role the Chinese central government played in the process. Chevron Corp. eventually bought Unocal for \$17.3 billion.

"There's a resistance to Chinese investment in (U.S.) oil and gas," Morningstar analyst Robert Bellinski says. "It's like how Japan was to us in the 1980s. People think they're going to take us over. They're going to buy all of our resources."

That's unlikely to happen. It doesn't make economic sense to export oil away from the world's largest oil consumer.

But the Chinese could make it tougher for Big Oil to generate returns for their shareholders. China's oil companies have been willing to outspend everyone and that drives up the price of fields and makes it more expensive for everyone to expand.

"You now have to outbid them," says Argus Research analyst Phil Weiss. "If you can't, you're going to have access to fewer assets."

Longer term, Chinese expansion globally will bring benefits to the U.S. and other economies. By developing as many oil wells as possible—especially in Africa, Iraq and other politically unstable regions—China will help expand supply.

"Frankly, the more risk-hungry producers there are, the more oil will be on the market, and the cheaper prices are," says Michael Levi, an energy policy expert at the Council on Foreign Relations.

Despite its swift expansion, PetroChina and other Chinese companies still have much to prove to investors, analysts say.

PetroChina's parent, China National Petroleum Corp., for example, has spent millions of dollars in Sudan to provide highways, medical facilities and shuttle buses for the elderly. Oil companies typically don't do that. All of that increases the cost of business and minimizes the returns for shareholders.

In 2009 and 2010, PetroChina's profit margins for its exploration and production business were only about two-thirds that of Exxon Mobil's. Its stock price has climbed less than 1 percent, in the past year, compared with a 3.7 percent rise in the stock of Exxon Mobil Corp.

"You have to ask yourself: What is the purpose of PetroChina?" Bellinski says. "It is to fuel China. That's it. Although they're a public company, I'm very skeptical that they have any interest in shareholder value creation."

Mr. VITTER. The Chinese are not going around the world begging. The Chinese are developing. The Chinese are trying to control their own destiny, and PetroChina is now the leading company in terms of producing oil.

Petrobras in Brazil is another example. Brazil is developing its resources very aggressively. That is what I referred to when the President went there a year ago and applauded them and encouraged them with giving them

U.S. resources to do it in terms of loan guarantees, and the President absolutely promised we would be a great customer.

The Brazilians are not traveling the world begging. The Brazilians are controlling their own destiny. The Brazilians are responsibly developing their own resources, and our President even applauds that while refusing to do the same in this country.

Madam President, I ask unanimous consent to have the press report printed in the RECORD.

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

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

[From the Washington Times, Jan. 19, 2012]

CHINA GETS JUMP ON U.S. FOR BRAZIL'S OIL—  
TWO EXPORT PACTS A COUP FOR BEIJING

(By Kelly Hearn)

BUENOS AIRES.—Off the coast of Rio de Janeiro—below a mile of water and two miles of shifting rock, sand and salt—is an ultradeep sea of oil that could turn Brazil into the world's fourth-largest oil producer, behind Russia, Saudi Arabia and the United States.

The country's state-controlled oil company, Petrobras, expects to pump 4.9 million barrels a day from the country's oil fields by 2020, with 40 percent of that coming from the seabed. One and a half million barrels will be bound for export markets.

The United States wants it, but China is getting it.

Less than a month after President Obama visited Brazil in March to make a pitch for oil, Brazilian President Dilma Rousseff was off to Beijing to sign oil contracts with two huge state-owned Chinese companies.

The deals are part of a growing oil relationship between the two countries that, thanks to a series of billion-dollar agreements, is giving China greater influence over Brazil's oil frontier.

Chinese oil companies are pushing to meet mandatory expansion targets by inking deals across Africa and Latin America, but they are especially interested in Brazil.

"With the Lula and Carioca discoveries alone, Brazil added a possible 38 billion barrels of estimated recoverable oil," said Luis Giusti, a former president of Venezuela's state oil company, PDVSA, referring to the new Brazilian oil fields.

"That immediately changed the picture," he said, adding that Brazil is on track to become "an oil giant."

During Mrs. Rousseff's visit to China, Brazil's Petrobras signed a technology cooperation deal with the China Petroleum & Chemical Corp., or Sinopec.

Petrobras also signed a memorandum of understanding with Sinochem, a massive state-owned company with interests in energy, real estate and agrichemicals.

The Sinochem deal aims to identify and build "business opportunities in the fields of exploration and production, oil commercialization and mature oil-field recovery," according to Petrobras.

The relationship with China goes back to at least two years before Mr. Obama came to Brazil to applaud the oil discovery and tell Mrs. Rousseff:

"We want to work with you. We want to help with technology and support to develop these oil reserves safely, and, when you're ready to start selling, we want to be one of your best customers."

China rescued Petrobras in 2009, when the oil company was looking at tight credit mar-

kets to finance a record-setting \$224 billion investment plan. China's national development bank offered a \$10 billion loan on the condition that Petrobras ship oil to China for 10 years.

A chunk of Brazil's oil real estate appeared on China's portfolio in 2010, when Sinopec agreed to pay \$7.1 billion for 40 percent of Repsol-YPF of Brazil, which has stakes in the now internationally famous Santos Basin, and the Sapinhoa field, which has an estimated recoverable volume of 2.1 billion barrels. Statoil of Norway also agreed that year to sell 40 percent of the offshore Peregrino field to Sinochem.

Last year, Sinopec announced it would buy 30 percent of GALP of Brazil, a Portuguese company, for \$3.5 billion. GALP has interests in the Santos Basin and a 10 percent stake in the massive Lula field.

"The \$5.2 billion cash-in we will get from Sinopec is paramount for our strategy in Brazil," GALP CEO Manuel Ferreira de Oliveira told Bloomberg News.

"It will give us a rock-solid capital base as we enter a decisive investment period at the Santos Basin. This operation values our existing Brazilian assets at \$12.5 billion and is really a landmark for the company and for our shareholders."

News reports in December said Sinopec is the current favorite to buy stakes in Brazilian oil owned by Britain's BG Group, which also has interests in the massive fields of Carioca, Guara, Lula and Lara.

On Jan. 8, the French company Perenco announced it was selling Sinochem a 10 percent stake in five offshore blocks located in the Espirito Santos Basin. Some of the transactions still await approval by Brazil's government.

In December, Venezuelan Oil Minister Rafael Ramirez publicly reiterated his government's commitment to an oil refinery joint venture with Petrobras.

That project reportedly is set to be funded by China's national development bank. Some news reports have quoted the head of China's development bank saying that new deals with Brazil are under consideration.

James Williams, an energy economist with the U.S. consulting group WTRG Economics, said the Chinese are taking on big risks with ultra-deep-water investments.

"But for them, the benefits are greater, as they become partners with companies that have better technology and expertise," he said.

Mr. VITTER. According to recent press reports, there is a budding and building relationship between Brazil and China, and China is taking advantage and forming contracts to take advantage of that resource. We should learn a thing or two from other folks around the world, and we should not just beg; we should build and develop. We should take our own future into our own hands, and we have an enormous opportunity to do that.

The United States is actually the single most energy-rich country in the world, bar none. When we look at total energy resources, we lead the world. Russia is second, and other countries follow way behind. Saudi Arabia is third but cannot compare in terms of total resources. No Middle Eastern country can compare, and China is below that. We have the resources. We are the single most energy-rich country in the world, and this map shows it.

We have enormous reserves, particularly shale in the West, natural gas in



finds on land, and offshore enormous potential of reserves of oil. Literally, there are hundreds of years' worth. So what is the problem? The problem is we are the only country in the world that puts well over 90 percent of those resources off-limits and doesn't develop them, but we can do better.

We can reasonably, responsibly, and safely open that access. We can do what Brazil is doing; we can do what China is doing. We do not have to beg. We can have a policy worthy of America and Americans. We can take control of our own destiny.

What will that mean? It will mean great U.S. jobs, which by definition cannot be outsourced. We cannot have a domestic energy job producing good, reliable energy in the United States and outsource it to China or India. We will build more energy independence, not having to beg Saudi Arabia or go to Brazil as a customer or anything else. We will even increase revenue to lower deficit and debt. After the Federal income tax, the biggest source of revenue to the Federal Government is royalty or revenue on domestic oil production. It is second only to Federal income tax. It would be enormous new revenue to reduce deficit and debt. And, of course, we can help lower the price at the pump. We can increase supply, which lowers the price.

So I urge us to do what the American people want us to do: to adopt common sense, to adopt a real policy, and to take control of our own destiny. Begging is not a policy, at least not one worthy of Americans. This tax proposal to increase taxes on U.S. oil companies and domestic oil production is not a policy that will do anything but increase the price at the pump, decrease supply, and that is the opposite of what we need. Let's do what will make a difference: increase supply, control our own destiny, and do more right here at home.

I yield back the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

RISE TO THE OCCASION

Mr. BOOZMAN. Madam President, in a moment I am going to speak about energy. But, first of all—as I was waiting to have the opportunity to do this—I want to thank Senator McCONNELL for giving us an update on what is going on in Kentucky. We do a lot of very important things here. One of the things I am going to talk about, energy, is one of the most important, and yet it is good to hear the stories of ordinary Americans doing extraordinary things. This truly is what our country is all about, and my thoughts and prayers are with the people of Kentucky. But it is so refreshing—we talk a lot about our problems, but the strength of America is people like the folks in Kentucky and all throughout America who rise to the occasion as they need to.

The increasing price of gas is a costly reminder of how dependent our country is on foreign oil. This is one of the

most pressing issues we face today because the price at the pump directly impacts our everyday lives, and Arkansans are telling me they are worried about what it is doing to their bottom line.

Americans are frustrated with the increase in the cost of gas, and rightfully so. In my home State of Arkansas, the cost for a regular gallon of gas is up 22 cents from a month ago according to AAA. The letters, calls, e-mails and Facebook posts I receive from Arkansas are saying the same thing. It is harder to fill their tanks while making ends meet.

Arkansas families are faced with tough choices because the rising prices are dipping into their family's disposable income. The increase in the price of gas puts a strain on family budgets.

Earlier this week I hosted a townhall with Arkansans throughout the State. While I expected the major discussion to be about this issue, I was surprised at how much it dominated the conversation. During the event we took an informal poll asking participants if the increase of gas has forced significant changes in their daily habits. Seventy-eight percent of those who answered said the price had a significant impact.

Sarah, from Mountain Home, AK, said on her Facebook page that the increase in gas prices has forced her family to allocate more money for fuel expenses, which leaves less money for food, making it frustrating. Sarah and other Arkansans should not have to choose between getting gas to get to work and the necessities they need in the household.

Chris from Mena, AK, wrote that he notices an increase in the price of groceries. He said:

People should be aware of how fuel costs affect everything we buy and do.

I agree with Chris because the increased price for gas adds to the transportation costs that are passed along to consumers.

Donnie Smith, the CEO of the Springdale-based Tysons Food, told the Arkansas Business Journal that with Springdale as a price point, there has been an increase of more than 55 percent in the cost of diesel in the past 5 years. This is significant because the company uses fuel to transport feed to family farmers, chickens to and from the farms, and the finished products to customers around the world.

American families and businesses deserve a plan that will help bring down the prices at the pump. The legislation before this Chamber proposed to raise taxes on American energy producers. This will not change supply and demand, as Senator ISAKSON talked about a few minutes ago. These are basic truths. Supply and demand does control costs. This will do nothing to that.

Again, hard-working Americans will be left with the bill as a result if this bill were passed. I believe the better way begins with adopting an energy strategy that increases production of American energy in a clean, efficient

way through developing wind, solar, and hydrogen technologies as well as tapping into the vast majority of natural resources our country is blessed with.

The reality of our country's non-existent energy policy is it forces us to rely on the Middle East for oil. We import about 9 million barrels of oil every day, half of our supply. This is costly to our economy, our citizens, and it threatens our national security. This is the only developed country in the world that refuses to use its natural resources. Opening Alaska's Wildlife Refuge and increasing offshore exploration on the Outer Continental Shelf is a step in the right direction that puts us on a path of energy independence. We can boost our domestic energy supply through the development of the Keystone XL Pipeline. The proposed 1,700-mile pipeline would transport 700,000 barrels of oil per day from Canada to U.S. refineries in the gulf coast and allow us to get reliable and secure oil from our largest trading partner and trusted ally. Unfortunately, while I support this project and voted in favor of it several times in this Chamber, the project was rejected by the majority after President Obama took the time to lobby his Members to vote against it after vetoing the project earlier this year.

There is no time like today to pass legislation to fully utilize the resources we have been blessed with in our country, but this should not come at the cost of our energy producers.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from Michigan.

Ms. STABENOW. Thank you very much, Mr. President. If the Chair would please let me know when I have used 5 minutes, I would appreciate that.

We have a very important vote in front of us that goes to the question of whether consumers are going to continue to be held hostage by basically having one energy source at the pump or whether we are going to give competition to the oil companies and if we are going to give consumers choice.

I believe we need to do everything; there is no question about that in my mind, but that doesn't mean having a Tax Code that has embedded in it for almost 100 years special tax breaks and subsidies for the oil companies, and the other new clean energy alternatives that are growing and creating jobs in our country do not have the same treatment. In fact, they limp along with a tax cut that expires every year, not sure if it is going to continue, which is what is happening right now.

People are losing their jobs right now in the areas of wind production and other areas because they are not sure what is going to happen. Yet we give preferential treatment to an industry right now whose top five companies are making about \$260,000 a minute—a minute. For people in Michigan, the

average wage does not equal \$260,000 a year, yet \$260,000 a minute in profits for the oil companies, and we as customers, as consumers, have the great privilege of on the one hand paying whatever they want to charge at the pump because there are no alternatives and not enough choices, and at the same time out of the other pocket we get to subsidize them.

One hundred years ago those subsidies probably made a lot of sense. I am sure I would have voted for them as we were starting the new industrial economy and incentivizing the production of oil certainly made sense. I still support the efforts for small businesses and local efforts, but the top five companies do not need taxpayer subsidies right now when they have the highest profits of any business in the world.

So what are we talking about? We are talking about—in tough times and budget deficits and when we need to be focused on jobs and getting us off of foreign oil—making choices that make sense for the future and not the past. That means closing down these special subsidies for the top five companies that, again, are earning profits of about \$260,000 every single minute, and turning those dollars over to new clean energy alternatives such as biofuels, wind, solar, electric batteries, and all of the things that need to happen—including natural gas, which my colleague from New Jersey has been a champion of—so that we actually have real competition and we can actually go look at the price at the pump and say, you know what, it is too much; I am going to do something else.

We are beginning that process with new electric vehicles and I am proud that those are being made in Michigan. We have advanced biofuels right now. If we didn't have advanced biofuels at the pump in the few places we do, we would actually see prices a dollar higher on average than they are right now. So there is a little bit of competition, but we have a long way to go.

This bill takes dollars from subsidies that are no longer needed, that don't make sense from the American taxpayers' standpoint or an energy standpoint, and turns them over to continue 19 different tax cuts for entrepreneurs, small businesses, and those who are creating the new clean energy alternatives in the future.

Some of my colleagues on the other side have said that taking away government subsidies will increase prices. It is amazing to me that somehow Friday seems to increase prices; Memorial Day seems to increase prices. I think whatever the market will bear increases prices. But when the CEOs of the big five companies came to the Finance Committee I actually asked them—because folks are saying taking away government subsidies for them will increase prices. I said: How much do we have to pay you to bring down the price? Give me a number. How much do we have to pay you to bring down the price?

Finally, one of the CEOs actually said: Well, I did not say we would be raising gas prices at the pump. I did not hear anyone else say that, either.

So that is what they said. They were not willing to go on record as saying they would raise the prices at the pump.

Instead of throwing huge government handouts at some of the most profitable companies ever, we should be paying down the debt and we should be providing tax cuts for the jobs and the new alternatives for the future, and I urge my colleagues to support this very important bill.

Thank you, Mr. President.

Mr. ENZI. Today I wish to discuss high gasoline prices and to express my concern that the legislator we are debating will only cause the price at the pump to increase. We need to have a serious debate about energy policy in the Senate. We have not passed substantial energy legislation since 2007, and without a sound energy policy, we will continue to see price instability.

Unfortunately, the legislation we are debating is not that sound energy policy. Instead, it is an effort at political theater, designed to force a vote on a proposal that the majority finds politically popular.

Republicans understand that the problem we face today will not be solved by taxing the five largest oil companies. Unlike the majority, we understand that you cannot expect to lower energy prices when you increase taxes. Increasing taxes will lead to higher prices.

I want to see lower prices, and so I oppose S. 2204. Instead of passing this legislation, the Senate should take up any one of the ideas my colleagues and I have proposed.

The Senate should pass legislation to approve the Keystone XL Pipeline so we can obtain more of our energy from Canada as opposed to countries like Saudi Arabia. The Senate should pass legislation to prohibit the EPA from implementing its greenhouse gas policy—which will make it more difficult to use our most abundant, domestic energy source—coal—to power our homes, businesses, and daily lives.

The Senate should pass legislation to open up more areas of the Outer Continental Shelf to exploration and production, and should require the administration to grant permits for responsible energy development. We should also pass legislation to open up a small area of the Arctic National Wildlife Refuge, ANWR, to energy development.

Any one of those actions would have a much more positive impact on our Nation's energy situation than the legislation we are debating today. S. 2204 is an effort to punish the Nation's five largest energy companies because oil prices are high.

Republicans stand ready to have a serious debate on energy because we know our policies are the best solution for achieving energy security. We recognize that the problems we are facing

are an undersupply of oil as well as an instability in some countries where a substantial amount of oil is produced.

To address these issues, I want to produce more American oil on American soil. I want to see more oil produced in regions like the ANWR. I want to determine what technology is needed to recover the nearly 800 billion barrels of oil shale that the Rand Corporation has suggested are recoverable. I want to see permits granted in areas of Wyoming so we can develop our State's coal bed methane. We also want to see more wind turbines and solar energy panels in places where they make sense.

Republicans truly support an "all of the above" approach. We support traditional sources like coal, oil, and natural gas. We support alternative sources like wind and solar. And our record shows that to be the case.

President Obama claims to support an "all of the above" approach. However, his record shows something different. Earlier this week, his administration released a rule that will make it exceedingly difficult to build a coal-fired power plant in the future. That action follows his administration's decision in 2010 to put a moratorium on leasing in the Gulf of Mexico and their decision to put in place policies that make it more difficult to develop natural resources on our Federal lands. President Obama claims to support natural gas—at the same time his administration seeks to stop hydraulic fracturing, the tool that has allowed us to access our abundant natural gas reserves.

President Obama also claims that there isn't a silver bullet to bring prices down. That may be true, but if you add up all of his administration's efforts to hold up American energy production, there are a number of measures we could undertake to make our situation better. Unfortunately, the legislation we are debating today is not one of those measures.

What's further unfortunate about S. 2204 is that it is an attempt to punish a sector of our economy that is doing well. The oil and gas sector has created jobs during the recession and employs more than 9 million American workers. It is a sector that employs a lot of people in my State. In 2010, more than 21,000 workers were employed in the oil and gas industry in Wyoming. Instead of punishing these companies for their success, we should be finding ways to work with them so they can put more Americans back to work.

It is valuable to have a discussion about energy like we have had this week. It allows us to point out the differences between the vision we offer of more production and more jobs versus the vision of our colleagues on the other side, which is essentially higher taxes and higher energy prices. When we have finished voting on S. 2204, which everyone acknowledges will fail, we should sit down and have a full debate about our energy future. I am confident that our vision is the right one if

we want an America that has a secure energy future.

I urge my colleagues to oppose S. 2204.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the Repeal Big Oil Tax Subsidies Act, which I have cosponsored.

This legislation would repeal five specific tax subsidies and a royalty relief provision to the largest oil companies, which simply do not need them and which our Federal Government definitely cannot afford. And this bill would invest the savings from repealing these subsidies to extend vital clean energy incentives that have recently expired. It would also save billions of dollars in order to reduce the deficit.

This is a simple vote, really. If you are for subsidizing profitable and polluting industries and raising taxes on clean, innovative, and renewable energy companies, you should not support this bill. But if you are for fiscal responsibility, balancing the Federal budget, and investing in a cleaner energy industry that is less dependent on international oil markets and suppliers, you should vote yes.

If you are against increasing taxes on clean energy sources such as wind, solar, and energy efficiency, you should vote yes. And if you believe that we cannot afford to spend Federal dollars subsidizing an industry that needs no help, you should vote yes.

Oil prices have risen to well above \$100 per barrel, and according to AAA, California currently has the highest gasoline prices of any State in the continental United States, currently at \$4.30 per gallon of regular unleaded.

But these higher prices are not the result of a change in the cost of producing and refining oil.

According to a Finance Committee analysis of the SEC filings of the three largest oil companies in the United States that filed, it costs them an average of \$11 to produce one barrel of oil. At today's prices that is nearly \$100 in pure profit for each barrel.

The result is massive oil company profits on the backs of American consumers. Last year, the top five oil companies made more than \$135 billion in profit. That is an increase of 80% over what they made in 2010.

Yet the largest oil companies are not using these profits to produce more oil. Oil production for the biggest five oil companies was down 4 percent last year.

Instead of using their enormous revenues to invest in drilling, the big five oil companies are buying back stock, issuing dividends, and lobbying governments.

For example, Shell Oil's profits increased by 54 percent between 2010 and 2011. But its production decreased by 3 percent.

And the American taxpayer is providing oil subsidies that increase profits, stock prices, and dividends—and don't produce more oil or lower gasoline prices.

U.S. taxpayers subsidize these hugely profitable oil companies to the tune of over \$2 billion dollars per year, year after year.

Some Members of Congress still believe these subsidies lead to lower gas prices, despite all evidence to the contrary.

As Severin Borenstein, the codirector of University of California Center for the Study of Energy Markets, recently said:

The incremental change in production that might result from changing oil subsidies will have no impact on world oil prices, and therefore no impact on gasoline prices.

According to an analysis by the Congressional Research Service, repealing tax subsidies for Big Oil would not result in higher gasoline prices.

CRS concludes that because the current \$100-per-barrel price of oil far exceeds the cost of production, it is unlikely that a small increase in taxes would reduce output in a manner that decreases supply resulting in higher gasoline prices.

Yet these subsidies continue.

This bill eliminates five tax subsidies that lower the tax burden for oil companies without producing a public benefit.

These changes will prevent oil companies from deducting things like payments to foreign governments and also prohibit oil companies from claiming that oil production is "domestic manufacturing" deserving of incentives designed to help manufacturers compete with Chinese factories.

This legislation also includes the key provisions of the Deepwater Drilling Royalty Relief Prohibition Act, a bill Senator BILL NELSON and I introduced to eliminate royalty relief that rewards dangerous oil drilling methods.

By eliminating sections 344 and 345 of the Energy Policy Act of 2005 that provided mandatory royalty relief for deepwater gas and oil production on the Outer Continental Shelf, this bill will ensure that Americans receive fair value for federally owned mineral resources.

In 2005, Congress created this royalty-relief program to encourage exploration and production in the ocean's very deepest waters.

But the BP Deepwater Horizon catastrophe showed that safety and response technologies are not sufficient in deep waters to justify this incentive.

When the Deepwater Horizon well blew out, 11 people died and 17 others were injured. Oil and gas rushed into the Gulf of Mexico for 87 days.

Oil slicks spread across the Gulf of Mexico, tar balls spoiled the pristine white sand beaches of Florida, wetlands were coated with toxic sludge, and more than one-third of Federal waters in the gulf were closed to fishing.

This week, the National Academy of Sciences found that plumes of subsurface oil substantially damaged a community of deep-sea gulf corals.

Drilling in deep water presents substantially more challenges and tech-

nical difficulties than drilling in shallow water or on shore.

The ocean currents on the surface and in the water column exert torque pressure on the pipes and cables, which are longer and heavier.

The ocean pressure increases dramatically at depth, and the pressure in a well can exceed 10,000 pounds per square inch.

The volume of drilling mud and fluids is greater, and many technical procedures can only be accomplished with the use of remotely controlled robots thousands of feet below the surface.

Methane hydrate crystals form when methane gas mixes with pressurized cold ocean waters, and the likelihood of these crystals forming increases dramatically at a depth of about 400 meters.

This crystallization repeatedly impeded efforts to stop the gushing oil and was a primary reason it took so long to stop BP's Deepwater Horizon spill.

Bottom line: the risks of drilling for oil in thousands of feet of water are far higher than other oil exploration methods, and spills are both ecologically devastating and hard to stop.

American taxpayers should not forego revenue in order to incentivize this most dangerous form of offshore drilling. It is not good environmental policy, and it is not good energy policy either.

I believe that global warming is the biggest environmental crisis we face, and the biggest culprit of global warming is manmade emissions produced by the combustion of fossil fuels like oil and coal.

That is why I believe it is unconscionable that Congress allowed the taxes on renewable sources of energy to go up on December 31, while taxpayer-funded subsidies continue to finance production of fossil fuels.

I have worked with my colleagues on a number of legislative initiatives designed to reduce greenhouse gas emissions, increase energy efficiency, and incentivize the use of renewable energy.

One of our biggest victories has been an aggressive fuel economy law, called the Ten in Ten Fuel Economy Act, which was enacted in 2007.

In order to implement this law, the Obama administration has raised fleetwide fuel economy standards to 35.5 mpg in 2016—a 40-percent increase above today's standard. The fleetwide average will rise to 54.5 mpg by 2025.

This is important because these standards will dramatically reduce the economic burden of massive swings in the price of oil and gasoline on American families.

By 2025, the average new car will reduce what an American family spends on gasoline by \$5,200 to \$6,600 during the life of vehicle, and that is assuming relatively affordable gas prices in the \$3 per gallon range.

If prices were to stay at today's levels, this law will save American families even more money.

The other positive development is that the domestic renewable energy industry has grown dramatically over the last few years due to the Federal incentives that are expiring and which this legislation would extend.

The Treasury Grants Program, which expired in December, has helped fund the installation of more than 22,000 renewable energy projects with a generating capacity of more than 14,000 megawatts.

The production tax credit has allowed wind power capacity to more than triple since 2005. If the production tax credit is not extended by the end of this year, Navigant Consulting estimates that annual installations of wind will drop by more than 75 percent, wind-supported jobs will decline from 78,000 in 2012 to 41,000 in 2013, and total wind investment will drop by nearly two-thirds, from \$15.6 billion in 2012 to \$5.5 billion in 2013.

We simply cannot afford as a nation to abandon the renewable energy industry just as it is emerging as a major force in our economy.

These are private sector jobs in a growing industry that is competing globally.

Just 2 years ago, the United States added more new capacity to produce renewable electricity than it did to produce electricity from natural gas, oil, and coal combined, for the first time. A great deal of this growth can be attributed to government renewable energy incentives. That is where public investment in energy development should go.

The Obama administration has offered up millions of acres of Federal land for oil extraction by oil companies. As a result, production on these Federal lands has increased.

In fact, of the over 12,000 permits that the Obama administration has issued since 2009, 7,000 sit idle.

But the fact is that whether or not the Federal government has opened enough land to oil drilling has almost nothing to do with gas prices, even though many politicians argue it does.

According to a statistical analysis of 36 years of monthly, inflation-adjusted gasoline prices and U.S. domestic oil production by the Associated Press released this month, "there is no statistical correlation between how much oil comes out of U.S. wells and the price at the pump."

The AP writes:

If more domestic oil drilling worked as politicians say, you'd now be paying about \$2 a gallon for gasoline. . . . More oil production in the United States does not mean consistently lower prices at the pump.

Since February 2009, U.S. oil production has increased 15 percent when seasonally adjusted. Prices in those 3 years went from \$2.07 per gallon to \$3.58. It was a case of drilling more and paying much more.

U.S. oil production is back to the same level it was in March 2003, when gas cost \$2.10 per gallon when adjusted for inflation. But that is not what prices are now.

I don't believe oil companies need taxpayer dollars to help them out. They are already reaping record profits.

Over the last decade, the five largest oil companies have enjoyed nearly \$1 trillion in profits and tens of billions of dollars in taxpayer subsidies. Yet we continue to use taxpayer dollars to add to their bottom line. This is unacceptable.

Oil reserves are a public resource. When a private company profits from those public resources, American taxpayers should receive a royalty as compensation. And when oil companies profit by charging \$4 per gallon of gas, they should pay income taxes like the rest of us do instead of relying on billions of dollars of tax subsidies to avoid their obligations.

In these critical economic times, every cent of the people's money should be spent wisely.

I urge my colleagues to support this legislation.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I have been monitoring the debate on my Repeal Big Oil Tax Subsidies Act and I keep hearing over and over from our friends on the other side of the aisle that if we keep giving the oil companies taxpayer money, they will do the right thing. The problem is we already know that is not true.

First of all, the United States has only 2 percent of the world's oil reserves, so we cannot drill our way out of this problem even if we wanted to. But, more importantly, we cannot trust the big five oil companies to simply do the right thing.

Let's look at the record. Last year, the big five oil companies took \$2 billion of your money and saw their profits shoot up to \$137 billion—an impressive 75-percent increase in profits. Did they use that extra money we gave them in our subsidies to produce more oil? No, they didn't. They took your money and they didn't produce a drop more of oil. Despite the fact that overall U.S. oil production is higher now than it has been in the last 8 years, last year these five companies actually produced 4 percent less oil.

So here is another way to look at it. As each of these companies pocketed our subsidies to pad those profits, they did not use this windfall to produce more oil. If we take the word of our friends on the other side of the aisle, we have a contract, in essence, with these five companies. We pay them \$2 billion and they give us more oil. Last year, they broke that contract and produced less. So it appears that these poor oil companies took the taxpayers' \$2 billion and instead of having to suffer with only \$135 billion in profits, they made \$137 billion in profits last year.

Mr. INHOFE. Will the Senator yield for a question?

Mr. MENENDEZ. I would be happy to at the end of my remarks.

What a heartwarming story of Robin Hood in reverse—taking from the American taxpayer to give to the rich. So congratulations, Big Oil, you got \$2 billion extra in profits and we got 4 percent less oil.

But, of course, we are not just seeing less oil, we are also seeing the American driver gouged with higher gasoline prices. What happens when taxpayers are forking over \$2 billion in subsidies a year to highly profitable oil companies that, in turn, produce less? We get a double whammy with \$4-a-gallon gas at the pump and a bigger burden on taxpayers. How is that a fair return on our taxpayer dollars? It is pretty generous to Big Oil, which stands to profit \$1 trillion over the next decade while getting \$24 billion in subsidies, but it is a bad deal for consumers struggling to make ends meet.

First, the Repeal Big Oil Tax Subsidies Act takes back \$24 billion in taxpayer subsidies to Big Oil and stops that insanity. The next step the bill takes is investing in alternatives to oil—biofuels, natural gas, propane, and a refueling infrastructure for these fuels as well. By investing in these alternatives we finally give Big Oil some competition in the marketplace that will give consumers the choice to use cheaper fuels as well as drive down gas prices.

For those reasons, I urge my colleagues to join me in getting back to reality and stop subsidizing industries that need it the least and start investing in the 21st century industries that will help us compete with China, that will create jobs, that will improve our environment and make us more energy secure. It is time we stopped trusting Big Oil to do the right thing with our money and use it on things that actually make sense.

With that, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I have one question before this morning's vote—one simple question: Is this the best we can do? Is this the best we have to offer folks who are staring at \$4-a-gallon gasoline, a bill that even Democrats admit won't do anything at all to lower the price of gas, and a process that blocks any other idea from even coming to the floor for a vote? Is this the best we can do? No other idea has been allowed other than a proposal that will inevitably raise the price of gasoline at the pump. Does anybody think the Senate has done its job on this issue?

Well, if you don't, if you think we should do more for the American people at a time when they are paying \$4 a gallon for gas than raise taxes on energy manufacturers and block a pipeline from Canada, then you ought to vote against cloture. You should stand with Republicans and insist we do more to lower gas prices in this country.

I see the President made a statement a little while ago in support of this proposed tax hike. My question is: Where

was the White House when the Democrats voted to actually get off of this proposal? Maybe they were too busy lining up votes against the Keystone Pipeline. Maybe the President was too busy telling the Russians about how he is hoping for more flexibility.

My point is Democrats don't have to take orders from the White House. They don't need to serve the President's political strategy. They can do what their constituents want them to do on this issue. They can vote to stay on this bill and fight for real solutions to the problems of high gas prices and any other number of issues the Democrats refuse to face, for that matter. We can use this institution to actually make a difference. I hope at some point that is what my colleagues on the other side decide to do.

Mr. President, I yield the floor.

The PRESIDING OFFICER. All time has expired.

### REPEAL BIG OIL TAX SUBSIDIES ACT—RESUMED

Pending:

Reid amendment No. 1968, to change the enactment date.

Reid amendment No. 1969 (to Amendment No. 1968), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 1970, to change the enactment date.

Reid amendment No. 1971 (to (the instructions) amendment No. 1970), of a perfecting nature.

Reid amendment No. 1972 (to amendment No. 1971), of a perfecting nature.

#### CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

Harry Reid, Robert Menendez, Benjamin L. Cardin, Jeff Merkley, Patrick J. Leahy, Michael F. Bennet, John F. Kerry, Al Franken, Tom Udall, Jeanne Shaheen, Bill Nelson, Daniel K. Akaka, Claire McCaskill, Christopher A. Coons, Jack Reed, Richard Blumenthal.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted: "nay."

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

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 63 Leg.]

#### YEAS—51

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

#### NAYS—47

Alexander	Enzi	Moran
Ayotte	Graham	Murkowski
Barrasso	Grassley	Nelson (NE)
Begich	Heller	Paul
Blunt	Hoeven	Portman
Boozman	Hutchison	Risch
Brown (MA)	Inhofe	Roberts
Burr	Isakson	Rubio
Chambliss	Johanns	Sessions
Coats	Johnson (WI)	Shelby
Coburn	Kyl	Thune
Cochran	Landrieu	Toomey
Corker	Lee	Vitter
Cornyn	Lugar	Webb
Crapo	McCain	Wicker
DeMint	McConnell	

#### NOT VOTING—2

Hatch Kirk

The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The senior Senator from Missouri.

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

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

Mrs. MCCASKILL. Mr. President, we just had a vote. Imagine for a minute we had a government that was spending too much money, and imagine for a minute that we needed to spend less money; that we needed to change our Tax Code to a Tax Code that was fair, simpler, and didn't pick winners and losers. Imagine for a minute this was a crisis, and imagine for a minute this crisis was being wielded like a political 2 by 4 by the majority of the Republicans who serve in the Senate—the debt crisis.

Then imagine for a minute that we had the most profitable corporations in the history of the planet and they were booking \$30 billion in profit every quarter; over \$130 billion in profits year after year, didn't matter whether the economy was bad, good or indifferent—amazing profits.

Then imagine for a minute this government—that doesn't have enough money, where the debt is the political talking point of my friends across the aisle—tries to do something simple by saying maybe we shouldn't be spending money on the most profitable corporations in the world. That is what this vote just was.

How seriously can we take anybody who talks about debt reduction if they are not willing to pluck the low-hanging fruit of subsidies to a group of folks who, frankly, in Missouri, I guarantee you most people I represent would say are the least deserving of extra help from the Federal Government right now.

If we think about it, what we are doing is we are borrowing money to prop up, to the tune of billions of dollars a year, already wildly profitable corporations that don't have to pay us royalties because they get to deduct the royalties they pay other countries.

Seriously, if this was a fairytale I was reading to my grandsons—if I was reading this fairytale to Ian or Levy or Isaac—they would say: Well, this obviously is fiction because this couldn't be true. But it is, and that is what I call the definition of a special interest—that oil is so special around here, yields so much power and so much money that it turns all the talk about debt reduction into empty rhetoric.

Last year, the five companies spent \$38 billion boosting their share prices just through stock buybacks—\$38 billion in stock buybacks last year. In other words, the five largest oil companies spent in a single year on stock buybacks alone what they are claiming they need in taxpayer-funded subsidies over the next 10 years.

According to ExxonMobil's quarterly filings, every time the price of oil goes up by \$1, they bring in \$350 million in annual profit. These companies don't need these subsidies.

I hear people say, Well, if you don't give them the subsidies—which, by the way, is chickenfeed to them. What, \$6 billion, \$8 billion a year is nothing if you are banking \$30 billion in profits a quarter. I have heard people say, If we don't give them this extra help, then they are going to quit exploring for oil and the price of gas will go up. That is so dumb. They have had these subsidies for 30, 40, 50 years. I think most of Americans realize the price of oil has gone up just fine during that time. We are paying plenty at the gas pump right now, and they have got those subsidies. How is that working out for us? Those subsidies are really keeping down the price of gasoline, aren't they?

The former Shell CEO, John Hofmeister, is on record as saying:

In the face of sustained high oil prices it is not an issue—for large companies—of needing the subsidies to entice us into looking for and producing more oil . . . my point of view is that with high oil prices such subsidies are unnecessary.

This is the CEO of Shell. He is admitting on the record that these subsidies

are unnecessary. At the time the Shell CEO said that, the price of oil was trading between \$95 and \$98 a barrel. Currently, it is at \$105 a barrel. Contrary to the claims that some are making, eliminating these subsidies will not raise gas prices.

Last year, the companies spent \$70 million to lobby to keep their subsidies. They get about \$30 in tax breaks for every \$1 they spend in lobbying. No wonder they spent that much on lobbying.

I want to take people at their word, and I want to take people seriously about debt reduction. I have cosponsored spending caps with my Republican colleagues. I have worked hard on reforming the way we spend money around here, whether it is contracting or earmarks. But with all due respect, I don't know how the American people can take anyone seriously about debt reduction if they are not willing to cut off from the spigot the most wealthy, profitable corporations in the history of the world.

How will we ever be able to look our grandchildren in the eye and say, You know, we took care of your future by making sure that our government was fiscally balanced. How can we ever do that if we can't do this as an easy first step? Can you imagine how paralyzed this place will be when we start talking about the kinds of cuts that hurt people who need them? And by the way, they are willing to make those. Talk about fairness. Think about this for a minute, economic fairness.

The Ryan budget would want to hold onto more tax breaks for multimillionaires—in fact, do more tax breaks for multimillionaires—while they say to seniors, You know, we think it is time for you to wrestle with insurance companies for your health care. I know what it is like to wrestle with insurance companies for health care. Every American does. My mom doesn't have to. She is on Medicare. It gives her peace of mind.

If you look at what our friends are proposing in terms of fairness and you look at the vote we just had, in Missouri we would say that dog don't hunt. It doesn't work.

I hope in good faith that my Republican colleagues will quit thinking we need to continue to write checks to the wealthiest corporations in the history of the planet. I think Missourians—when I fill up my gas tank over the next 2 weeks as I travel around Missouri, I am going to stop people at the gas station and say, Do you think the royalties ExxonMobil pays to another country should be deducted from what they owe us? Think about that. It is ludicrous in this financial environment that we are in, in the U.S. Government. There are real people hurting out there, and we need to treat them fairly. We can start by pushing Big Oil away from the taxpayer trough, and I hope my colleagues on the other side of the aisle will reconsider and that we will get a chance to vote on this again and

that they can show the American people we all get it.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Rhode Island.

#### AFFORDABLE CARE ACT

Mr. WHITEHOUSE. Madam President, I rise today to talk about the changes the affordable care act is making to the way care is delivered in our health care system. This is a topic that has not received much public attention. Instead, the public debate has largely focused on contentious flashpoints such as the individual mandate or preposterous false claims about death panels or rationing or socialized medicine.

While these contentious debates have raged on, there has been a quiet, steady, and important effort made by the health care industry, by State and local leaders, and by the Obama administration to improve our model of health care delivery. Progress made on these efforts is steadily transforming the care that is delivered under our health care system, from care that is disorganized and fragmented and often riddled with error, to care that is coordinated, efficient, and the high quality Americans deserve. By improving the quality of care and our health outcomes, these delivery system reforms promise to significantly reduce health care costs. Care gets better, costs go down, a true win-win.

I came to the floor today to release a report on health care delivery system reform and on the administration's progress implementing these provisions of the affordable care act. I undertook this project with the support and assistance of Chairman HARKIN and Senator MIKULSKI, both strong advocates and experienced legislators on the types of reforms that are highlighted in the report.

The report makes the case for the reforms our country urgently needs in order to tackle our health care cost problem. My report defines five priority areas of health care delivery system reform: payment reform, quality improvement, primary and preventive care, administrative costs, and health information infrastructure. It outlines the potential cost savings in each area.

It also highlights successes across the country from leading private health providers such as Geisinger Health Systems in Pennsylvania, Intermountain Healthcare in Utah, and the Marshfield Clinic in Wisconsin, to the State of Vermont's Blueprint for Health, to several examples in my home State of Rhode Island, which has shown great leadership. We have much to learn from these efforts, and the affordable care act gives us the tools to support this type of reform across the country.

The problem is our health care delivery system remains clumsy and wasteful. We spend more than 18 percent of America's gross domestic product on our health care system every year. To

put that into context, the highest any other industrialized country spends is approximately 12 percent of gross domestic product on health care. Eighteen percent United States of America; least efficient other industrialized country in the world, 12 percent. Huge room for improvement. In a nutshell, we overspend and underachieve.

The President's Council of Economic Advisers estimated that over \$700 billion a year can be saved without compromising health outcomes. The Institutes of Medicine put the savings from these kinds of reforms at \$765 billion a year. The New England Health Care Institute projected \$850 billion in savings annually, and the Lewin Group and former Bush Treasury Secretary Paul O'Neill have estimated the savings at \$1 trillion a year. Whichever is accurate, this is clearly an enormous opportunity and it is right before us. We can achieve better results for American patients and families, and spend less to do it.

As I said, the solutions fall into five priority areas: payment reform, primary and preventive care, measuring and reporting quality, administrative simplification, and health information infrastructure. These solutions do not cut benefits; they do not increase premiums. Instead, they realign incentives to reduce or get rid of overpriced or unnecessary services, inefficiently delivered care, excessive administrative costs, and missed prevention opportunities.

In this report, we outline actual savings and care improvements that can be found in each priority area. For example, payment reform refers to the new payment reform models that pay doctors more for getting better results, as opposed to ordering more procedures.

In 2010, Blue Shield of California collaborated with Hill Physicians Medical Group and Catholic Healthcare West, California's largest hospital chain, on a pilot program for the California Public Employees Retirement System. The pilot program focused on improved coordination of care by sharing clinical and case management information across medical facilities and among physicians.

In its first year, the Blue Shield pilot program reported impressive results: Readmissions were reduced by 15 percent; hospital days were reduced by 15 percent; inpatient stays of 20 or more days were reduced by 50 percent, cut in half—all saving millions of dollars.

In primary and preventive care—as a country, we don't devote nearly enough resources to primary care and prevention. Only 6 percent to 8 percent of health care spending goes to primary care, to your regular doctor appointments. That is less than the percentage that goes in private insurance to insurance company overhead.

According to the Centers for Disease Control and Prevention, to give an example: When colorectal cancer is found early and treated, the 5-year survival



rate is 90 percent. But screening rates for colorectal cancer are low. The National Health Interview Survey found that in 2005, only half the population aged 50 and older received recommended screening for colon cancer. The American Cancer Society has found that increased colorectal screening in the pre-Medicare population could save lives and reduce subsequent Medicare treatment costs by \$15 billion over 11 years.

On measuring and reporting quality, we don't do this anywhere near well enough. Nearly 1 in every 20 hospitalized patients in the United States gets a hospital-acquired infection. This is very expensive and it is preventable. A hospital-acquired infection should be a never event. Yet it costs our health care system approximately \$2.5 billion a year in harmful costs we could avoid.

Administrative simplification. The proportion of the U.S. health care dollar that is lost to administration has always been high relative to our peer countries. The cost of administration by insurance companies is not only high itself, but it creates a shadow cost imposed on providers who have to fight back against the insurance company claims denial apparatus, and that cost is probably even higher.

A study published in Health Affairs documented that physicians spent on average 142 hours annually interacting with health plans, totaling nearly 7 percent of total health care costs. That is just the physician's time. That doesn't count all the nonphysician office staff dedicated to administration and chasing the insurance companies.

Last, health and information technology. Health information technology is the essential underlying framework for health care delivery system reform. It is the foundation on which other delivery system reforms can be built. In 2000, the Institute of Medicine estimated the number of deaths resulting from medical error as high as 98,000 American deaths annually. The most common cause of those preventable injuries and deaths in hospitals was medication errors, which can be reduced dramatically through the adoption of computerized physician order entry systems—health information technology.

The reform areas my report discusses synchronize with one another, and there is a growing national movement of providers and payers and States that recognize their critical importance. Focusing on quality rather than quantity and focusing on efficiency rather than volume will better serve not only their patients but their bottom line.

The report I am releasing today looks at 45 provisions in the affordable care act that promote these delivery system reforms. From the discussion one would not know that virtually one-third of the affordable care act was about these delivery system reforms because they have been noncontroversial, but they are in there and they are important.

The report also assesses the administration's progress in implementing them. We found that the administration has already implemented 25 provisions fully and made significant progress on two others. The complexity and sheer number of reforms included in the law make this accomplishment in a relatively short period of time noteworthy.

In addition to the hurdles presented by our fragmented health care system, there has been resistance in Congress to the administration's implementation efforts that has also created barriers. For the 20 delivery system provisions that have not yet been implemented, lack of congressional funding is a significant factor in delaying their forward progress.

In these reform provisions, the affordable care act is supporting and building upon the efforts undertaken by the private sector by realigning incentives in the health care system to support private sector efforts. A broad array of pilot and demonstration programs has been launched, from which best practices will be deployed nationwide. The process to get to a more sustainable path will be one of, as CBO Director Elmendorf said, "experimentation and learning. It will be a process of innovation."

The affordable care act improves the conditions that allow that innovation to take place, and it has the mechanisms needed to propagate those reforms widely throughout the system as quickly as possible once they are proven effective.

American ingenuity can overcome our toughest challenges, not through command and control but through dynamic, flexible, and persistent experimentation, learning, and innovation. We are at a fork in the road on our health care future. One path we could travel is to protect the dysfunctional status quo and cut benefits to pay for the waste. That is the way a lot of my colleagues want to go.

The other way is to shift incentives so that we innovate toward better, safer health care—which costs less. We as Americans need to trust that the path of innovation and experimentation is the right one and not give up on these efforts.

Last year, George Halvorson, who is the CEO of Kaiser Permanente and knows a little something about health care, said it this way:

There are people right now who want to cut benefits and ration care and have that be the avenue to cost reduction in this country and that is wrong. It's so wrong it's almost criminal.

He continued:

It's an inept way of thinking about health care.

The affordable care act has the tools that enable providers to focus on quality rather than quantity, efficiency rather than volume, and patients rather than their bottom line, to avoid the inept way of thinking about health care.

As I close, let me say that throughout the process of writing this report I found one thing to be glaringly absent; that is, a cost savings goal set by the administration for us to reach toward on these delivery system reform provisions.

In 1961, President Kennedy declared that within 10 years the United States would put a man on the Moon and return him safely. This message was clear, it was direct, and it created accountability. As a result, a vast mobilization of private and public resources occurred to collaborate in innovative ways to achieve the President's purpose.

While the issue facing our country in health care is different, the urgency and the need to mobilize the public and private sectors toward improving quality and reducing cost is the same. So I challenge the administration to set a cost-savings target for delivery system reform. A cost-savings target will focus, guide, and spur the administration's efforts in a manner that vague intentions to bend the health care cost curve will never do. It also will provide a measurable goal by which we can evaluate our progress.

A clear and public goal will help make this vision of our health care system a reality. It will drive forward progress, and it will generate momentum to achieve that goal.

I urge the administration: Set a goal you are prepared to be accountable to meet.

When President Kennedy announced in September of 1962 that America would strive to put a man on the Moon, he said:

We choose to go to the moon in this decade . . . not because [it is] easy, but because [it is] hard, because that goal will serve to organize and measure the best of our energies and skills, because that challenge is one we are willing to accept, one we are unwilling to postpone, and one which we intend to win.

We need to face the challenge posed by the rising health care costs in our system. We need to recognize we cannot postpone finding a solution. We can win this challenge, we can drive our system toward a sustainable path of higher quality care and improved outcomes, and we can do so by setting clear goals and supporting the measures in the affordable care act that propel us in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I want to speak for a moment to the issue that was raised by my colleague from Missouri. Senator CLAIRE McCASKILL came to the Senate floor to take note of the vote that had just been issued, the rollcall that was just finished on a measure offered by Senator MENENDEZ from New Jersey. It was pretty straightforward.

Here is what it said: The Federal tax subsidies of \$2 billion a year to the biggest oil companies in America should end right now. The money in those subsidies should be used to develop other

forms of energy—good for our future, clean for our environment, lessening our dependence on foreign oil—and the balance should be put into reduction of our deficit. Two billion dollars a year is going to the four biggest oil companies in America.

How are they doing? We all know how they are doing. Last year, again, they broke all records in the history of American business, reporting profits of \$137 billion. The notion that we would take away \$2 billion from these oil companies and put it into deficit reduction and energy research that could be good for our future seems like a given. In fact, it seems so easy that when we had a vote earlier this week to bring up this measure, over 90 Senators voted yes; let's go to it.

What happened on this vote today? We needed 60 votes, which sadly has become the norm in this Chamber. We needed 60 out of 100 Senators to say stop the fat-cat subsidies to the oil companies. We couldn't get it. We got exactly two Republican Senators to vote with us—two. It is a sad reality that many of the same Senators who wax eloquent on the Senate floor about our deficit and what to do about it, when it comes to a simple, straightforward vote to stop this wasteful, unwarranted subsidy to the most profitable companies on Earth, could not bring themselves to say no to Big Oil.

Meanwhile, families and businesses all across Chicago, IL, and America are paying more and more at the pump. Last Sunday I saw my first one—hang on, America; you are going to see one too—\$5.03 a gallon. It was downtown Chicago at a BP station. Hang on tight, there is more to come from these oil companies that will then turn around and report the biggest profits ever in American business history.

We pay at the pump and we pay with our taxes. What is left? Here was our chance to stand up and do something. We know \$4 billion is not going to change the oil industry, and it is not going to change Washington. But at least it was a statement about where we stand when comes to age-old indefensible tax subsidies to the biggest and most profitable companies in America. We couldn't bring ourselves to do it.

I agree with Senator McCASKILL. These folks who get up and wail and cry about the deficit—call up this roll-call and ask them where in the heck they were when we had one chance to do something positive.

It is not the biggest disappointment of the week. There are two others that trump it. I have to tell you, it is hard for me to believe that again we were unable to get a bipartisan group together to start the conversation about post office reform in America. It is the most honored Federal agency.

When people are asked across America, what agency of government do they have a positive feeling about, it is the post office. They make jokes about it—we all do—but we know in our heart

of hearts it is the best Postal Service in the world. We can still take an envelope and for less than 50 cents put it in a box and be confident that in a matter of a couple of days or three it is going to be delivered in the lower 48.

There are not many countries on Earth that even get close to making that claim for less than 50 cents. It is so good that the so-called package express folks who were trying to make this a private sector undertaking use the post office. They use the post office because of the efficiency of their delivery for the last mile of delivery.

So we have a problem. Fewer people are using first-class mail. They are using e-mail, bill payer. Revenues are down. Postal employees are down to around 600,000. Those who are retired are around 450,000. We need to bank money for retirees in the future. We are facing the need to make some hard choices about the Postal Service.

The Postmaster General came to my office about 5 months ago now. We sat down with Mr. Donahoe and said: Before you make harsh decisions about the Postal Service, closing post offices, reducing the mail deliveries and the like—before people's jobs are on the chopping block or at least in question, give Congress a chance to at least come up with a better approach.

Historically, that was a challenge Congress always accepted because we knew when it is something that big and important as the Postal Service, which is enshrined in our Constitution, it is our job. We are supposed to do that work.

So I asked him to postpone, if he would, until May 15, any closures of facilities so the House and the Senate could have a chance to act. I have been waiting. It has been hard to get into the Senate calendar. This week was our chance. Senator HARRY REID said we are going to bring it up because it is an important debate. We need to get together.

We called the bill on the Senate floor to move to this debate on the post office. To their credit, the independent Democratic chairman of the jurisdictional committee, Senator JOE LIEBERMAN of Connecticut, and the Republican ranking member, Senator SUSAN COLLINS of Maine, both voted to move to this measure.

I felt good about the fact that they were working together, along with TOM CARPER of Delaware and others, in a bipartisan effort to make this post office what we need it to be. I have confidence in Senators LIEBERMAN and COLLINS because they have done historic work in the past when it came to reforming our intelligence agencies after 9/11; the two of them did it. I credit them, many times publicly, for their bipartisan cooperation. Here we had another chance: We are going to bring postal reform to the floor, and we failed to get 60 votes.

Unfortunately, we could not get more than five from the other side of the aisle to even engage in the debate on

Postal Service reform. Now we will be gone for 2 weeks. When we return, it will be a lot closer to April 15 and a lot more challenging for us to get anything done. Those two disappointments—that we could not seize \$4 billion in savings for the deficit in oil company subsidies and that we wouldn't accept our responsibility to deal with postal service reform—I am afraid that has been matched and trumped by what is going on in the House of Representatives.

Think about this: Two weeks ago we passed a bipartisan bill on the floor of the Senate for the Federal Transportation bill. When it comes to our economy and its future, it is hard to think of anything more important than investing in highways, mass transit, airports and ports, and rail lines to make sure that we have an economy ready to compete in the 21st century, that businesses can locate in America with confidence that their products can move to the markets as quickly as possible.

This bill comes up every 5 years, and it is a political piece of cake. Democrats and Republicans agree. We all have needs in our States and districts, and we always come together with a bipartisan bill. We did in the Senate.

Two Senators couldn't be further apart on the political spectrum than BARBARA BOXER of California and JIM INHOFE of Oklahoma. But you know what. They accepted their political responsibility and came up with a bipartisan Federal transportation bill that passed the Senate 74 to 22.

Meanwhile, what was happening in the House? The House was just one crash after another. Their first highway bill went nowhere—rejected. Their second highway bill they would not even call for a vote. Time passed, and more and more of these measures were falling apart. They withdrew the chairman of the committee in the House in charge of it and said: We are going to put somebody else in. They brought in another name. I couldn't keep up with it.

The Speaker of the House and the House Republican caucus made a dog's breakfast out of this Federal Transportation bill. Today, to add insult to injury, they not only would not call our bipartisan bill, which is all we have asked for—I see Senator BOXER on the floor. All we said is, bring the Boxer-Inhofe bill to a vote in the House. It is a bipartisan bill. It is good for this country. For goodness' sakes, vote on it.

No, we are not going to do it. If it isn't the House Republican bill, we are not going to consider it.

What do they do instead? Senator BOXER can explain what they did instead. They said: We will kick the can down the road. We will extend the highway taxes for 90 days and get back to you later.

A person might think, no harm, no foul. Just extending it 90 days, there is no harm. Wrong. State after State, county after county will tell you that

this 90-day extension freezes efforts to build projects across America and will cost us at least 100,000 jobs. The number may be much larger, but it will cost us at least 100,000 jobs. Do we need jobs at this moment in time in America? I should say so. In the midst of a recovery from a recession, one of the areas hit the hardest is the construction industry. And it is not just a matter of the workers out there on the job, it is all of their suppliers. The truck-drivers, the material men, and all of them are now going to be put on hold because the Speaker of the House refuses to call a bipartisan Senate transportation bill for a vote.

That is all we asked—up or down, call it for a vote. Why wouldn't he call it for a vote? Because it would pass. To his embarrassment, it would pass. Well, he got his way, I guess. He is going to send us a 90-day extension. The alternative of letting the highway trust fund lapse is not a reasonable one, not one any of us would embrace. But what a wasted opportunity.

My colleague and good friend, who is sitting right here and has been in this business, the House and the Senate, for a long time, poured her heart and soul into that Federal Transportation bill. She accomplished what nobody thought she could. When she said she was going to sit down with Senator JIM INHOFE of Oklahoma and work it out, we said: Bet that works; the two of them are so different. But when it comes to this measure, they see eye to eye. They worked it out. I am proud of what they did. I didn't like everything in the bill, but nobody does. But I voted for it, saying it is bipartisan, it moves our country forward, and it creates almost 3 million jobs. The Boxer-Inhofe bill creates and saves almost 3 million jobs. Is that important at this moment in our history? You bet it is. If you are not in favor of creating good-paying jobs right here in America for American families, what the heck are you doing in this business? And instead, the House said: No, we will not even let you vote on this measure. House Democrats tried the entire week to get this measure up. Even a few—just a few—House Republicans spoke up and said: Bring it up for a vote. It wasn't good enough.

I know the Senator from California is here, and I want to give her a chance to say a word about the impact of the measure that just passed the House of Representatives. She has gone in it, in many cases State by State, to measure what it means to just extend the highway trust fund and not pass a bill that can create and save up to 3 million jobs. She told me that in my State, it was something like 4,000.

Mrs. BOXER. More than that—about 4,500.

Mr. DURBIN. There are 4,500 jobs lost if we let the federal transportation program expire this summer because Speaker BOEHNER refuses to call up this bill. That is the reality. Is it any wonder that the approval rating of

Congress is in single digits when you take a hard look at what this does to our Nation? At a time when we need Congress to work together, the Speaker will not call the bipartisan bill from the Senate. The Senate will not take up postal reform. The Senate refuses to even cut the \$4 billion subsidy to the biggest oil companies in America.

It is a disappointment to me because many of us worked hard to come here. I feel honored to have this job and feel a responsibility to the people we represent. I think the Senate, on those two votes I mentioned, and the House with their action today have let down the people of this country.

I would like to yield to the Senator from California. I have another statement to make, but I want to give her a chance.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I ask unanimous consent to speak for 5 minutes and then return the floor to Senator DURBIN.

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

Mrs. BOXER. I was going to wait until the House actually sent over this extension before saying anything, but I was so impressed with Senator DURBIN's explanation that I felt I should come to the floor and thank him so much. His leadership on this and also, Madam President, your deep concern for your State, which actually has the largest job loss numbers because they are being very conservative about what they do on the ground—not everybody understands the way the transportation programs work in our States. The Federal Government pays for about 75 percent of many projects and the State pays 25 percent. But the States go out and they front the money and then they bill the Federal Government. Well, the signal that has been sent from the House today is a disastrous signal because it is a signal to all of our States that they better beware because there is no guarantee they will ever get those funds back from the Federal Government.

You know, I love it when we make history here, but I love it when we make good history here. Today, by the House's action, I believe they have become the first House of Representatives ever to allow this highway trust fund to go bankrupt because right now the fund is not sufficient and has to be filled. That is why part of the wonderful result of the Senate bill—and Senator INHOFE and I appreciate getting a lot of credit, but we actually had four committees that did their work: Senators JOHNSON and SHELBY over in Banking, and we had Senators ROCKEFELLER and HUTCHISON over in Commerce. But a very tough job was given to Senator BAUCUS, and he worked hand-in-glove with the Republicans, particularly with Senators such as Senator THUNE, to come up with a pay-for.

Well, here we have an extension with no revenues in it, Madam President, so

naturally your State is very worried, as are all of our States, and I am going to quickly go through what we know so far. We know that Illinois is having big trouble because their contract-letting cannot go forward in 12 particular jobs, and that is going to result in a scaleback of 4,500 jobs. They are scaling back right now, as Senator DURBIN said, at a time when we need jobs. North Carolina has 41,000 jobs that cannot be filled. Nevada has 4,000 jobs, Maryland has 4,000, and Michigan has 3,500. I see the great Senator from Rhode Island here. We got word from his director, Mike Lewis, from the Rhode Island Department of Transportation, that there are job delays, and it looks as if 1,000 jobs will not be filled. In West Virginia, 1,200 jobs will not be filled.

We are in trouble. You know what, it is like taking a hammer and hitting your head: Why do they do it? They don't have to. They don't have to do this. They are wreaking havoc on the Nation with this extension. And Chairman MICA said today: This must be the last extension. Fine. It should not even be an extension. They should take up and pass the Senate bill. How many bills do we have that have 74 votes in favor? And if Senator LAUTENBERG had not been at a funeral, it would have been 75. Three-quarters of this Senate came together around this bill. So the House is wreaking havoc on the Nation. Right now, you could fill 14 Super Bowl stadiums with unemployed construction workers—1.4 million. And why are they doing it? Because they don't want to deal in any way with the Democrats.

Senator INHOFE and I were so thrilled to work together. I see the senior Senator from Alaska who helped us draft our bill with Senator BEGICH. They crossed party lines. We have a great bill. Is it perfect? Of course not. Is it strong? Yes. Is it paid for? Yes. Will it protect 1.9 million jobs and create an additional million? Yes. That is great news. But the House has decided—the only people in America not to get this is the House of Representatives over there, the Republicans.

I see my colleague here, and I am glad to yield for him.

Mr. WHITEHOUSE. I wonder if the Senator would yield for a question.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Setting aside the questions that this raises about the House's ability to govern, which I think are raised by this issue but focusing on this highway question, it is now the end of March. If we go 90 days, 30 days takes us through the end of April, 30 more days takes us through the end of May, and 30 more days takes us through the end of June. There is a seasonal component to getting this work done, is there not? What is the effect of our entire highway, road, and bridge industry having no certainty about what their funding is going to be until practically the Fourth of July

with the construction season then underway?

Mrs. BOXER. Well, the question is very important. This is the worst possible time because now, if you can't enter into new contracts, you lose the building season. And it is particularly brutal right now on the businesses and on the workers.

Let me be clear. This is a 90-day extension without any hopes of them finishing their work. They didn't say that in the 90 days, they would get the job done, get to conference, and get the bill to the President; they are just saying 90 days with no commitment to go to conference.

I will come back and we will attempt to attach the Senate bill to the extension. Madam President, I hope you will have the opportunity to work on that with me because our States are counting on us, and we have to be strong and we have to keep fighting for one simple premise: that the House should have the right to vote on the Senate-passed bill.

I am very proud to be here. I will be here this afternoon as long as it takes. I say to my friend from Rhode Island, I hope he can be there, as well as my friend from Illinois. As soon as we get their extension, which makes no commitment to go to conference, we are going to try to attach the Senate bill to the extension and send it into conference, and I hope my friends will be here to help me with that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I see my friend from Alaska is on the floor, and I would like to yield to her and ask unanimous consent that I be recognized after her statement.

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

The Senator from Alaska.

Ms. MURKOWSKI. Thank you, Madam President. I appreciate the courtesy of my colleague from Illinois, and I also will follow on Senator BOXER's comments on the importance of this highway transportation bill.

I think we recognize that, while far from being perfect—I am not convinced we develop any perfect legislation around here—it is an extraordinarily good-faith effort, a very strong bipartisan demonstration in this body, and deserves to have this support. I applaud Senator BOXER and Senator INHOFE for their work on that.

#### VIOLENCE AGAINST WOMEN ACT

Madam President, just very briefly, I wanted to take a few minutes this morning to speak about an event that just happened outside on the lawn of the Capitol. About maybe 50 or 60 Alaskans and some wannabe Alaskans gathered in a rally, a march that we have entitled "Choose Respect." This is an effort that has stemmed from the actions of our Governor in Alaska to shine the spotlight on domestic violence and sexual assault and to come together as communities, as a State, to

speak up and to turn around the statistics that are so devastating in our State when it comes to domestic violence and sexual assault.

Over the past few years, the Governor has led the charge in organizing rallies in the State of Alaska during the last week of March. This morning in our State there will be 120 different rallies going on in communities such as Anchorage and Fairbanks, our larger communities, but also in smaller villages such as Kooskia and Tanana, communities where the numbers are small but the passions on the issues I think are very strong and robust. The Governor has commissioners in Barrow, in Tanana, in Cordova, in Nome, and in Galena, all leading the march to stand up and speak out about domestic violence. I wish to acknowledge what the Governor has done in his effort to spotlight this and to work to reduce the rates of domestic violence, sexual assault, and child abuse through this "Choose Respect" initiative. We have great Alaskans standing together and, again, a real commitment to make a difference.

Unfortunately, my colleagues have heard me say this before, that in a State such as Alaska where I think we have unparalleled beauty, we also have an ugly side to our State that is manifested in statistics we see with violence against women and particularly violence against Native women. Violence against Native women has reached epidemic proportions. We are at a point where Native women experience domestic violence and sexual assault at rates 2½ times higher than other races. In the lower 48, women on reservations are 10 times more likely to be murdered. Systematic legal barriers and ineffectual or deficient law enforcement mechanisms result in women, children, and families living in fear. In Alaska, nearly one in two women has experienced partner violence and close to one in three has experienced sexual violence. Overall, nearly 6 in 10 Alaska women have been victims of sexual assault or domestic violence. This is absolutely unacceptable. That is the reality we are living with as a State now, and it is absolutely unacceptable.

Alaska's rate of forcible rape between 2003 and 2009 was 2.6 times higher than the national rate. Tragically, about 9 percent of Alaska mothers reported physical abuse by their husband or their partner during pregnancy or in the 12 months prior to pregnancy. These are horrifying statistics.

These statistics bring me to the issue of violence against women and the Violence Against Women Act, or VAWA, the bill we have been talking about and hopefully will be bringing to the floor soon. A measure such as this I think is incredibly important as a vehicle for us to stand behind women and men. It doesn't make any difference if one is from a rural part of the country or an urban part of the country; it is an issue that I think we know rips at the heart of who we are.

In so many of the Alaskan villages, victims of domestic violence and sexual assault face some pretty unique challenges and therefore horrific challenges. It may be that there is no full-time law enforcement presence, there is no local justice infrastructure. In many situations villages are landlocked. There are no roads in. The only way in and out is by airplane. So we have a situation where we can have an individual who has been victimized, with no law enforcement presence in the community whatsoever. It may take State troopers days—days—to be able to respond to an incident, depending on weather conditions. Imagine yourself in that situation. You have been a victim of domestic violence. You seek help. There is none in the village and no way away from your perpetrator.

I think we recognize that one thing we can and must do is make sure there is a safety net available to address the immediate survival needs of the victim and the survival needs of their children in the short term. Only with this level of confidence can one gather the courage to leave an abusive situation.

One final comment on VAWA, and then I will yield to my colleague who has given me the courtesy of the floor right now. I think we recognize in Alaska that the Violence Against Women Act does offer a ray of hope, if you will, for those who are not only the victims but for those who help assist the victims of domestic violence and sexual assault in our villages. It will provide for some increased resources to our rural and to our very isolated communities. It will help to establish a framework for the Alaskan Rural Justice Commission which has been a great venue to make sure we are all understanding what the tools are and how we adapt to those tools. It also recognizes Alaska's Village Public Safety Officer Program as law enforcement so that VAWA funds can be directed to providing a full-time law enforcement presence in places that have none.

We have a lot of issues we need to work through. We believe the reauthorization of VAWA will help us with that. So as we join with other Alaskans in the State and those here in Washington, DC, to choose respect for all women, for all in our communities, I think it is important that there are some tools we can put in place to help not only the people of my State but victims of domestic violence wherever they may be.

With that, I thank my colleague from Illinois for yielding, and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### THE DREAM ACT

Mr. DURBIN. Madam President, the Senate is not a place for sprinters, only long-distance runners, because sometimes we need patience beyond human endurance to see an idea that one believes is meritorious finally make it—to get passed by the Senate and maybe

even the House or maybe even signed into law. Sometimes it happens quickly; more often it takes a long time.

My personal story that kind of leads when it comes to examples is the DREAM Act, which I introduced 11 years ago. This was legislation that addressed a problem I learned about from my Chicago office. We got a phone call. The phone call was from a mother. She was Korean American and she ran a drycleaners. In Chicago, 75 percent or more of the drycleaning establishments are owned by Korean families. She came to this country years before, brought her little girl with her, and then raised a family, and she became an American citizen.

Fast forward to her little girl who became a musical prodigy. In fact, she was in demand at some of the best music institutions in America, including the Julliard School of Music and the Manhattan Conservatory of Music, offering her admission to come and develop her skills as a concert pianist. As her daughter filled out the form to apply to these schools, she turned to her mother and said: Where it says "nationality" what should I write? Her mother said: I don't know. We never filed any papers for you after you came to America. The daughter said: What can we do? The mother said: We can call DURBIN.

So they called my office and we checked with the Immigration Service. They came back and said, the law is very clear that when a child is brought to this country and through no fault of their own is undocumented, the law is clear they have to leave for at least 10 years. They have to go back to wherever they were before or anywhere they want to go, but they can't be here. I thought to myself: This girl did nothing wrong. Mom and dad didn't file the papers and here she is in this predicament.

So I introduced the DREAM Act. It has five simple provisions. Here is what it says: If you came to the United States as a child, if you have been a long-term U.S. resident, if you have good moral character, if you graduate from high school and you either complete 2 years of college or serve in the U.S. military, we will put you on a path to become a citizen of the United States. You have to earn it. We are not going to give it to you, but we are going to give you that chance. Just because mom and dad may have done an illegal act, we will not hold you as a child responsible for it.

The net result of this bill, when it becomes law, will strengthen our military—and we have the support from military leaders all across the United States; they want these young men and women to enlist. They will bring diversity and talent to the military. It will also mean they will be contributing to America with their higher education. They are going to be tomorrow's doctors and engineers, soldiers and teachers. We don't want to lose their talents. We don't want them educated in

America for 13 years and then cast aside. We want them to stand and be part of our future and make us a stronger Nation.

Keep in mind that for most of these students it comes as a shock when they finally ask the questions and get the answers and realize the flag they have been pledging allegiance to every single day is not the flag of their country. They are people without a country. That is what the DREAM Act is about—to give them a chance.

We have asked the Obama administration on a bipartisan basis to not deport these eligible young people, for they have done nothing wrong. If they do something wrong, it is another story. But if they have done nothing wrong, don't focus on deporting them. What we are trying to do is to give them a chance—just a chance—to earn their way to the American dream. I think the administration's new deportation policy is sensible and I think these young people deserve a chance.

I can give these speeches for a long time and they don't mean much until we meet the DREAM Act students. Let me show my colleagues two handsome young men from Illinois: Carlos and Rafael Robles. I met them both. Carlos and Rafael were brought to the United States by their parents when they were children. Today, Carlos is 22, Rafael is 21. They grew up in suburban Chicago in my home State of Illinois. They graduated from Palatine High School where they were both honor students. In high school, Carlos was the captain of the tennis team and a member of the varsity swim team. He volunteered with Palatine's physically challenged program where every day he helped to feed lunch to special needs students. Carlos graduated from Harper Community College and is now attending Loyola University in Chicago majoring in education. His dream is to become a teacher. Do we need more good teachers in America? You bet we do.

Listen to what one of Carlos's high school teachers said about him:

Carlos is the kind of person we want among us because he makes the community better. This is the kind of person you want as a student, the kind of kid you want as a neighbor and friend to your child, and most germane to his present circumstance, the kind of person you want as an American.

One of Carlos's college professors wrote and said:

He is, very simply, the finest student I have ever had the opportunity to mentor.

Rafael, his younger brother, has a lot in common with Carlos. In high school, Rafael was captain of the tennis team and a member of the varsity swim team and soccer team. He graduated again from Harper Community College—understand these young men would attend college in America with no Federal assistance—none. They have to pay for it out of their pocket. So he graduated from Harper Community College. Now he is at the University of Illinois in Chicago where he is majoring in architecture.

Here is what one of Rafael's teachers in high school said about him:

Rafael is the kind of person I have taught about in my Social Studies classes—the American who comes to this country and commits to his community and makes it better for others. Raffi Robles is a young man who makes us better. During my 28 year career as a high school teacher, coach, and administrator, I would place Raffi in the top 5 percent of all the kids with whom I have ever had contact.

Here is the unfortunate part of the story about these two amazing young men. They were both placed in deportation proceedings. I asked the administration to consider their request to suspend their deportations and they agreed to do it, for the time being. I think it was the right thing to do. Carlos and Rafael are represented by volunteer lawyers in Chicago.

After I met Carlos and Rafael, they sent me a letter asking Members of Congress to support the DREAM Act, and here is what they said:

We ask you today to see it in your heart to do the right thing, to listen, and to reward the values of hard work and diligence, values that made America the most beautiful and prosperous country in the world and that we're sure got you, as members of Congress, to where you are today in life. These are values we have come to admire and respect in the American people. We will continue to uphold these values until the last of our days—we hope eventually as citizens of the United States, a country we now see as home.

So I ask my colleagues who are critical of the administration's deportation policy or have difficulties with the DREAM Act, Would America be a better place if Carlos and Rafael are deported? Of course not. These two young men grew up here, they were educated here, they have done well here, they have earned their way here. They want to be part of our future.

They are not isolated examples. There are literally thousands of them just like Carlos and Rafael across this country.

When I introduced this bill 11 years ago, and I would give a speech like this and leave a hall, I could count on, if it were nighttime, someone standing by my car quietly as I approached and started to leave. They would ask me: Senator, can I speak to you for a minute.

Sure.

Senator, I am one of those students.

They were afraid of being deported if they raised their hand and identified themselves at the meeting. That has all changed now, and it has changed for the better. These young men and women are courageously stepping forward to identify themselves. It is no longer a mystery of who they are or what they want to be. They are real flesh and blood. They are children. They are the people you sit next to in church. They are the folks who are working hard next to your son or daughter in the library at school. You are cheering them on on the football field. You are watching them lead the USC Marching Trojan Band. You are watching as they are aspiring to become tomorrow's scientists, engineers,

doctors, lawyers, and teachers. They deserve a chance, and we should give them that chance by passing the DREAM Act.

I hope my colleagues will consider doing that as quickly as possible. They want peace of mind, they want a future, and we need them in America's future.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from North Carolina.

Mrs. HAGAN. Madam President, I ask unanimous consent to speak as in morning business.

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

TRIBUTE TO SENATOR BARBARA MIKULSKI

Mrs. HAGAN. Madam President, I come here today to pay tribute to Senator BARBARA MIKULSKI on becoming the longest serving woman in the history of Congress.

First and foremost, I feel deeply privileged to be able to serve alongside Senator MIKULSKI. She blazed a path that allowed the rest of us, and people like me, to be here today. Along the way, she distinguished herself as not only a leader and tenacious advocate for the people of Maryland but for all Americans.

Senator MIKULSKI's path to the U.S. Senate prepared her well to be an effective fighter for her constituents. Ever the dedicated public servant, Senator MIKULSKI worked as a Baltimore social worker, community activist, and as a city council member. She brought an urgency and an unrelenting commitment to service to her work and the people she represented. It can be seen in the legislation she has fought for and the causes she has championed during her 25 years in the Senate.

I am proud to say the first bill I cosponsored when I came to the Senate 3 years ago was one of Senator MIKULSKI's—the Lilly Ledbetter Fair Pay Act. This bill—which ensures that no matter your gender, race, national origin, religion, age or disability, you will receive equal pay for equal work—the fight to get it signed into law is a perfect example of the tenacity and sense of fairness that drives BARBARA MIKULSKI.

I am particularly grateful to her for her mentorship. On the day I was sworn in to the Senate, I was standing in the back of the Chamber waiting to walk down to the well. My colleague from North Carolina, Senator BURR, was with me. Senator MIKULSKI came up to me and asked who was going to escort me to the well to be sworn in. I, obviously, said: My colleague from North Carolina. She said: Well, you need a woman too. And with that, I was both humbled and honored to have her escort me down the Chamber aisle to be sworn in as a U.S. Senator.

Her generosity in sharing her experience and her expertise did not stop on that day. She is always encouraging, supportive, and eager to foster a spirit of teamwork. I especially appreciate

that Senator MIKULSKI embraces the need for bipartisanship, which no doubt is why she is and has been so effective, accomplished, and widely respected.

Everyone knows well and respects Senator MIKULSKI for her advocacy on behalf of women and families. In this regard, she is truly a role model. During the debate on health care reform, her tireless fight to ensure that women's preventive services, including screenings for breast cancer and cervical cancer, would be covered with no out-of-pocket expenses is legendary.

Her ability to see and understand people's needs is clearly reflected in her Spousal Anti-Impoverishment Act, which protects seniors across the country from going bankrupt while paying for a spouse's nursing home care. It is no wonder she is beloved, not only in the Third District, which she represented for 10 years in the House, but by all the people of Maryland whose interests she fights for every single day.

As one of the 17 women now serving in the Senate, it is hard to imagine what it must have been like when she arrived here 25 years ago as one of two women. I am grateful she and the other female Senators have paved the way.

BARBARA MIKULSKI is the dean of the women Senators, and her bipartisan women's dinners are among my favorite Senate traditions. I thank Senator MIKULSKI for her leadership and strong belief in the empowerment of women in our communities and in public office. For those of us who came to Washington to make a difference, BARBARA MIKULSKI has set a very high bar.

I congratulate Senator MIKULSKI for this extraordinary and historic accomplishment. I look forward to many more years of serving alongside her.

SURFACE TRANSPORTATION ACT

Mrs. HAGAN. Madam President, I will speak for a couple minutes on the Transportation bill.

I have come to the floor to express my support for passing the Senate bill before the current Transportation authorization expires this Saturday. This would create and sustain nearly 41,000 jobs in North Carolina and across the country close to 3 million jobs.

Earlier today, the House passed a short-term 90-day extension. Unfortunately, passing another stopgap extension is not the solution that businesses, States, and the entire country needs.

Short-term extensions create instability and uncertainty in funding, and without that certainty, States such as mine, North Carolina, cannot plan or move forward with projects, which jeopardizes tens of thousands of projects and millions of jobs in America. Once again, that is 41,000 jobs in North Carolina.

Upgrading our infrastructure is not a Democratic or a Republican priority; it is truly an American priority.

The Senate Transportation funding bill makes critical investments in transportation and infrastructure in North Carolina and across our Nation.

The return on investment, when it comes to infrastructure, is high.

Moody's estimates that for every \$1 spent on infrastructure, our GDP is raised about \$1.59.

Additionally, for every \$1 billion spent on infrastructure, 11,000 to 30,000 jobs are created—jobs that North Carolina desperately needs.

Failure to pass the Senate Transportation bill could put these millions of jobs and \$1.2 billion worth of North Carolina construction projects in jeopardy.

This Transportation bill we are talking about is truly an economic engine. My State currently receives only about 92 cents for every \$1 we pay into the highway trust fund. This new legislation would ensure that at least 95 percent of North Carolina's payments to the highway trust fund will come back to our State—nearly 3 percent more than we currently receive.

Maintaining and upgrading our infrastructure is not just about creating jobs in the construction sector; it is the lifeblood of our communities. We need to make sure businesses have roads to access their plants and factories, rail, ports, and airport runways to export goods across the globe and to keep pace with the 24/7 global economy.

To put this in a global perspective, China currently spends four times as much on infrastructure as we do in the United States. We cannot allow this to continue. This is about staying competitive and leveraging commonsense investments that will enable our economy to grow.

This Transportation funding bill will be used to improve our roads, bridges, and mass transit systems—projects that will put North Carolinians back to work and help American businesses compete in our global economy.

I urge my colleagues to take up and pass the Senate Transportation funding bill without delay.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

(The remarks of Mr. HOEVEN pertaining to the introduction of S. 2264 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HOEVEN. Madam President, with that, I yield the floor, and 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. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak for 15 minutes as in morning business.

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

JUSTICE GINSBURG ON CONSTITUTIONS

Mr. GRASSLEY. Supreme Court Justice Ginsburg, on a recent trip to Egypt, made comments that garnered public notice. She said:



I would not look to the U.S. Constitution if I were drafting a constitution in the year 2012. I might look at the constitution of South Africa.

She also spoke favorably of the Canadian Charter of Rights and Freedoms and the European Convention on Human Rights.

Although some people have criticized Justice Ginsburg for speaking negatively about the U.S. Constitution while abroad, I think she has a right to say what legal documents countries should consider that are now writing constitutions. But I do not agree with her those other constitutions are better examples of constitutions today than the U.S. Constitution is.

Some people who have criticized Justice Ginsburg's preference for the other constitutions she named have focused on the positive rights contained in those documents. Some of those constitutions, such as South Africa's, protect the right to "make decisions concerning reproduction," to "inherent dignity," and the right to have an environment protected "through reasonable legislative and other measures that prevent pollution and environmental degradation." The European Convention on Human Rights guarantees a right to education. Of course, none of these constitutions contain anything like a second amendment right for the citizens to defend themselves.

Our Constitution is all about limiting the power of government. Americans do not fully trust the power of government, and Americans insist on rights that are protected against government action. In other words, our Constitution was intended to last for centuries, with the same meaning, even as those principles were applied to new situations. Our judges should reflect that philosophy, which is at the heart of our Constitution. If other countries feel differently, that is their right.

I think praise for those foreign constitutions rather than our own raises a much more serious issue—the role of the judiciary. Our Constitution made a judiciary that was the least dangerous branch, as Hamilton said. Policy is to be made by elected officials who answer to the voters and can be replaced; whereas, judges, under our Constitution, cannot be replaced. They have a lifetime position, short of impeachment.

The foreign constitutions that were named create a much different judiciary. The Canadian Supreme Court has stated their charter of rights and freedoms "must be capable of growth and development over time to meet new social, political and historical realities often unimagined by its framers. The judiciary is the guardian of the Constitution and must, in interpreting its provisions, bear these considerations in mind."

The European Convention has been interpreted by the European Court of Human Rights to be a "living instrument."

Madam President, these are explicit statements—that Justice Ginsburg's preferred constitutions are "living constitutions." A living constitution is one in which the meaning changes over time. Judges decide that new circumstances require a living constitution to mean something it did not mean sometime before. They say the constitution must keep up with the times. A living constitution can mean whatever judges want it to mean, completely contrary to what our forefathers had in mind when they wrote our Constitution.

Our Constitution is not a living constitution. Judges are not to make up its meaning as they go along over time. Even President Obama's Supreme Court nominees told us the role of a judge under our Constitution is not to interpret words however they believe new circumstances might warrant. "It's the law all the way down," Justice Kagan said. We should be skeptical of a living constitution that opens the door for judges to impose their values, not those of the Framers of the Constitution, on the citizenry of this country.

The Canadian Charter says it "guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and Democratic society." The Canadian Supreme Court interprets that provision in light of a highly generalized four-part test that invites judges to insert their own policy preferences.

Similarly, the South African Constitution provides that its rights can be limited if they "are reasonable and justifiable in an open and democratic society based on human dignity, equality, and freedom." It tells courts explicitly to apply a six-part subjective balancing test that allows judges to interpret this provision however they want.

How would you like to live under a constitution such as that?

These constitutions Justice Ginsburg endorses invite judges to rule however they want on any question of rights. That is not consistent with traditional American notions of the rule of law, of a government of laws and not a government of people. Some judges may prefer constitutions in which judges are free to displace democratic decision-making on policy questions that are to be decided by elected representatives of the people under our Constitution. I do not. Our Constitution does not. We do not live in a government of, by, and for the judiciary.

But no one should think that the Canadian or the South African Constitutions fully protect rights that Americans think are precious, such as freedom of speech. Under the Canadian Charter, reasonable limits on free speech include prohibiting so-called hate speech against a group.

Finally, it is important to recognize why some of us on the Judiciary Committee continue to press judicial nomi-

nees on their adherence to the Constitution without reference to foreign law. For instance, Justice Breyer has stated that foreign judges also interpret "texts that more and more protect basic human rights." He has stated that he looks to the decisions of the European Human Rights Court and to Canadian cases as well, because they are "relevant" even if they do not control. He says, "[W]e can learn something about our law and our documents from what happens elsewhere."

What Justice Ginsburg did was to make very clear that which had only been implied in the past, making very clear that there are some in this country who feel that our venerable Constitution is outdated. If they treat that document as it was written and understood by the Framers, then their decisions will often lead to results they do not like as a policy matter. But if they can cite decisions from foreign courts and interpret constitutions that contain all kinds of different rights and that give judges unbridled power to make policy decisions at the expense of the elected representatives of the people, then they can reach decisions that our Constitution otherwise would not allow.

It is not simply a disinterested survey of what other courts around the world are doing. It opens the door to a search for preferred liberal activist outcomes. These are the very high stakes at issue when we discuss whether it is appropriate for judges to cite or rely on foreign law in interpreting the U.S. Constitution.

We need to preserve, protect, and defend the Constitution of the United States. We need to preserve, protect, and defend the rights of American citizens. Justice Ginsburg and others who have a judicial longing for other constitutions that protect different rights and give unelected judges power that, under our Constitution, self-governing people exercise themselves—I tell those judges, including Justice Ginsburg, that is the wrong approach.

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

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

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. 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. BROWN of Ohio. Mr. President, I ask unanimous consent to speak for up to 5 minutes as in morning business.

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

#### OIL SUBSIDIES

Mr. BROWN of Ohio. Mr. President, just a few minutes ago, I was presiding over the Senate and I heard remarks from my friend, the senior Senator from Missouri, CLAIRE McCASKILL, who sits next to me. I was intrigued by her response to the vote that had just taken place for my colleagues who

preach every day about deficit reduction. As Senator McCASKILL said, they had an opportunity to pick the lowest hanging fruit there is, take away the tax breaks and the tax dollar subsidies that go to the oil interests in this country.

Think about that. We are giving incentives. Taxpayers are spending hard-earned dollars coming from workers in Dayton and Springfield and Akron and Canton that go directly to the most profitable industry in the history of the world, perhaps, particularly the big five oil companies, making billions and billions of dollars. Yet we are simply saying it is OK to give them those kinds of tax breaks and tax subsidies.

That is even putting aside the fact that every time there is a pipeline outage or every time there is a fire in a refinery or every time there is turmoil in the Middle East, the oil companies and the speculators use it as a chance to spike up oil prices. They do it over and over like clockwork. A problem in Iran? Prices go up. A fire in a refinery? Prices go up. An outage in a pipeline? Prices go up.

The Presiding Officer from Vermont, with his bill, has led this effort to get the Commodity Futures Trading Commission and the Department of Justice to put the government on the side of the motorist, of small businesses, of the consumer. Just as Senator McCASKILL said earlier, to save tax dollars is really obvious and, on the other side, to make sure we go after the speculators when they rip us off.

According to a recent study, 56 cents of the price of every gallon of gas you buy when you go to the pump in gas stations all over America goes to the hedge fund operators and speculators. That is about \$10 to \$12 to \$15 a tank depending on how big a car you drive.

On the one hand, we are not saying no more tax breaks. On the other hand, we are not saying to the speculators: Stop this. You are not going to get away with this anymore. The government has to be on the side of the middle class here and fight back.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### SURFACE TRANSPORTATION ACT

Ms. LANDRIEU. Mr. President, I am going to speak for about 10 minutes. If someone else comes to the floor, I will be happy to shorten that, but I had to come to the floor to support the leadership of Senator BARBARA BOXER and Senator INHOFE from Oklahoma, who have worked for over a year to bring a very balanced and fundamentally important and essential infrastructure bill to the floor of the House.

We have many arguments on this floor. We have been arguing about judges. I heard Senator GRASSLEY give a pretty tough speech voicing his opinion of some of our Supreme Court Justices. I do not agree with much of what he said, but he is entitled to his opinion. We have those debates. There are good people on both sides. We are de-

bating oil taxes and whether the oil industry is paying too much or too little. You could have arguments about that.

But even our children in kindergarten and even our citizens who do not pay attention to some more difficult arguments understand roads, bridges, and mass transit. They understand hardhat jobs. They see people every day laying bricks, pouring concrete, going to work at steel mills and factories that produce the materials that build our infrastructure. They drive over potholes all day long. They ride down the interstates with 18-wheelers whizzing by them in smaller cars because they are trying to be more fuel efficient, with their heart in their chest, with their children in the backseat, and they look up to Congress, to the House of Representatives, and say: Where is our Transportation bill?

This Transportation bill was not written by one Senator and voted on by a slim majority. This Transportation bill that the House refuses to even consider was built by one of the more progressive and one of the most conservative Members of this body. It was voted on almost unanimously out of committee, brought to the floor of the Senate just a couple of weeks ago, and received over 75 votes in a body that cannot decide about our judges, really, we can't decide about the post office, we can't decide about oil and gas taxes. But 75 of us said that we are tired of running our highways and our transit on 90-day, 30-day, 60-day extensions. I think this is the 26th short-term extension since 2009. What way is this to run a government?

For the other side of this building that talks about putting business practices to work, let's be more efficient in the way we operate, and let's operate more like a business, do you know, Mr. President, any business in America, large or small, that operates with a 30-day vision? Do you know one? I don't know one. I understand businesses have 6-month plans, a year, but they always have that 5-year long range. They might have 6-month goals. I don't know one business in America that operates on a 30-day plan.

Here we are at the ninth hour again. We have a bill. We produced a bill. If the House had a bill—I am a centrist—if the House had a bill, I would be working with the middle of the road over there, trying to say: This is what your bill does. This is what our bill does. We can't have our way completely here in the Senate, although I would like to have our way more of the time, but I understand.

They do not have a bill. They do not have a bill to negotiate because they cannot even get a bill together among the three committees of jurisdiction over there.

Again, if they had a bill, I know Senator BOXER and Senator INHOFE would be happy to negotiate. Maybe they want a 4-year bill, we want a 2, maybe we negotiate a 3. They don't like the mass-transit portion; we like the mass-

transit portion; we could come to some terms. They don't like the way the formula works; we like the general way the formula works; we could come to terms. I understand that.

But what I do not understand, what no one in the country understands—what the mayors are having a hard time understanding, what the Governors are having a hard time understanding and the businesses that operate in my State, represented by the chamber of commerce, the NFIB, and the Main Street Alliance of small businesses from the left to the center to the right—what they do not understand is how you do not have a bill at all and you have not been able to put one together. We have now been in this Congress for a year and a half. You have had 1½ years to put a bill together, and you have not come up with one.

We put one together that looks pretty good. No one that I know of from any group has said anything really bad about our bill. It is pretty plain in one sense. It is not changing the course of Western civilization; it is just trying to fund roads, bridges, and transit, which is fundamental to the operations not only of our government but our economy and, frankly, the economy of the world because without highways it is hard to import or export products. This bill has impacts way beyond America.

For the life of me, I cannot understand how the House of Representatives is going to leave and go on vacation and think they have done their job by giving us another 90-day extension.

I do not know what the leadership is going to do, but I want my vote recorded as no. I am not going to hold up everybody here over the holidays, but I want to say that I want my vote recorded as no. I am not going to continue to support 30-day, 60-day, 90-day extensions to a transportation bill that really, in the scheme of things, should not be that complicated to pass. There are other much more controversial things about which we could be having very serious debates. Building highways and roads and transit should not be one of them.

We are hurting jobs. We heard the Republicans—I cannot blame the Republicans in the Senate. I think they have been for the most part really terrific, actually, working with Senator BOXER. They have even given a majority of the votes. So I guess my focus is really on the Republicans in the House. I don't think they have taken the time to really look at the Senate bill to see how balanced it is, and one part I wish they would read, which is the part I want to talk about for the next 5 minutes—and I know other Senators are here to speak—I hope the gulf coast Members from Texas, Louisiana, Mississippi, Alabama and Florida—and together that is a pretty big coalition; I don't know the total number, but I think there have to be over 75 Members from Texas, Louisiana, Alabama, Mississippi, and Florida—I hope they read the section of the Transportation bill that talks about the RESTORE Act.

I have spent a great deal of time over here with my good friend and wonderful leader, Senator SHELBY, with Senator BOXER, with over 300 organizations, for over a year, to build a bill that is now part of the Transportation bill that, in addition to building highways in Florida and transit and roads in Alabama and Mississippi, will also for the first time in the history of our country—the first time—direct a significant portion of penalty money paid by a polluter, BP, that polluted the gulf coast—a good company in some ways but really messed up that well, though, and they just spilled gallons and gallons and millions of barrels of oil. We have shrimp that are coming in our nets with no eyes. We have turtles that are washing up on our shores dead. We have research needs in the gulf coast—that there has been no time in our history where we have needed that money more.

My question is to the gulf coast Republican Members and Democratic Members. What is it about this bill that is driving you so crazy that you can't accept \$10 billion that the Federal Government is trying to give you? Because that is what the RESTORE Act could potentially send to the gulf coast, a portion of the fine. We don't know whether that fine is going to be \$5 billion or \$10 billion or \$20 billion, but we do know it is going to be substantial because under current law they have to pay \$1,000 for every barrel spilled or \$4,200 if it was gross negligence.

In the Senate Transportation bill, this body showed rare bipartisan support and concern for the gulf coast, America's energy coast. We showed an understanding of the great erosion that is taking place in the delta of Louisiana, which drains 40 percent of the continent. We showed understanding that so much of our shipping and seafood industry relies on this coast—not that the other coasts are not vitally important—and we showed we understand the underinvestment that has been made. So 75 percent of the Senate basically stood and said: OK. Let's redirect this penalty money to where the injury is. That is the RESTORE Act, and that is in the Senate bill we sent over to the House, which they have absolutely just rejected.

I don't know what magic there is about the next 90 days, but I know what I am going to do. I am going to register my vote as no, and I am going to go home and work harder in Louisiana and along the gulf coast to explain to the people of our region how much is at stake by getting a longer term Transportation bill. Maybe 2 years is not as long as we would like to have, but it is better than 30 days, it is better than 60 days, and it is better than 90 days.

I will ask and explain that not only is the Transportation bill vital for Louisiana's projects but for approving the RESTORE Act, which I know the House has indicated their support for.

They have indicated a support for the concept of the RESTORE Act, but the act itself is in the Transportation bill.

So I am going to wrap-up. There are other Members on the floor who will speak. I thank the leader, BARBARA BOXER, who is here.

But for 90 days let's get back to work and go for a long-term Transportation bill that is a real jobs bill that will help the whole country but particularly the gulf coast with the RESTORE Act.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I see the Republican leader is on the floor, and I understand there may be a unanimous consent that is propounded, and I can offer some remarks in the context of an objection and a counter-proposal, if the minority leader would like to proceed now.

Mr. MCCONNELL. I would say to my friend from Rhode Island, I am not the one who will be asking consent.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak until I get a signal from the majority leader that he will seek recognition, at which point I will yield the floor.

I wished to follow in the footsteps of Senator LANDRIEU of Louisiana and reflect my own dismay and dissatisfaction with the situation we are in right now. The House extension on the highway bill, which we are going to be asked to proceed with, is going to cost—as far as the estimates I can see so far—around 100,000 jobs, and that is damage to our economy. That is a self-inflicted wound. More specifically, it is a House-inflicted wound, and I would very much like to see the Senate fight to force action on the Senate highway bill. It is a bipartisan bill with amendments and is fully paid for. This is a serious bill, as opposed to inflicting this kind of damage on our economy with a short-term extension.

Does the majority leader seek recognition?

Mr. REID. Yes, I do.

The PRESIDING OFFICER. The majority leader.

#### SURFACE TRANSPORTATION EXTENSION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.R. 4281, the Surface Transportation Extension Act, which was received from the House and is now at the desk; that the bill be read three times and the Senate proceed to vote on that matter.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. There are several of us who reserve our right to object. What the House has done is guaranteed job

losses for this country. They are already dithering on the Senate bill. Their not taking it up for a vote has cost us about 100,000 jobs. Thousands of businesses are at stake, and eventually we are talking about 3 million jobs at stake. The fact that they would do this without any commitment to get to conference, without any commitment to finish their job and run off on vacation is the reason I am reserving the right to object.

I ask that the unanimous consent request be modified so an amendment, which is at the desk, the text of S. 1813, the surface transportation bill, passed by the Senate on March 14, 2012, by a large bipartisan majority vote of 74 to 22, be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection to the request for modification?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. The problem with accepting the Boxer amendment is that it would shut down the Federal-Aid Highway Program, which means States wanting reimbursement for projects will not get paid. It will cause already nervous State Department of Transportation directors to cut back further on the work because there will be no reimbursements on Federal projects, and it would cost the highway trust fund \$100 million per day for any day the gas tax is not collected, thereby adding to the deficit.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. CARDIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Reserving the right to object, and I was listening to the distinguished Republican leader, let me challenge some of the assumptions so maybe we can get to a consent. In talking to Members of the House of Representatives, I am very confident there is ample support to pass not only the bipartisan surface transportation bill that passed this body by an overwhelming vote but a consensus bill that came out of our committees by unanimous vote in both the Environment and Public Works Committee and the Banking Committee. There is general agreement that this bill should be enacted into law.

I am confident that if the Speaker of the House brings this bill to the floor of the House of Representatives, it will be passed. There are adequate votes for it.

To my friend, the distinguished Republican leader, here is the problem: If we pass another short-term extension, we are going to lose jobs. In my own

State of Maryland, we cannot let the contracts on major maintenance projects with a 90-day extension. We cannot move forward with the planning of our highways, our bridges, our transit systems with another short-term extension. This takes us to the middle of the summer. We lose the construction season on getting transportation work done.

I urge the distinguished leader that we do have the opportunity to pass the bill right now, and if we stand firm and tell the House of Representatives we want to do what is right for the American people, that in the Senate we had a bipartisan bill, a consensus bill—what's happening in the House is extremely partisan. Let's get together on the most important jobs bill we can pass. It is thousands of jobs in Maryland, and it is millions of jobs in this Nation that are affected by passing a surface transportation bill.

With that, I am hoping I convinced the distinguished Republican leader.

I ask unanimous consent that the request be modified so that an amendment, which is at the desk, the text of S. 1813, the surface transportation bill, passed by the Senate on March 14, 2012, by a large bipartisan majority vote of 74 to 22, be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. MCCONNELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I will spare the Senate the repetitious repeating of my remarks with regard to the initial Boxer modification, but the principles remain the same.

I object.

The PRESIDING OFFICER. Objection is heard. Is there objection to the original request?

Mr. WHITEHOUSE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I would like to join my colleagues in trying to find a way to attach the Senate bill which passed this body better than 3 to 1, with a huge bipartisan majority, which is a good bill. It was paid for and had weeks of collegial work, back and forth, with bipartisan amendments, which is a serious bill that every major business group in the country, every major labor group in the country, and even environmental groups are supporting.

As the Senator from Maryland has said, it would certainly virtually be passed by the House if the Speaker would only bring it up, but for partisan reasons the House has refused to even bring it up for a vote. Instead, they sent us this extension which will cost 100,000 jobs.

It is my view that if we can send it back in this form, we will not experi-

ence the parade of horrors that the distinguished Republican leader has suggested because it will not come to that point. They will, in fact, pass the Senate bill and we will have a real highway bill and not a partisan extension that kills 100,000 jobs.

It is 1,000 jobs in my home State of Rhode Island. We have over 10 percent unemployment. This is a self-inflicted wound that hits Rhode Island, that hurts my home State. It makes no sense. Therefore, I ask, again—and I apologize for coming back to this, but I think it is important that we try to defend this body, which has worked well together, which has made a sensible, serious bill and is being infected by the dysfunction that is presently taking place in the House. This extension is a representation of that dysfunction.

So I again ask unanimous consent that the majority leader's request be modified so the amendment at the desk, the text of our highway bill, S. 1813, be added to the bill, that the text be agreed to; the bill, as amended, be read a third time and passed; and the motions to reconsider be laid upon the table.

I thank both the majority leader and minority leader for their patience.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request?

Mr. SCHUMER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I am not going to object, but I wish to reiterate the comments of my colleagues from California, Maryland, and Rhode Island. I know my colleague from Louisiana will do the same. We have a broad bipartisan bill. Transportation and highways are a linchpin of our economic recovery, not only in the jobs they create now, rebuilding and building highways, but in making our economy more efficient.

China is building four times the infrastructure we are. India is building more infrastructure than we are, and in the Senate—to the credit of both sides—we have a broad bipartisan bill that moves us forward. It is not everything I would want or any of us would want. It was put together masterfully by Senator BOXER and Senator INHOFE, who are political opposites.

The House, in its paralysis—because there is a small group who, frankly, don't believe the government should be an infrastructure at all—ties it in a knot and forces us with the awful choice of either shutting things down because they are not going to budge or just renewing an old bill which needs updating, which throws people out of work. They are creating paralysis in this country in the case of infrastructure and in many other cases.

If the public wants to know why the country is not growing at a greater rate, wants to know why there is such high unemployment in the construction industries, look at the ideologues over there and their refusal to face reality, to deal with their colleagues, and to put this country—not us—in a take-it-or-leave-it position. This 90-day extension is not the way to go. The way to go is to pass the Senate bill, and I hope those on the other side of the aisle, pushed by outside folks from business management and others all across the country, will see the error of their ways and change their ways over the next few months.

I thank my colleague, and I yield the floor.

The PRESIDING OFFICER. Is there objection to the original request?

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. And I might object, because I think this is a very serious matter. I am reserving the right to object because, as the majority leader well knows, if we would follow Senator BOXER's leadership, sending the Senate bill back to the House, we would not only not lose any jobs, we would create 1.9 million jobs, and for the Restore Act, which is very important to the gulf coast, it would create another 300,000 jobs.

The only action that is going to cause job loss is the action we are basically being forced to accept right now, sent over by a partisan House of Representatives, to go to another short-term extension. This country doesn't need short-term extensions, it needs long-term answers, and it needs jobs they can count on.

Every business in America relies on this Transportation bill. We have now been going to short-term extensions for 3 years. It is time to stop.

I want my leader, who is on the Senate floor, to know I may object in the next few minutes, but I absolutely will object to any other short-term resolution on this bill for as long as this Congress is in session. This is enough.

Now, had this bill gotten out of here with just Democrats on it, I would say we don't have a leg to stand on because we don't have a balanced bill, and we can't jam this through on the other side. But this bill got out of here with 75 or 76 votes. Now, 2 years is not 5 years, but it is better than 3 months. It is a bill we could pass and build on. It is a bill that assures people can go to sleep tonight knowing they have a job tomorrow.

So I object to the minority leader's comments about this bill, that our action is going to lose jobs. No, we have been here working hard to save jobs. I hope when the Republicans go home they will hear from the business community, from the right, the middle, and the left; I hope they will hear from environmental groups: What are you guys doing?

The final comment I want to make as I am objecting is, if the House had a bill, then this would be a negotiation between two bills. The problem is they don't even have a bill. How do we negotiate with a group that doesn't have a bill? They have ideas, they have philosophies, they have platforms, and they have speeches, but they don't have a bill. We couldn't negotiate with them if we wanted to. There is no bill.

This is why we are telling the country: Look, we don't know what their problem is—they have many—but we have a bill. So if they can't get their bill together, take the one we put together. But, no, that is too simple for them.

So I am reserving the right to object. I am going to listen to what my leader has to say, and I might object. I know everybody wants to go home. I know we want to have this unanimous consent agreement. But my State not only has its transportation money wrapped up in this, it has its hope for the future wrapped up because the Restore Act is in that bill.

For the first time, this Senate stood up since I have been here and said: You are right, gulf coast. You do a lot. You have been injured a lot, and we are going to help you. So that bill is in there too, which is why I am hard-pressed to say I will vote for a 90-day extension.

So reserving the right to object, I ask unanimous consent the request be modified so an amendment, which is at the desk, the text of S. 1813, the surface transportation bill, passed by the Senate on March 14, 2012, by a large bipartisan majority of 74 to 22 be agreed to; the bill, as amended, be read a third time and passed; and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request of the majority leader?

Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4281) to provide an extension of Federal aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

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

The PRESIDING OFFICER. The bill, having been read the third time, the question is on the passage of the bill.

The bill (H.R. 4281) was passed.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this has been a difficult time for everyone, and we have what none of us wanted. Our bill was passed in the Senate by a very nice bipartisan margin. I hope during the Easter recess, the House will be able to come back with something they

can—as Senator LANDRIEU mentioned, at least have some piece of legislation they can give to us and try to work toward a conclusion or accept our bill, which is our preference.

So I appreciate very much the comments of my colleagues, and I appreciate their patience and understanding of the situation we find ourselves in, which is not a good one.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I know my colleague Senator COLLINS is waiting to speak. I will be very brief.

Let's be clear what just happened. What just happened is the House sent us a 90-day extension of our transportation programs with not one dime of revenue in there to fund those, and the highway trust fund is on the road to bankruptcy. So they are the first in my memory—the first legislative body in the Capitol—to ever extend for this period of time without a dollar, which means an acceleration of bankruptcy of the trust fund.

What else did they do? They just guaranteed 100,000 people are not going to get their jobs, and they guaranteed hundreds of businesses are not going to get jobs. They sent out a signal that America should be ready for hardship because they didn't even have the decency to put in that extension a written commitment to produce a bill, to get to conference with us, and to get a bill to the President. No, they run off on their vacation and leave people twisting in the wind.

Well, I want it to be known I am one of the chairs who worked on the bill. There are many other people who were fantastic on this bill from both sides of the aisle. I know—I spoke to Senator INHOFE today about this—we want this bill done. I am going to use every tool at my disposal as one Senator to keep the pressure on the Republican House.

Speaker BOEHNER: You are not Speaker of the Republicans, you are Speaker of the House. Reach your hand across the aisle, as Senator INHOFE reached across the aisle to me and I reached across to him; and JAY ROCKEFELLER reached across to Senator HUTCHISON and she reached across; and TIM JOHNSON reached across to SHELBY and he reached across; and MAX BAUCUS had an array of Republicans work with him in the Finance Committee. We know we can do this.

But what the House has done is send a very clear message of job loss and hardship. It is unacceptable. I look forward to working on this every single day. Now we have 90 days. Tomorrow it will be 89, and then 88. We are going to count down, and we are going to keep the pressure on, and we are not going to let this transportation program go up in smoke because it has been in place since Dwight Eisenhower was President.

It is a sad day for America today, a very sad day. But we will never give up over here, and JAMES INHOFE isn't going to give up, and we are going to fight hard to get a bill.

Mr. BAUCUS. Mr. President, I rise to discuss the revenue title to the highway bill that the Senate passed earlier this month.

Gandhi said: "Truth quenches untruth."

I rise to quench untruth. I understand some of our colleagues in the House have mischaracterized the Senate's highway bill by saying that it wasn't paid for.

Nothing could be further from the truth.

The Senate highway bill is fully paid for and supports more than 1.6 million jobs across the country. It will also ensure there is still money in the Highway Trust Fund at the end of the bill's 2-year authorization.

I want to explain exactly how we fund this bill so everyone is clear.

As chairman of the Committee on Finance, I worked very hard with members of both parties to put together a funding package that would:

First, pay for a reauthorization bill through September of 2013;

Second, not add a single dime to the deficit or the debt; and,

Third, not leave the Highway Trust Fund bankrupt at the end of the proposed reauthorization.

According to estimates from the Congressional Budget Office and the U.S. Department of Transportation, the Highway Trust Fund needs \$5.6 billion to pay for the Senate's proposed reauthorization.

In addition, the U.S. Department of Transportation said we need a so-called "cushion" of extra money in the Highway Trust Fund at the time of the bill's proposed September 30, 2013 expiration.

I am pleased to report that Senate Republicans and Democrats ultimately came together to put \$9.2 billion into the Highway Trust Fund within the next two years, paying for the bill and leaving a sizable \$3.6 billion cushion at the end of the authorization period.

Actually, in total, we put \$14 billion into the Highway Trust Fund within the budget window of the next 10 years.

Focusing on the nexus to transportation and energy, we were able to transfer an immediate \$3 billion surplus in the Leaking Underground Storage Tank trust fund—the so-called "LUST Fund"—into the Highway Trust Fund. This was an idea offered by a number of Finance Committee Republicans. Like the Highway Trust Fund, the LUST Fund relies on the fuel tax for funding.

In addition, Finance Committee Republicans also proposed routing a third of the future fuel tax revenues intended for this storage tank fund into the Highway Trust Fund. This raises nearly another \$700 million over 10 years.

Next, we transferred into the Highway Trust Fund revenues that the general fund would receive from fees on cars that don't comply with fuel efficiency standards and the tariff on foreign automobile imports.

Together, these provisions provide nearly \$5 billion for the Highway Trust

Fund, with about \$1.6 billion coming in the first 2 years.

Then, we replenished the general fund for the amounts we moved into the Highway Trust Fund. We did this by clamping down on tax cheats and unscrupulous Medicare providers, as examples.

Finally, after accommodating Republican Senators' concerns at markup to rework some elements of our proposal, we accepted a widely supported idea to stabilize required contributions into pension plans.

The pension plan beneficiaries will still be able to rely on the plans getting funded, but employers will have a more predictable and realistic schedule for how much to contribute.

This provision raised sufficient revenue to enable us to then transfer another \$4.5 billion into the Highway Trust Fund in the first 2 years, bringing the 2-year total to about \$9.2 billion, well more than the \$5.6 billion needed to just pay for the bill.

This pension stabilization provision raised more than \$9 billion in total, which also enabled us to accept a Republican amendment to put additional money into the Highway Trust Fund in future years. This brought the 10-year total to approximately \$14 billion, as I stated earlier.

My understanding is that this increase in general fund revenue to plus up the Highway Trust Fund would be considered acceptable under the House Republicans' proposed budget with its "Reserve Fund."

It is also my understanding that the House's proposed 5-year bill will leave the Highway Trust Fund at the brink of insolvency by the bill's proposed conclusion, unlike the Senate's carefully crafted compromise that I have just described.

The House leadership should not make inaccurate claims about the Senate's bill to camouflage their own inability to pass a long-term bill and unwillingness to work out compromises.

We just passed yet another short-term extension to provide funding for only 90 days. We can't keep kicking the can down the road. Pretty soon there will be no road left to kick the can down.

The easiest way to work together and forge a solution to create jobs and fund our Nation's highway system is for the House to take up the Senate's bill. It's a good bill. It provides certainty so businesses and communities can plan construction projects and create jobs.

It is fully paid for. In fact, it ensures the Highway Trust Fund will remain solvent even after the end of the bill. It gives us time to address the longer-term needs of our national program, and how we are going to pay for it.

The House Republican leadership should set partisanship aside. They should realize there are no Republican or Democratic roads or bridges. There are only American ones. It is time to work together and not leave the Highway Trust Fund insolvent.

Thank you. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

#### HEALTH CARE REFORM

Ms. COLLINS. Mr. President, during the past week, the Supreme Court heard arguments on the constitutionality of President Obama's health care law. This week also marks the 2-year anniversary of the President's signing that law.

There is no question that our health care system required and still requires significant reform. In passing this law, however, Congress failed to follow the Hippocratic oath of "first, do no harm." The new law increases health care costs, hurts our seniors and health care providers, and imposes billions of dollars in new taxes, fees, and penalties. This, in turn, will lead to fewer choices and higher insurance costs for many middle-income American families and most small businesses—the opposite of what real health care reform should do.

I find it particularly disturbing that President Obama's health care law does not do enough to rein in the cost of health care and to provide consumers with more affordable choices. In fact, Medicare's Chief Actuary estimates the law will increase health care spending across the economy by more than \$300 billion. The nonpartisan Congressional Budget Office says the law will actually increase premiums for the average family plan by \$2,100. Moreover, a recent report issued by the CBO found that the new law will cost \$1.76 trillion between now and the year 2022. That is twice as much as the bill's original 10-year pricetag of \$940 million.

The new law will also mean fewer choices for many middle-income Americans and small businesses. All individual and small group policies sold in our country will soon have to fit into one of four categories. One size does not fit all.

In Maine, almost 90 percent of those purchasing coverage in the individual market have a policy that is different from the standards in the new law.

I am also very concerned about the impact of the law on Maine's small businesses, which are our State's job creation engine. The new law discourages small companies from hiring new employees and from paying them more. It could also lead to onerous financial penalties even for those small businesses that are struggling to provide health insurance for their employees.

According to a Gallup survey taken earlier this year, 48 percent of small businesses are not hiring because of the potential cost of health insurance under the new law. The Director of the Congressional Budget Office has testified that the new health care law will

mean 800,000 fewer American jobs over the next decade.

Even when the law tries to help small businesses, it misses the mark. For example, I have long been a proponent of tax credits to help small businesses afford health insurance for their employees. The new credits for small businesses in the health care law, however, are so poorly structured and phased out in such a way that businesses will actually be penalized when they hire new workers or pay their employees more. Moreover, they are temporary. The tax credits are temporary and can only be claimed for 2 years in an insurance exchange.

I am also very concerned that the new law is paid for, in part, through more than a \$500 billion cut in Medicare—a program which is already facing serious long-term financing problems. It simply does not make sense to rely on deep cuts in Medicare to finance a new entitlement program at a time when the number of seniors in this country is on the rise. We need to fix and save Medicare, not add to its financial strains.

Moreover, according to the administration's own Chief Actuary, those deep Medicare cuts could push one in five hospitals, nursing homes, and home health providers into the red. I am particularly concerned about the impact on rural States like Maine. Many of those providers could simply stop taking Medicare patients. That would jeopardize access to care for millions of our seniors.

It did not have to be that way. The bitter rhetoric and the partisan gridlock over the past few years have obscured the very important fact that there are many health care reforms that have overwhelming support in both parties.

For example, we should have been able to agree on generous tax credits for self-employed individuals and small businesses to help them afford health insurance. That would have reduced the number of uninsured Americans. We should have been able to agree on insurance market reforms that would prevent insurance companies from denying coverage to children who have preexisting conditions, that would permit children to remain on their parents' insurance policies until age 26, that would require standardized claim forms to reduce administrative costs, and that would allow consumers to purchase insurance across State lines. Those are just some examples of health care reforms that would enjoy and do enjoy widespread bipartisan support.

We also should be able to agree on delivery system reforms that reward value over volume and quality instead of quantity. We should be able to agree on reforms that increase transparency throughout the health care system so consumers can compare prices and quality more easily.

I know the Presiding Officer's State, and Dartmouth College in particular, has done a great deal of work in this



area, as have many health care providers and many hospitals in the State of Maine. They are experimenting with new delivery models that will help them better control chronic disease treatments, which, in turn, will not only improve the quality of health care but also help to lower costs.

We should be able to agree on ways to address the serious health care workforce shortages that plague rural and small-town America. Simply having an insurance card will do you little or no good if there is no one available to provide the health care.

In short, I believe we made—Congress made—a real error in passing ObamaCare. We should repeal the law so we can start over, to work together in a bipartisan way to draft a health care bill that achieves the consensus goals of providing more choice, containing health care costs, improving quality and access, and making health care coverage more affordable for all Americans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

Mr. SESSIONS. Madam President, I am here today to share a new and stunning revelation unearthed by my staff on the Senate Budget Committee. One of my responsibilities as the ranking member is to look at the long-term cost of legislation, so we wanted to ascertain the long-term cost of the President's health care bill—I mean the kind of long-term cost analysis that has been going on for a number of years with regard to Medicare, Social Security, and Medicaid, over a 75-year period. I was floored by what we discovered.

First, let's put in a little context. President Obama told the American people repeatedly that his health care bill would cost \$900 billion over 10 years and that it would not add one dime to the public debt. But we have shown that the cost score for the first 10 years of implementation, when the bill is fully implemented, is actually \$2.6 trillion—almost three times as much.

In addition, the offsets used to reduce the law's official cost were enormous and phony, as I have discussed before and will detail at another time. These are unacceptable offsets. You have heard the story of Mr. Mistofffeles, the Napoleon of Crime. I say that this bill is the Napoleon of criminal offsets. The more we learn about the bill, the more

we discover it is even more unaffordable than was suspected.

Over a period of about 3 months, our staff worked diligently to estimate the new unfunded liability that would be imposed by the passage of this legislation. This is not the total cost of the bill but the unfunded mandatory coverage obligations incurred by the U.S. Government on behalf of the people of the United States over a period of time.

An unfunded obligation is basically the amount of money we will have to spend on a mandatory expense that the bill does not have a funding source to meet—money we don't have but money we are committed to spend. It is this kind of long-term unfunded obligation that will place this Nation's financial situation at such great risk. It is the thing that has called witness after witness before the Budget Committee, on which I am ranking member, who tell us we are on an unsustainable path. That means money we will either have to print, borrow, or tax to meet the obligations we would incur as a people as a result of the passage of this bill.

For instance, it is widely agreed that Social Security has an unfunded liability of \$7 trillion over 75 years. That is an enormous sum. It is double the entire amount of the U.S. budget today. My staff used the models that are used by the Centers for Medicare and Medicaid Services. They talked with the individual experts about these numbers and worked diligently to come up with a figure using appropriate methods. That figure, using the administration's own optimistic assumptions and claims about the cost of the law, is an incredible \$17 trillion that would be added to the unfunded liabilities of the United States over the next 75 years. That is more than twice the unfunded liability of Social Security.

I wish to emphasize that this \$17 trillion figure is not an estimate based on what we think the bill will really cost if all the administration's claims and promises were to be proven false—and certainly there have been matters proven false already. We used the administration's own figures. So the unfunded liability is almost certainly not going to be less than \$17 trillion, but if any more of the administration's claims unravel—as so many already have—the cost of the program's unpaid-for obligation will rise radically higher than \$17 trillion. For instance, former CBO Director Douglas Holtz-Eakin, an expert in these matters, says that millions more individuals may lose their current employer coverage and be placed into the government-supported exchanges than currently projected—than what the administration has projected. But we didn't follow Mr. Holtz-Eakin's arguments or concerns; we took the administration's assumptions.

Let me briefly explain some of what now comprises this additional \$17 trillion in unfunded obligations.

Madam President, \$12 trillion is for the health care law's premium subsidy

program. You see, the law created new regulations that drive up the price of insurance for millions of Americans. The writers of the law knew it would inflate the cost of insurance premiums, so to cover that cost, they had to include new government subsidies so people could pay for their more expensive insurance.

On Medicaid, this new health care law has added another \$5 trillion to its unfunded liabilities. This is on top of the substantial unfunded obligations the Federal and State governments have already had to take on in order to support Medicaid. They have protested vigorously to us, warning of these additional deep expenditure requirements that are falling on the States.

These figures don't even account for the dozens of new bureaucracies that will be created to implement the President's health care law or the expansion of the bureaucracies. Those costs are not included in the \$17 trillion or the cost estimates the administration used for the bill. For instance, the IRS has requested 4,000 new IRS agents and \$300 million in additional funds for their part in implementing the new law.

At a time when we should be trying—we have to—to shore up programs that are threatened by default—Medicare, Social Security, Medicaid—this health care law adds an entirely new obligation—one we cannot pay for—and puts the entire financing of the U.S. Government in jeopardy. We don't have the money. We don't have another \$17 trillion in unfunded liabilities that we can add to our account. We have to reduce the ones we have. This has been obvious for several decades. People have talked about it repeatedly.

Instead of doing something about those programs that are headed to bankruptcy, we add—under this President's determined insistence and a straight party-line vote—one of the largest unfunded mandates in history on top of what we already have. How can we possibly justify this? It cannot be justified.

This bill has to be removed from the books because we don't have the money. There are a lot of other reasons, but that is one of them. It is incapable. It would be absolutely irresponsible for this Congress to maintain a law that would run up this kind of debt—2½ times the unfunded obligations of Social Security—and we are worried about our children being able to have their Social Security checks on time.

This is not a little bitty matter, it is important. So I will be sending a letter to the GAO, the Government Accountability Office. They do these kinds of scorings over 75 years. We will ask them to construct their independent estimate of the unfunded health care law obligations. I believe they will be similar to the ones my staff has produced. I hope they are better, but I am afraid they are not. And even if they come close to what we have calculated, it is pretty clear that the money that

will be coming in could be far less and the obligations could be far more than what are being projected, as Mr. Holtz-Eakin and others have said. It is an urgent matter.

I plan to come to the floor in the coming days to continue to explain the true fiscal cost facts about this legislation. There are many other serious problems with it. It is unpopular, unaffordable, unconstitutional, and it has to be repealed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I appreciate the opportunity to speak. I ask unanimous consent to speak as in morning business.

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

Mr. CARPER. Madam President, I feel compelled to say a word on the heels of our colleague from Alabama, whom I salute as he heads off into the setting Sun. I wish him well and to have a good break.

When I was in the Navy during the Vietnam war, when we weren't flying a lot of missions off the coast of Cambodia and Vietnam, we flew into a lot of other countries, including Japan. I have always had an interest in Japan in terms of the way they provide health care. One thing that intrigues me about that is that they spend half as much money for health care as we do. They spend 8 percent of gross domestic product. We spend 16 percent of gross domestic product. They get better outcomes—everything from longer life expectancy to lower rates of infant mortality—and they cover everybody. They cover everybody. It is not socialized medicine. They have a private health care delivery system and private health insurance companies as well as we do, but they get a better result for about half the money we do, and we have to compete with them.

It is not a fair competition. We have our businesses that are competing directly with the Japanese and, frankly, with other countries as well. But when they are spending half as much money for health care, and we are trying to compete our businesses against theirs, it is not a fair fight. It is like having one arm tied behind our back.

For years, Presidents, Members of Congress—Democrat and Republican—have talked about this challenge—the fact we spend so much more money for health care than the rest of the world, and we don't get better results and, in a lot of cases, we get worse results and we don't cover everybody. We have a lot of people uncovered. That is not smart.

For years, for decades, nobody took it on. They tried during the Clinton administration but gave up during that course. They didn't have the kind of bipartisan support that is needed. Frankly, we didn't have the bipartisan support I would like to have had on health care reform when we took it up during the earlier part of this current administration.

A lot of people have focused on the individual mandate as being constitutional or unconstitutional. I am not a lawyer. I don't pretend to be an expert on that stuff. I studied a little economics when I was a Navy ROTC midshipman at Ohio State. When I got out of the Navy and moved to Delaware to get an MBA under the GI bill, I studied some more economics and all, but I don't pretend to be a lawyer. But I do know this: Health insurance companies have said to all of us—Democrats, Republicans, Presidents, now and in the past—look, if you expect us to provide health insurance for folks with preexisting conditions, you have to make sure the pool of people we have to cover includes not just people who have preexisting conditions—not just people who are sick or have illnesses or conditions that are expensive to treat—you have to make sure we have a pool of people to insure that includes some healthy people.

The way some countries deal with this is they mandate for everybody to have coverage. We didn't want to do that. We didn't want to mandate that everybody have coverage, but we wanted to incentivize people, including healthier people—including healthier young people the ages of my sons who are in their early twenties—to make sure at least some of those young men and women end up in that pool, so healthy people end up in that pool.

So part of the request from the health insurance industry, in return for doing away with preexisting conditions and basically screening out sick people, saying they are not going to provide coverage for them, was to make sure a lot of healthier people ended up being in that health insurance pool.

The way we decided to do it in the health care bill, in the law rather than just mandate people get coverage, was to incentivize them. If they choose not to, that is their business. If they happen to be poor, we will help them pay down their cost for health care. But if they are not poor, and they have the financial means, we would like for them to get coverage. We are not going to mandate it, but the first year we have the means to be able to have coverage and they choose not to, there will be a fine or a penalty of some kind—maybe a couple hundred bucks, and that will increase not to \$1,000 or \$2,000, but it will go up several hundred dollars in order to encourage people to get the coverage.

At the end of the day, some people will say: I am paying \$600—whatever it ends up being. Maybe instead of paying this fee I should just go ahead and get some health insurance coverage. The idea is to provide some plans that are reasonably affordable so folks can take advantage of them.

So that is the issue of the mandate. The Supreme Court will decide whether under the commerce clause of the Constitution that just as we compel people to pay into Social Security, it can be a

similar kind of compunction to say we would like people to get covered for health care, but in this case not to mandate it, as we do with Social Security. So we will see how it works out in the Supreme Court.

They heard arguments this week, and I am sure the arguments will continue on the air waves, at townhall meetings, and on television for months to come and maybe beyond that. Who knows. But the heart and soul of the health care reform legislation has less to do with mandates for me than it does with how to get better health care outcomes for less money. For me, that is it—better health care outcomes for less money.

We don't have to look at Japan and other countries to figure that out. All we have to do is look at places such as Minnesota's Mayo Clinic, in Ohio the Cleveland Clinic, Pennsylvania's health care delivery system, which is called Geisinger, Utah's Intermountain Healthcare, and California's Kaiser Permanente. What do they have in common? They get better health care outcomes for tens of millions of people for less money than most other health care delivery systems in this country. Better results for less money.

How do they do it? Well, they have figured out what works, and they do more of that. They figured out what doesn't work to get better health care outcomes for less money, and they do less of that. They have moved away from what we call a fee-for-service approach to health care.

People get sick, they go see a doctor, they go see a nurse. They have visits and get shots or they get lab tests done or get x-rays or MRIs. We treat people when they get sick. For years, that is the way we have done health care in this country, including Medicare and Medicaid. Much smarter ideas have come out of Cleveland's clinic, and they have a huge health care clinic in northern Ohio, the Mayo Clinic, Geisinger in Pennsylvania, Intermountain in Utah, and Kaiser Permanente mostly in California.

Here is what they do. They do not just incentivize health care providers—doctors, nurses, and hospitals—to work on people when they are sick. Their incentive works entirely different. What they do in those places is focus on how to keep people healthy, not just how to incentivize the doctors, hospitals, and nurses to keep people healthy, but how do we incentivize the patient, the person whose health is at stake, how do we incentivize them to take personal responsibility for their own health care.

In my mind that is the heart and soul of the health care reform right there. Among the smart things that work are large purchasing pools. We have an 8-million-person pool for us that we are part of. Members of Congress, our staffs, all Federal employees, Federal retirees, and our dependents are part of a huge purchasing pool called the Federal Employees Health Benefits Plan. It is approximately 8 million people.

We don't have 8 million Federal employees, but we have 8 million people when we add in retirees and dependents and so forth. We are part of this big health care purchasing pool. We get lower prices.

It is not free. We pay about 28 percent of the cost of our premiums as Federal employees and servants, if you will, to people in our respective States, and our employers, the taxpayers, pay the other 72 percent or so.

But what we are going to do is provide the opportunity for individuals, for families, for businesses—small and midsize businesses—all over the country, in less than 24 months, to be able to join a similar kind of purchasing pool. We are going to start them, and every State—New Hampshire, Delaware, Alabama, and every other State—will have the opportunity to have their own large purchasing pool to be able to take advantage of lower administrative costs.

The administrative costs for our Federal Employees Health Benefits Plan is \$3 out of every \$100 of the cost of the premium. So \$3 out of every \$100 of premium costs goes for administration. In most plans for individuals, for families and small businesses, it is more like 20 or 30 percent. So 3 percent for our large purchasing pool, and we will have those available, in fact, in every State.

The other thing we have going for us in the Federal Employees Health Benefits Plan is we use private health insurance plans. We are not using socialized medicine or stuff like that. The private health insurance plans in the country can sign up and say they want to be able to offer their plans to the folks who are Federal employees with dependents, to Federal retirees, and so we can choose among them. So there is a lot of competition between those health insurance companies, and we get the benefit from that competition. It drives down cost. Competition helps drive down cost and improves the range of opportunities.

The other thing I like about the law is that, for the most part, insurance can't be sold across State lines. But we make an exception. I will use Delaware as an example. We are boundaried on the west by Maryland, to the north by Pennsylvania, and to the east by New Jersey. When we establish our own health insurance pool in 2014, we will have about 900,000 people. So we will have a huge health insurance pool, but we are sure not going to have 8 million people.

But what we will have under the law is the opportunity to create an interstate compact between Maryland or Delaware or Delaware and Pennsylvania or Delaware and New Jersey or maybe all of the above and have a multistate purchasing pool or exchange. The great thing about this approach is we, No. 1, will have a bigger pool, which will drive down administrative costs and increase the competition.

The health care that would be available in Delaware plans could be offered

in Maryland, could be offered in Pennsylvania or offered in New Jersey. So we would have a larger purchasing pool, more competition, and a better deal for the consumer. I think that is another part of the heart and soul.

So two things, and I will close on this and then turn to what I came to the floor to talk about. But I was inspired by my friend from Alabama. In terms of the key reforms in the health care legislation, No. 1, move away from fee-for-service—just paying for treating people when they are sick. Migrate away from that. We still need to treat people when they are sick, but migrate to a system like we have at Mayo, Cleveland Clinic, Geisinger, Intermountain Health, and Kaiser Permanente where they focus on how we keep people well. Focus on prevention and wellness and focus on treating people in a coordinated fashion as a team, not as individual providers. Very smart.

The other key element is this idea of creating these large purchasing pools and trying to incentivize people to be part of the health care delivery system by taking better care of themselves. So those are the two keys.

#### GAS PRICES

Mr. CARPER. Madam President, I want to switch gears and talk a little about gas prices. Madam President, I don't know what kind of vehicle you drive most of your miles in while in New Hampshire. The vehicle I drive most of my miles in, and have been driving in Delaware for 11 years now, is a Town and Country Chrysler minivan. When I stepped down as Governor in 2001, my old Chevrolet Corsica was about 12 or 13 years old, and my wife said: Don't you think it is about time to get something new? So I took my oldest son Christopher, who was about 12 at the time, and I said: Let's go out and shop for a new car. I thought it would be a man thing, a dad and son thing.

So we went out and drove Porsches, we drove Ferraris, and we bought a 2001 Chrysler Town and Country minivan, which he laments to this day. Anyway, fast-forward 11 years, and we had a meeting yesterday morning, as you know, with the CEO of Chrysler-Fiat, and I mentioned at the meeting that we bought this vehicle when I stepped down as Governor, and 11 years later—later this week—the odometer will reflect the numbers 300,000 and counting. It will have over 300,000 miles. We are going to go over 300,000 miles. So it was built to last. What a great car, built in this country, a terrific vehicle. But when I stopped and got gas last weekend, we paid about \$3.81, and the prices continue to go up—mostly up, sometimes down, and then back up again.

What I would like to do is talk a little about high gas prices and how it puts pressure on all budgets, including the budget of my own family. We drive that vehicle a whole lot and, hopefully,

will drive it a few more miles before it is ready to sit more in the driveway and take a rest.

I want to begin by acknowledging that I go home just about every night and talk to people literally almost every day, morning or evening, in Delaware. I will cover the State this weekend and for the next week or two during our recess, so I hear a lot directly from the folks I am privileged to represent about their concerns about gas prices at the pump and the kind of pressure it puts on the budgets within their own families.

I understand gas prices are at their peak. Actually, they have been higher than this. I think they were a little over 4 bucks during part of the Bush administration, but this is as high as they have been for some time. It puts a strain on American families and American businesses, and it threatens to impede or slow down our economic recovery, which is actually moving at a pretty good pace. Unfortunately, the solution is not as simple as some would suggest. If it were, we would not be having this discussion every year or two around the same time.

I am asked sometimes: Why don't we just drill more in this country? Some assume high gas prices at the pump must mean we have slowed down or stopped drilling at home.

Many are surprised by the answer, and the answer is we are drilling more in America. In fact, I believe—correct me if I am wrong—but we are drilling more in this country than we have for at least the last 8 years. Because we are drilling more, the United States is now a net oil exporter, not a net oil importer. This country, which for years we said we are the Saudi Arabia of coal, is now on its way to becoming the Saudi Arabia of natural gas. As we have opened for drilling additional acres onshore, offshore, off Alaska, and the gulf, we are in a position to become a net oil exporter.

The Obama administration has made available millions of acres for oil and gas exploration in the last year or two, approving more than 400 drilling permits since the new safety standards were put in place. These safety standards, we may recall, were implemented to make sure we didn't have a repeat oilspill disaster such as the BP oilspill that occurred almost 2 years ago today.

We have been joined on the floor by Senator NELSON of Florida, who remembers all too well the oil that washed up in places such as Pensacola, where I did basic training on my way to becoming a naval flight officer. But since we got that straightened out and put in place tighter restrictions for drilling safeguards, 400 or so new drilling permits just since then have been put in place with stronger safety standards.

As a result, we have a record number of oil rigs operating right now, more working oil and gas rigs than the rest of the world combined. Let me say that

again. With the changes that have been made, the increases in permitting in a year or two, we now have a record number of oil rigs operating right now, more working oil and gas rigs than the rest of the world combined—combined. Yet of the millions of acres our government has allowed for oil and gas development, only 25 percent of those acres are being used for production.

We have a chart that demonstrates that rather graphically. If you will, think of all this as the millions of acres that are available for oil and gas development in this country. Of all these in the orange, we have the percentage that are producing acres, that actually have permits and the oil and gas companies could be drilling; 25 percent of these are producing acres and 75 percent of these are nonproducing acres. It is not because people are drilling and coming up with dry holes; it is because, in many cases, they are not drilling.

Keep that picture in mind. You know the old saying, a picture is worth a thousand words. This is worth at least 500, maybe even more than that.

Mr. NELSON of Florida. Would the Senator yield for that point?

Mr. CARPER. I would be happy to yield.

Mr. NELSON of Florida. Would the Senator believe that in the Gulf of Mexico, of all the production there, the percentage is even worse in all those acres that are under lease, which is 32 million acres.

Mr. CARPER. Just in the gulf?

Mr. NELSON of Florida. Just in the gulf, 32 million acres. Guess how many acres are actually drilled and producing?

Mr. CARPER. Eight million.

Mr. NELSON of Florida. Six million.

Mr. CARPER. Really.

Mr. NELSON of Florida. Six. So 26 million acres are under lease in the Gulf of Mexico and are not being produced.

Mr. CARPER. I thank the Senator for that.

Mr. NELSON of Florida. Wouldn't it suggest that they ought to use it or lose it?

Mr. CARPER. It certainly would. I thank the Senator for sharing that point with us.

So here we are, more drilling in America, onshore and offshore. We are no longer a net oil importer. We have 75 million acres that are leased and have yet to be tapped, and a lot of those are down in the gulf, as Senator NELSON suggests. Yet American consumers are still paying more at the pump.

All the while, the five largest oil companies, BP, Chevron, Conoco-Phillips, ExxonMobil, Royal Dutch Shell Group did pretty well. They made about \$137 billion last year. To top it off, these companies received billions of dollars in taxpayer subsidies to drill for oil and gas, even as they are making very healthy—I think record-breaking—profits.

This doesn't make a whole lot of sense to me, but let me stop. I wish to be clear on this point. I don't think any of us should begrudge the oil and gas companies their success. They have a fair amount at risk when they drill for oil or gas, and it is not a business without risk. But this is also a business with enormous payoffs and enormous rewards for assuming those risks.

But I do question giving away billions of taxpayer dollars in drilling subsidies at a time when we are running record Federal deficits to established and successful industries that I don't think need a whole lot of financial incentive to drill more in this country. If they can make 100 or 110 bucks a barrel or so, that is pretty good incentive, at least in my mind.

Why? Because at the end of this day, it is not the solution. We can't drill our way out of the situation we are in.

I am told that, today, America consumes some 19.5 million barrels every day. The primary reason that amount is so high is because Americans have very little choice at the pump; and until recently, we had very little choice in the automotive showrooms. That has changed rather dramatically in 5 years, and it is going to change a whole lot more. But we can choose between oil and oil most of the time when we pull into a gas station to fill up. Basically, every American driver's dollars are a foregone conclusion to the oil industry.

What do we need to do about this? How about some choice. Maybe we can give Americans a choice. In the chart we have, we have solar. Some of the new vehicles that are being made actually have solar panels on their roofs.

Here we have wind. We are harnessing a lot of wind around the country. Hopefully, before long we will harness it off the east coast, maybe from North Carolina up to Maine, to provide electricity. It will help provide the juice they need for these hybrid electric vehicles that are being made more and more. We have nuclear. We have a lot of nuclear in the mid-Atlantic and the Northeast that can provide electricity, if you will, the juice, for these hybrid electric vehicles.

Here, we have companies such as DuPont in our State working with BP to actually create—not corn ethanol but ethanol, cellulosic ethanol out of corn stovers. What is a corn stover? That is the cornstalk, that is the corncob, that is the leaf of the corn—and create a fuel called biobutanol that we will hear more about in the years to come that has better energy density than corn ethanol. It mixes better with gasoline than corn ethanol. It actually travels through pipelines. Corn ethanol doesn't do that. It is like all the things corn ethanol is not.

That is the kind of stuff we ought to be doing. We need to be incentivizing—not only being involved in the R&D of that stuff but also encouraging its being used, and I think market forces will take it from there, whether the

choice is natural gas, converting large diesel vehicles into using natural gas, electricity from clean energy or biofuels or nuclear.

For the first time in 30 years, the Nuclear Regulatory Commission has just approved the construction of two nuclear powerplants. We went 30 years without building a new nuclear powerplant. Two are underway right now down in Georgia. They use a new design called the AP-1000, also just approved by the Nuclear Regulatory Commission. The new design is one that literally shuts down a nuclear plant. If we have a hurricane or if we have an earthquake or if we have a tsunami, basically it shuts itself down. We don't have to worry about the problems they had in Fukushima, where they lost communication, where they lost the pumping system, where all this and that happened, everything that could go wrong went wrong. These systems under the AP-1000 basically shut down by themselves. It is a much smarter approach, and it is the way the two new powerplants in Georgia are going to be built. That is part of the solution as well.

But we need investments in new fuels and investments in new vehicles and new infrastructure to use these new American-made alternative fuels. We already have vehicles that can run on biofuels and natural gas and electricity. We had the folks from the U.S. Navy in the other day, including some people from down in Florida, and they are flying Navy airplanes, Air Force airplanes, using a 50-50 mixture of jet fuel and biofuel and with no degradation in performance. We need to make those vehicles—whether they are aircraft or cars, trucks, and vans—make those vehicles and the fuels for those vehicles more available to the American people, in this case our Armed Forces. We need a choice. We need a greater choice than what we have had, and the bill offered by Senator MENENDEZ actually starts to give us that choice.

I am getting close to the end, so let me just say that instead of giving billions of dollars to oil companies to continue what they are already doing, why don't we put some Federal dollars in to work to allow real choices at the pump? It turns out that some of the folks who are doing some cutting-edge work in this turn out to be some of these oil companies. Some of the best biofuels work is being done by, I think, outfits like BP and Shell. Rather than incentivize them just to drill more, why don't we incentivize them to come up with alternative and biofuels and other kinds of renewable forms of energy? They shouldn't be cut out of that. They are energy companies. They are not just oil and gas companies. Let's incentivize them to create energy.

I wish to go back a couple years. I wish to go back to 2002. I am told that from 2002 to 2010, Chevron spent something like roughly \$4.5 billion globally;

from 2002 to 2010 they did it on research and development for renewables and alternatives including geothermal, biofuels, advanced batteries, wind and solar, as well as on energy-efficient measures. That is about \$4.4 billion.

In 2010 alone, ExxonMobil invested about \$67 million in research and development in oil alternatives, mainly in algae research. That same year, BP spent \$284 million. ConocoPhillips spent something like \$34 million on research and development and demonstrations in alternative fuels.

Again, the idea is these oil companies are doing R&D. Why don't we incentivize them to do R&D for renewable fuel, not oil and gas. Oil and gas, at \$100 a barrel, \$90 a barrel, they don't need a whole lot in terms of incentives to drill. Let's incentivize them to do the renewable fuels.

I wish to be mindful of our time and be mindful of my colleague waiting. Let's close by saying let's put Federal dollars into choices at the pump that are developed in America. I will say that again.

We are taking money from the Treasury. We are using that money to incentivize the creation of more energy—in some cases more fuel. Rather than just incentivizing creation of traditional fuel that comes out of the ground, the oil, why don't we incentivize some of those same oil companies and a bunch of folks that aren't oil companies to create renewable fuels, the kind I just mentioned, that will be produced in America, that will help us lower our costs and create jobs while they are doing it?

If we want an apple today, when is the best time to plant a tree? The best time to plant a tree is probably 10 years ago, perhaps 6 years ago, if we nurture and care for that tree. That is what we are dealing with today. We need to start investing today for the choices in lower utility costs at the pump tomorrow.

As to building of the Keystone Pipeline, which is supported by some, opposed by others—the southern part of that is actually underway. The rest is going to be going through an approval process and should be worked out within the next year—is not going to solve the price at the pump today. What we need is what we call an all-of-the-above approach—an all-of-the-above approach—which includes nuclear, includes offshore wind, onshore wind, includes biofuels, solar, natural gas in big diesel vehicles that we transform to take natural gas—all of the above.

That is what we need to do. We need to nurture new investments for alternative fuels so we can see the economic gains sooner rather than later. I think Senator MENENDEZ's legislation does that. That is why I am calling on my colleagues to support that kind of approach, whether it is this particular approach or something similar to that.

That pretty much wraps up what I want to say. I want to thank my friend from Florida for being a voice of reason

on this subject. This is a guy who is good on just using some common sense.

My dad was a naval chief petty officer for 30-some years. He used to say to my sister and me: Just use some common sense. We must not have had much as kids because he sure said it a lot. But I think the commonsense approach is an all-of-the-above approach. We need to do all of the above, and we need to incentivize the oil companies and a lot of other folks not just to drill for oil but actually to make sure there are good alternatives to that.

With that I yield to my friend and colleague and bid you adieu.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I came to the floor to talk about an outstanding citizen in our State. But before I do, while my colleague is here, I just want to thank him for a very well-reasoned statement.

What we need is overall income tax code reform. My colleague from Delaware and I have the privilege of sitting on the Finance Committee. Even though the prospects for Tax Code reform are very slim between now and the election, perhaps shortly thereafter we can get about the seriousness of the Tax Code, making it more fair, more simple, taking revenue that otherwise escapes the Treasury because it goes into all these tax preferences called tax expenditures, tax loopholes, and use that revenue to lower everybody's rates, including the individual rates and the corporate rates.

That is eminently common sense. The reason I want to point this out is because our friend from Delaware has just pointed out one of those loopholes in an industry that is certainly not hurting because the five top oil companies in the last quarter—that is 90 days—had profits, not revenue—the five top—north of \$25 billion for five companies for 90 days—not revenue, profit.

We do not begrudge them the profit. But should there be these tax preferences that have been etched into the Tax Code over a century that, in fact, allow this industry to have tax preferences—in other words, deductions—of \$4 billion a year?

I think that would be a place we could start on tax preferences. You are obviously not going to get it in the context of the politics of an election. And you are not going to get it in isolation. We are going to have to look at the overall Tax Code and start making it more fair for the American taxpayer. I daresay there are not very many American taxpayers who think that the IRS Tax Code is a fair code.

Mr. CARPER. Or simple.

Mr. NELSON of Florida. Or simple. And as a result I thank him for his elucidation of what is a place that we could start. It is not right or left; it is not R or D; it is common sense.

One other thing I would add to the excellent presentation of the Senator,

and that is that as the cost of gas creeps higher and higher—and in parts of Florida it is now \$4 a gallon, and oil is being sold on the international marketplace at something like \$120 a barrel—how much of that is from speculation of people who buy and sell oil contracts for future delivery? How much is from people who are not users of the oil, such as an airline that would clearly have reason to want to lock in a fixed price for oil in the future as a hedge against that price of oil going up because they are going to use that oil as fuel in their airline? No, these are the ones who are merely flipping like hamburgers the contracts, over and over, which has a tendency to raise the price of oil.

The price of a barrel of oil as it rises then clearly is going to affect the price we pay when we go into the gas station and put gas in our gas tank.

If we would start using some common sense in our approach to these things and do it in a fair way, I think we could get along so much better and the American people would feel so much better about their Tax Code.

I thank the Senator for his presentation.

Mr. CARPER. If my friend would yield to me for one more minute, a lot of people go out this time of year and they buy new cars, trucks, and vans. Traditionally the spring is when people shop for vehicles. Go back a couple of years, to 2007. In 2007 we sold 16 million cars, trucks, and vans in this country. In 2009, as we had fallen into the great recession, car sales and truck sales fell to 9 million units; from 16 million to 9 million in less than 24 months.

That has changed now. We are on our way. The CEO of Chrysler was here yesterday and said they are on their way to record profits. They paid back the rest of the money we invested in them as taxpayers. But people are starting to buy vehicles again. The average life of vehicles people own in this country is 11 years, like my Chrysler Town and Country minivan. But this is the time people will start to trade in vehicles or buy something more energy efficient.

Unlike 5 years ago, people can go into a Ford, Chrysler, GM dealership, and foreign labels as well, and buy vehicles that get 30, 35, 40 miles per gallon and more. And finally, the availability of credit has come back. I say to people who have that ability, thinking about trading and trading up, this is a great time to do it—great vehicles, great quality and much better efficiency, and that is part of the solution as well.

Mr. NELSON of Florida. I thank the Senator for pulling up the chart that showed the amount of acres that are under lease and the minuscule portion of those acres—this is domestic production. We all know that domestic production has shot up in the last 3 years, considerably. Yet, of that domestic production, there still is so much capacity that is already leased out there.

I use the example of the Gulf of Mexico. In the central and the western

gulf, there are 32 million acres under lease and only 6 million acres of that 32 million are actually drilled and produced.

There is ample opportunity for additional domestic energy production on top of the substantial increase of production that has occurred over the course of the last several years if we would stop fighting about this, if we would stop beating each other over the head politically with this and get serious.

Senator CARPER remembers when he and I were young Congressmen, we had a good example of leadership. We had Tip O'Neill, the Speaker in the House, and we had Bob Michel, the Republican leader. The two of them would get into their fights but they were personal friends, so at the end of the day when it was time to stop talking and get together and build consensus to get a workable solution, they could do it. We need that kind of model operating in Washington, DC, and State capitals around the country.

Mr. CARPER. Amen.

#### TRIBUTE TO ROSEMARY ARMSTRONG

Mr. NELSON of Florida. Madam President, I came to the floor today because I want to congratulate a Floridian, Rosemary Armstrong, along with her husband Sandy Weinberg. I want to congratulate Rosemary because she has been such a long-time advocate of pro bono legal work in our State.

She is a marvelous lawyer, a graduate of Columbia, and why she is to be congratulated at this point is that she has received the 2012 Tobias Simon Pro Bono Service Award. It is the highest honor in the State of Florida bar for pro bono legal work in our State.

This year marks the 30th anniversary of the Tobias Simon award, and it was named after the well-known civil rights attorney in Florida. The award honors the work of private lawyers for 30 years now, who provide free voluntary legal services to the poor.

Over the past 25 years, Rosemary has used her time and she has used her talent to provide those pro bono legal services. She has volunteered with the Tampa Bay Area Legal Services Volunteer Lawyers Program since 1986. She has donated 1,200 pro bono hours directly to serve those in need. She was elected to the Bay Area Legal Services Board and she served as a board member for 22 years. She has served as president of that board for 3 years.

Rosemary has handled so many cases in so many areas of the law, including elder law, housing, and juvenile dependency cases. Of particular note is the significance of her work with victims of domestic violence. Rosemary was recognized last year for her work with the Florida Bar President's Pro Bono Service Award.

This award is further recognition of her commitment and dedication to

making sure everyone is well represented when they have to go through the legal process. She is supported by her family. She is supported by her husband, a fellow lawyer, Sandy Weinberg.

Again, congratulations, Rosemary Armstrong, for receiving the Tobias Simon Pro Bono Service Award.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO MATT RUTHERFORD

Mr. HARKIN. Mr. President, I come to the floor today to speak about a truly remarkable American—a truly remarkable visionary, a dreamer, an adventurer, a doer, and, most important, a young man who has devoted himself to the service to others far and above the normal call of duty. This young man's name is Matt Rutherford. I will tell my colleagues about him and his remarkable adventure and his feat that has been unparalleled.

He is a 30-year-old Ohioan, and here is what he has been doing since June 13 of last year. On June 13 of last year, he set sail in his 36-year-old, 27-foot Albin Vega boat named St. Brendan. He left Annapolis, MD, on June 13, 2011, and is attempting to sail nearly 25,000 miles from Annapolis, MD, up the east coast, all the way around Newfoundland, up by Greenland, through the Northwest Passage, all the way over to Alaska, then from Alaska all the way down to Cape Horn, around Cape Horn, up South America, and back into Annapolis. Now, what is so remarkable about that? Well, it has never been done before. He is doing this solo, and he is doing it nonstop. Think about that. He has never touched land and has not stopped since he left here 289 days ago.

The trip has taken Matt through some of the Earth's most treacherous oceans, including the Arctic Ocean, the oceans up around Alaska, Aleutian Straits, of course all the way down through the Pacific, around treacherous Cape Horn, and all this in a 27-foot boat, the kind of boat most sailors would maybe be comfortable on off the Eastern Shore in the Chesapeake Bay but not on a journey such as this. As I said, he has not set foot on dry land for the entire journey—a remarkable adventure.

If my colleagues wish to learn more about him, they can go to his Web site, which is called [www.solotheamericas.org](http://www.solotheamericas.org), and they can read all about his amazing journey. He updates his trip. The last update was yesterday. He is right now east of Cuba and the Dominican Republic, right down here, and his

last posting was what he called "Home Stretch." He hopes to enter the Chesapeake Bay by April 12, making his first landfall in nearly a year in Annapolis on April 13.

The Scott Polar Institute in Cambridge, England, has recognized Matt as the first person in history to make it through the fabled Northwest Passage alone, nonstop, and on such a small sailboat. It has never been done before. One would think that would be enough. No. He has continued on his incredible, remarkable journey.

Now, one might say: Why is he doing that? He is just doing it to set a record.

He has set a lot of records already. Why is he doing it? He is doing it to raise money for Chesapeake Region Accessible Boating. It is an Annapolis-based organization to provide sailing opportunities for physically or developmentally disabled people—for kids and young people who are disabled but who like to sail. And this organization, Chesapeake Region Accessible Boating, does just that—provides them that opportunity.

I had the privilege of talking to Matt Rutherford last week. He called me on his satellite phone. It was an exciting phone call for me because I have watched—I don't know Matt Rutherford personally, but I have watched his journey, and, of course, I am very enthused about the Chesapeake Region Accessible Boating organization. So in talking with him by phone I was really impressed by his courage, his character, his audacity. Above all, I am impressed by the fact that he is doing this for a cause larger than himself to make it possible for more people with disabilities to share in his passion for sailing.

Helen Keller once said, "It is a terrible thing to see and yet have no vision." Well, Matt Rutherford has the gift of sight. He also has the gift of vision and indomitable courage. He is one of those remarkable human beings who dream big, who are driven by big challenges, who refuse to accept the limits and the boundaries that so-called reasonable people want to place on us. What is more, he has placed himself in the service of others less fortunate than himself.

As the lead sponsor of the Americans With Disabilities Act, I am particularly impressed that Matt is using his voyage to raise money to help people with disabilities to partake in this wonderful pastime of sailing—something which I have enjoyed all my adult life since I was in the Navy. He is doing this so that children and adults can have the same opportunity. The reason I am so enthused about this is that one of the fundamental aspects of the ADA—the Americans With Disabilities Act—is that people with disabilities should be able to participate fully in all aspects of society, and that includes access to recreational opportunities such as sailing, which can be exhilarating and empowering for children and adults with a wide range of disabilities.



I salute Matt Rutherford for his courage, for his love of sailing, and being willing to share that with the disabled community, and for using this adventure, this almost death-defying trip. For anyone who knows what it is like to be on a 27-foot boat, to go from here all the way down to Cape Horn, that is incredible. Any one of numerous storms or anything could have sunk his little boat. He has had a lot of different adventures. He sprung a leak. He has been working on that leak ever since. Someplace around here, South America, he lost his engine, so he no longer has an engine, and he keeps patching his leak all the time. Every day he has to patch his leak. So he is fighting a leak every day in his boat. Just going around Cape Horn with the tremendous waves and cross currents around Cape Horn—to take a small boat through there singlehandedly is, as I said, death-defying.

Right up in here, right off the coast of Brazil someplace, he almost got run over by a freighter. At night, he had gone to sleep for a little bit. He has a light in his boat so people can see him at night. He woke up and he looked out and saw this red light and a green light with nothing in between it coming at him. Well, it was a huge freighter, and as the Presiding Officer knows, red on one side, green on the other, bearing down on him. He turned, and it missed him just by a few feet and almost sunk him in the bow wave of the freighter that went by. So those are the kinds of things Matt has lived with almost every day for 289 days.

Matt has great skill, great courage. He is making a difference. He is going to make a difference for a lot of people. I especially think of young people with disabilities who would like to sail, and because of this organization, Chesapeake Bay Accessible Boating, they will have the opportunity to do so.

So, again, this is one of the nice things we see happening in America. We think there are no individuals with that individual kind of courage to take on the elements, to risk their lives. Well, we still have them, and Matt Rutherford stands in a line of great adventurers in our history. I applaud him for his brave spirit, and I wish him safe passage on his home stretch and on the final leg of his epic journey.

He joins the ranks of Joshua Slocum who, on Spray, was the first person to circumnavigate the globe solo. He wrote a wonderful book: "Sailing Alone Around the World." He did it before the turn of the last century. He did it in the 1890s. He also joins the ranks of the next great person who sailed alone, Sir Francis Chichester, on the Gypsy Moth IV not too many years ago, who circumnavigated the globe. So to Joshua Slocum and Sir Francis Chichester we can now add Matt Rutherford, on St. Brendan, for an incredible journey around both of the Americas, solo and nonstop. It has never been done before, and it may never be done again. And he is doing it for the best of all reasons.

A courageous young man, Matt Rutherford. He is going to be back, as I said, hopefully by April 12. I hope to meet him. I have never met the young man, but I have followed his journey and his courage. He is the kind of person who just gives heart and spirit to all of us, to know there is nothing we can't do if we set our minds and our hearts to it and if we have the willpower and the courage to take it on. So I hope to meet him when he comes back—again, this young man of great courage. I hope the home stretch is one with fair winds and following seas.

Before I yield the floor, I mentioned that Matt Rutherford was doing this for the Chesapeake Region Accessible Boating organization that provides boating for people with disabilities. I would urge anyone who is interested in this and who wants to see what a great organization it is, they can go to their Web site—it is very simple—[www.crabsailing.org](http://www.crabsailing.org). It is a great organization that helps people with disabilities to take up sailing and learn the art and the craft of sailing.

So, again, hats off to a remarkable young man on a remarkable journey. I wish him fair winds and a following sea in his home stretch.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

(The remarks of Mr. DURBIN pertaining to the introduction of S. 2280 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

#### HONORING OUR ARMED FORCES

##### SERGEANT DENNIS WEICHEL

Mr. REED. Mr. President, I rise today, along with my colleague from Rhode Island, to pay tribute to SGT Dennis Weichel, a Rhode Islander who served in the Rhode Island National Guard.

On March 22, Sergeant Weichel was in a convoy with his unit in Laghman Province, Afghanistan. Some children were in the road and Sergeant Weichel and other troops got out to move the children to safety. Most of the children moved out of the way, but one little girl went back to the road. As an MRAP approached, Sergeant Weichel pulled her out of the vehicle's path, but

in doing so he was hit by the vehicle. He was medically evacuated to Jalalabad Medical Treatment Facility, where a surgical team worked to stabilize him. But, tragically, he died from his injuries. Because of his heroic actions, the little girl he saved was unharmed in the accident. He will be laid to rest this Monday in Rhode Island, a hero—someone who exemplifies the qualities of the American soldier: selfless sacrifice for others.

Sergeant Weichel joined the National Guard in 2001. He was posthumously promoted to sergeant. He previously deployed to Iraq as a member of Detachment 2, Headquarters, Headquarters Company, 3rd Battalion, of the 172nd Infantry, Mountain. In November 2011, he mobilized for deployment to Afghanistan with the 1st Battalion, 143rd Infantry Regiment.

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

It is our duty to protect the freedom they sacrificed their lives for through our service, our citizenship. We must continue to keep their memories alive and honor their heroism, not simply by words but by our deeds as citizens of this country.

Today our thoughts are with Sergeant Weichel's mother Linda, his father Dennis, brother Craig, his sisters Christine and Charlene, his children Nicholas and Hope and their mother Amanda, and his fiancée Ashley and their daughter Madison, and all his family and friends and his comrades-in-arms. We join them in commemorating his sacrifice and honoring his example of selfless service, of love, of courage, and of devotion to the soldiers with whom he served and the people of Afghanistan he was trying to help.

Sergeant Weichel is one among many Rhode Islanders who have proven their loyalty, their integrity, and their personal courage by giving the last full measure of their lives in service to our country in Afghanistan, in Iraq, and elsewhere around the globe and throughout the years. Today we honor his memory and all those who have served and sacrificed as he did.

Sergeant Weichel joins a roll of honor that includes the following Rhode Islanders killed since September 11, 2001:

SPC Dennis Poulin, Army National Guard; SGT Michael Paranzino, Army; PFC Kyle Coutu, Marine Corps; LTJG Francis L. Toner, IV, Navy; PO3 Ronald A. Gill, Jr., Coast Guard; SGT Michael R. Weidemann, Army; SGT Moises Jazmin, Army; SSG Dale James Kelly, Jr., Army National Guard; SGT Brian R. St. Germain, Marine Corps; SGT Dennis J. Flanagan, Army; 2LT Matthew S. Coutu, Army; LCPL Holly A. Charette, Marine Corps; SSG Christopher S. Potts, Army National Guard; LCPL John J. Van Gyzen, IV, Marine

Corps; CPT Christopher S. Cash, Army; LCPL Matthew K. Serio, Marine Corps; MSG Richard L. Ferguson, Army; SFC Curtis Mancini, Army Reserve; CPT Matthew J. August, Army; CW5 Sharon T. Swartworth, Army; SPC Michael Andrade, Army National Guard; SGT Charles T. Caldwell, Army National Guard; SSG Joseph Camara, Army National Guard; and SGT Gregory A. Belanger, Army Reserve.

All of these men and women have given their lives in the last decade in Afghanistan and Iraq. It is a roll of honor. It is a roll that Sergeant Weichel joins. It should be, for us, a roll not just to recognize and remember but to recommit to trying in some small way to match their great sacrifice for this great Nation.

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

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, it is with great sadness but also considerable pride that I join Senator REED today to honor the service of SGT Dennis P. Weichel, Jr., of the Rhode Island National Guard, who died 1 week ago today while serving our country in Afghanistan.

Dennis' actions in defense of the lives of vulnerable civilians embody the most noble spirit of service, sacrifice, and loyalty found in the hearts of the men and women serving our Nation in uniform in the most dangerous corners of the globe. In particular, they reflect the spirit of service of the Rhode Island National Guard, which is the second most heavily deployed State guard in the country.

Dennis, who was 29 years old, lived in Providence. He had joined the Rhode Island National Guard in 2001, and he deployed to Iraq in 2005 in support of Operation Iraqi Freedom as a member of Company D, 3rd Battalion, 172nd Infantry, Mountain, Regiment. In November 2011, Dennis mobilized with Company C, 1st Battalion, 143rd Infantry Regiment, 56th Troop Command, to Camp Atterbury, IN. His unit deployed forward to Afghanistan just this month.

He had only been in Afghanistan a few weeks when his unit encountered a group of children on its way out of the Black Hills Firing Range in Laghman Province. The children were scavenging in the road for brass shell casings, which are recyclable for money in Afghanistan.

Dennis, a father of three, hopped down from his vehicle to help move the children safely out of the path of the convoy of trucks and armored vehicles. As the heavy trucks rumbled past, it appears a young Afghan girl darted back into the road to grab one last brass shell casing. Seeing one of his unit's Mine Resistant Ambush Protected Vehicles bearing down on the girl, Dennis reacted swiftly and selflessly, lifting the girl to safety and placing himself in the path of the 16-ton MRAP.

I am sure this was a parent's instinct and that Dennis had in mind his own children: Nicholas, age 8; Hope, age 6; and baby Madison. Dennis was evacuated to the Jalalabad Medical Treatment Facility, and there he succumbed to his injuries.

Dennis leaves behind his fiancée Ashley, the mother of their 8-month-old baby girl Madison. He leaves behind his former wife Amanda, who is mother to his son Nicholas and his daughter Hope. He leaves behind his mother and father Linda Reynolds and Dennis Weichel, Sr.

My deepest and heartfelt sorrows and prayers go out to all of Dennis's family and to his friends. Senator REED and I will join them this weekend to pay our respects when Dennis comes home for the last time to Rhode Island.

Dennis acted with instinctive bravery on that road in Laghman Province. His action reflected the selfless dedication of an American soldier and the heart of a father toward a child. Dennis has been posthumously promoted from the rank of specialist to sergeant, and his family will receive the Bronze Star he has been awarded for heroism.

The writer Joseph Campbell once described a hero as someone who has given his or her life to something bigger than one's self. In giving his life to save one small child, SGT Dennis Weichel has reflected great honor upon our military and its best traditions and this great Nation and the values for which it stands. He will justly be remembered a hero.

Mr. President, I yield the floor.

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

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

#### EPA

Mr. WHITEHOUSE. Mr. President, I wish to take some time this evening to congratulate our Environmental Protection Agency and to thank them for the rule they proposed this week regarding new coal-fired powerplants.

They have taken a certain amount of heat over this rule and have been criticized. But I come from Rhode Island, and Rhode Island is a downwind State from the coal-fired powerplants of the Midwest. We pay the price for the coal power those Midwestern States burn. We pay the price in children coming in to our hospitals with asthma attacks. We pay the price in ozone levels that are outside our control. We are a State that contributes very little in pollution to other States, but we are on the receiving end. We are down the gun barrel of the big array of coal-fired powerplants in the Midwest.

They have not only continued to burn dirty coal, they have built par-

ticularly high stacks so the emissions from that coal plant get pushed into the high atmosphere and they move east toward Rhode Island in the prevailing winds and we experience that as smog, as ozone, as air pollution. So there is an element of deliberateness to this.

There are places in this country that are in compliance with air quality standards because they have put their emissions up high enough that it lands somewhere else. Rhode Island is often out of compliance with air quality standards, and it is not from emissions in our home State. So we hear a lot from the coal-burning polluters about all the terrible things the EPA rule is going to cause. It is going to cause nothing but good in Rhode Island.

It is outrageous that on a bright, clear summer day one can be driving in to work in Rhode Island and hear over the car radio the announcer letting us know that today is going to be a bad air day in Rhode Island. We look out the window and it looks absolutely beautiful, but it is going to be a bad air day, they tell us. Infants should be kept indoors in air-conditioning, seniors should not go outside, people with breathing difficulties should stay indoors, and everyone should avoid vigorous physical activity because the air quality is too poor. That is not a price a carbon polluter in one State should get to require the seniors, the children, the families in another State to have to pay.

I am delighted EPA has begun to apply this rule. Unfortunately, it only applies to new powerplants. So the existing coal-burning powerplants that create so much of this pollution in our State, we are going to need to continue to work to crack down on until these States are sufficiently responsible in their use of power and in how they burn fuel to generate their power that they are not exporting bad air and pollution to other States.

As important as this is to Rhode Island as a downwind State, as important it is to protect the lungs of our kids and our families, this is also an important step for EPA to have taken because of the global problem we have from carbon pollution. The carbon pollution we are unleashing as a country—frankly, as a species across the globe—is having a dire effect in our atmosphere. It is having a dire effect in our oceans. It is truly causing our climate to change and the changes are going to be very difficult and very dangerous for our country in the future. That is not just my opinion. That is the opinion of our military leaders. That is the opinion of our national defense intelligence establishment. It is treated as a fact in those responsible quarters of our government.

Unfortunately, here and down there in the House of Representatives, there is a campaign of denial that is being propagated that is clearly supported by the polluting industries and has the purpose of protecting their financial

interests and enabling them to continue to profit from the harm they are imposing on our oceans and on our atmosphere.

It would be nice if the laws of government could supersede the laws of nature. It would be nice if we could repeal the laws of physics, the laws of chemistry, the laws of biology, but we can't. It is arrogance to presume we could. The fact of what the carbon pollution is doing to our world can be denied in this Chamber, it can be denied down the hall in the House of Representatives all day long and all night long, and it is not going to change the result. It is actually only recently that there was a denial industry attacking the problem of climate change and trying to minimize it, trying to mock it, trying to distract people from it.

In the past, the denial industry was pointed elsewhere. In the past, the denial industry was supporting the tobacco companies in convincing people it wasn't that bad for them. The science isn't complete yet. Don't worry. There is still doubt.

It deployed itself against lead. When the dangers of lead paint became known, the denial industry went to bat for the lead industry. It denied that lead was very poisonous, said it only happened to very poor people, went through all their rigmarole. The same process: create doubt about a scientific concern in order to prevent action being taken to protect people. Now they have turned on carbon pollution.

But before they turned from tobacco and lead to carbon pollution, it was pretty well accepted how basic this science is. The first scientist to determine that carbon dioxide would have the effect of warming the atmosphere if its concentration increased was a scientist named Tyndall. I think he was Irish and wrote in England in 1865. Around the time of the Civil War, this was discovered.

By the year I was born, in 1955, there are basic texts that describe that the more carbon pollution we put into the air, the more it traps heat, the warmer the climate gets.

It is virtually indisputable what is happening to the oceans. We are not talking projections. We are not talking estimates. We are talking measurements, and the measurements show the acidity of our oceans and the increase in acidification is happening faster than it has in 3 million years. The extent of the carbon dioxide in our atmosphere now, measured, is outside of a bound that has been maintained on the surface of our planet for 800,000 years—8,000 centuries. That is a long time. We have only been farming as a species for about 10,000 years. So 800,000 takes us way back to a very primitive species. Through all that time, we have been in this bandwidth of carbon in our atmosphere and now we are out of it. We are flying out of it, and it is getting worse all the time.

Instead of taking it seriously in this building, we are listening to the siren

song of the big-money polluters, as if the laws of government, the laws of Congress could repeal the laws of nature that we know—the laws of physics, the laws of chemistry, the laws of biology that are causing this to happen.

I appreciate very much the Presiding Officer, the junior Senator from Minnesota, having been so energetic and helpful in continuing to bring this thought to the Senate floor. I think we had an effective and important colloquy on the floor several weeks ago discussing this very point. I think it is important that from time to time we stand and remind our colleagues that there is a truth to this matter. The truth is that we are releasing unprecedented, massive amounts of carbon pollution into our atmosphere that, as a matter of science, the laws of physics, warm the atmosphere, and that warming atmosphere creates dramatic changes in our weather, in our coasts, in our sea levels. Our coasts are probably going to be hit the hardest of any place, and Rhode Island is a coastal State.

The ocean absorbs the pollution, so the harm is not just in the atmosphere and to the climate, it is to the ocean itself as its pH level changes from the absorption of carbon. Nobody doubts that the ocean absorbs carbon. There is no credible debate on that. You can measure the ocean's pH.

It is important that every once in a while we tell the truth on this because the time is coming very close when it will be past the tipping point of taking the action we need to take to protect ourselves, protect our coasts, our economy, our national security.

I wanted to take this moment as the week ended to come and share my thoughts again on this subject. I will continue to do it from time to time because I think it is important that America be a country that tells the truth about problems, and I think it is important that Rhode Island, as an ocean State, be as protected as we can from the changes we see coming.

The IPCC just reported on the weather effects of climate change and said that you cannot assign a particular storm to the effects of climate change, but in various areas you can connect the threat to climate change with varying degrees of certainty. With respect to the threat from sea-level rise and from worsened storms driving that raised sea ashore and causing flooding and damage, the certainty range was 90 to 100 percent. If we are not going to listen to warnings that the scientists now tell us are 90 to 100 percent certain, we are really making a grievous mistake.

I will conclude by thanking the Presiding Officer again for his support and help. I hope the time comes when this body can actually treat this problem in a serious and sober way and the dark hand of the polluting industry tapping on our shoulders and whispering in our ears and telling us what we can and

cannot say is pushed back and instead we stand in the light of day, in the light of science and fact, and behave responsibly about the changes that are coming and our role in causing these changes.

I see the distinguished Senator from Georgia in the Chamber, and I yield the floor.

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

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

#### TRIBUTE TO FURMAN BISHER

Mr. CHAMBLISS. Mr. President, next week the annual Masters Tournament will begin in Augusta, GA. It is a beautiful time of the year in our part of the world, and certainly Augusta is a little piece of Heaven, particularly this time of year.

As that tournament begins next week, there is going to be a sad note in the air because of the fact that Furman Bisher, a giant in the world of journalism, a man who has covered the Masters for the last 50 or so years, died last week at his home in Atlanta. He died at the age of 93 and passed away peacefully in his home after a storied career as one of the Nation's foremost sports writers. It was a career that lasted an astonishing 60 years.

After nearly six decades of elegant observations of the sports world for the Atlanta Journal-Constitution, Furman pecked out his final column before his October 2009 retirement on the thinning keys of his trusty Royal typewriter. His choice of instrument to convey his thoughts in this age of instantaneous, inane chatter says a lot about why newspaper readers after so many years continued to seek out Furman's Bisher's column in the AJC's sports pages.

It all came down to this: Furman's graceful prose, courtly voice and sharp observations were unfailingly backed up by old-fashioned shoe-leather reporting. He gloried in doing his homework, making that extra call, interviewing one more player or assistant coach or trainer, in order to breathe even more life into the game or the race or the fight for his readers.

It's also why Furman became a Georgia—and an American—institution. Simply put, Furman loved sports. And he loved journalism. At age 90, he was still driving out on summer nights to cover minor-league ballgames.

In his career, Furman scored many journalistic knockouts, including a 1949 interview with Shoeless Joe Jackson—the only one Jackson ever gave—regarding his involvement in the 1919 Black Sox scandal.

He got stock tips from Ty Cobb and watched Jack Nicklaus' 1986 Masters

victory. He sat in the press box at countless Falcons games at Atlanta-Fulton County Stadium and covered the Olympics, both winter and summer. He even had a hand in bringing professional sports teams to Atlanta.

He wrote 11 books, including co-authoring two editions of a Hank Aaron autobiography. And at The Masters Tournament in Augusta every April, Furman reigned among the azaleas and oaks as the dean of the sports press corps.

In a testament to his longevity in a tough business, until his retirement, Furman covered every Kentucky Derby since 1950, and every Super Bowl but the first one.

He even branched out into TV. Although I did not grow up in Atlanta, I have heard from many people that preachers across the city would cut sermons short so that their congregations could be home for Furman's kickoff on "Football Review."

Along the way, he earned the respect of his colleagues and the loyalty of his readers, garnering writing awards too numerous to mention. He served as president of the National Sportscasters and Sportswriters Association from 1974–1976, and of the Football Writers Association of America from 1959–1960. His features appeared in *The Saturday Evening Post*, *Golf Digest* and *Sports Illustrated*, to name but a few.

In 1961, *Time* magazine named him one of the five best columnists in the Nation. I would argue that that honor fit until the very end.

No less than the great Jack Nicklaus said of Furman's retirement: He might be turning in his last column for the newspaper, but Furman will never stop writing or giving his opinion. I guess you could say that when it comes to the last writings of Furman Bisher, I will believe it when I don't see it.

Furman would close every column with a single valediction—the word "selah"—a Hebrew word that ends many Psalms and that exhorts the reader to reflect.

It is appropriate, then, to reflect on Furman's long, fruitful life and career, one that began in Atlanta as the Korean War was starting, when Joe Louis was still boxing, when the Minneapolis Lakers were the NBA champs, before Willie Mays had joined the major leagues and before *Sports Illustrated* magazine even existed.

In all the ensuing years, Furman chronicled the triumphs and the travails of the sports world and its often-all-too-human heroes. As Furman would say, "Selah."

I am thankful for Furman Bisher. I am pleased to have been the recipient of reading many of his articles through the years and also very proud to have called him a very good friend over the years. He was a gentleman who will be missed for his professional career as well as just being a great person and a great individual.

## HEALTH CARE

Mr. CHAMBLISS. The political world this week has been focused on the U.S. Supreme Court and the arguments that have taken place over there with respect to what has been referred to as *ObamaCare*.

I rise today to discuss how the 2-year-old health care law is forcing more government intrusion into the lives of Americans.

After all, what could be more intrusive than the Federal Government telling you the type of health care coverage you must purchase? "Purchase this product or face a penalty."

With this law, I believe the American people have recognized that Congress has exceeded its constitutional authority. Just this week, a poll conducted by The Hill found that 49 percent of likely voters believe that the Supreme Court will rule against the constitutionality of the health care law, while only 29 percent believe it will be upheld. The American people have to ask themselves whether we should be able to punish citizens based whether they purchase a product from the private sector.

The Commerce Clause only allows the Federal Government to regulate "existing activity" that affects interstate commerce. I hope this distinction will be recognized by our justices on the Supreme Court. With no end in sight to escalating health care costs, Republicans want to see innovation within the private sector to bring about changes to our health care system. Today, Medicare and Medicaid are running up our national debt and bankrupting our states. One would think less government involvement, not more, would help bring health care costs under control. Instead, the health care law builds on this administration's desire to have the Federal Government control Americans' health care decisions. To this end, the Obama administration has created 159 new boards, bureaucracies and programs under *ObamaCare*.

As of this month, the administration has released more than 12,000 pages of regulations related to the law. The secretary of Health and Human Services will have the power to make more than 1,700 rulings affecting Americans and the health care they seek. Time and time again, my colleagues and I have warned that adding more red tape and bureaucratic oversight that will affect the relationship between you and your doctor is not the prescription Americans are looking for.

We want to protect the relationship between the patient and physician. Consultation between the patient and the physician should be the determining factor in what procedures that patient chooses, not someone who sits on a panel in Washington, DC.

However, this may well be the case as the health care law concentrates power in the U.S. Preventive Services Task Force. This is the same task force that in November 2009 recommended that

women between the ages of 40 and 49 no longer obtain annual mammograms. These are the types of recommendations that Washington bureaucrats could make in the future. I especially understand the importance of early detection of cancer, having been there myself, and will fight to see that individuals, through the recommendations of their doctors, are in charge of determining their own health care procedures.

Throughout the debate 2 years ago we constantly heard from folks on the other side of the aisle that if you liked your health care coverage, you could keep it. Well, guess what. According to the latest CBO estimates, you can ask 5 million people who will see their employer-sponsored health care end in 2016 whether they had the opportunity to keep what they like.

Further, the incentives for employers to drop their coverage and move employees onto a taxpayer-subsidized plan means we could see up to 35 million Americans lose their current coverage over the first 10 years of implementation of this law.

Washington is now in the business of reducing the flexibility of consumer-driven health care policies such as health savings accounts and flexible spending arrangements. Congress created health savings accounts to allow health care consumers who wish to participate in the program more control over their own money and how they choose to spend that money for health care services. Now contributions to these arrangements will be limited to \$2,500 per year, and over-the-counter medications will require a prescription if they are purchased within these tax-free dollars. This is already leading to doctors having to fill out more paperwork so an individual can walk into a drugstore to purchase aspirin or cold medicine. Yet again this is another glaring example of bureaucratic meddling in the lives of American consumers.

Small businesses are also feeling the intrusive effects of *ObamaCare*. In the most recent survey of small businesses by the U.S. Chamber of Commerce, an astounding 74 percent of small business owners surveyed said the health care law makes it harder for businesses to hire more employees. Think about that for a moment. Three out of four small business owners are having difficulty hiring because of the uncertainty of health care costs.

Finally, our States are also feeling the heavy hand of more government control. The Medicaid expansion that begins in 2014 will make it increasingly difficult for State leaders to balance their budgets due to strict maintenance of effort requirements. These requirements prevent States from designing health care programs specifically tailored for their own citizens.

Medicaid currently consumes about one-quarter of State budgets and *ObamaCare* creates the largest expansion of the program since its inception.

Through 2023, the cost to States is now estimated to be an additional \$118 billion. In my home State of Georgia, the expansion will cost the State about \$2.5 billion through 2020. Money in the budget to pay for this expansion will come at the expense of higher education, transportation, and law enforcement services. Nationally 24.7 million people who will be added to the Medicaid rolls will be entering a broken system where patients are denied access to about 40 percent of the physicians because reimbursement rates do not keep up with medical costs.

Two years ago the legislative process that unfolded before us was not something any Senator should be proud of today. Backroom deal making and forcing legislation through under a subversive process left the American people angry and upset with Congress. If we don't understand that, just look at the approval rating of Congress today, and this played a major role in that approval rating.

I hope in the future we will have an opportunity to revisit the system. Our system does need reforming, but it needs to be done in the right way and it needs to be done in a very transparent way. I hope we can come up with a solution that is actually supported by the American public, not solutions that make the American public angry.

I yield the floor.

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

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

#### OBAMA/MEDVEDEV EXCHANGE

Mr. WICKER. Mr. President, I come to the floor today greatly disturbed and upset, as are many Americans, by the comments President Obama made on Monday to outgoing Russian President Dmitry Medvedev at the nuclear security summit in Seoul, Korea. The exchange, which was accidentally recorded by a Russian journalist, suggests that President Obama's stance on missile defense will change after the November election. It implies that the President is willing to make more concessions to an authoritarian government that has caused Americans concern time and time again. It raises questions about what else might be hidden on the President's agenda if he secures a second term in the White House.

Americans can view the recording themselves as President Obama tells Mr. Medvedev:

On all these issues, but particularly missile defense, this can be solved but it's important for him [Putin] to give me space.

"Him" meaning former and future President Vladimir Putin. Mr. Medvedev responds by saying:

Yeah, I understand. I understand your message about space. Space for you.

President Obama then goes on to say:

This is my last election. After my election, I have more flexibility.

It is unbelievable and chilling that President Obama would make his election a factor in how he deals with an important national security issue that could have dangerous implications for America and its allies. Even the hint of compromising on our missile defense capability is reckless when the prospect of nuclear-armed missiles is a real and growing threat.

Equally alarming is the looming question lingering over what the President actually means when he says "more flexibility." The administration continues to press for resetting bilateral relations but fails to follow through on an approach that takes into consideration how Russia has not made good on its promises in the past. Simply put, we cannot trust the Russian Government to keep its word. We have no reason to believe that greater cooperation will come from giving the Russians what they want.

The question now arises: How can we trust our own President not to say one thing before the election and yet do something entirely different afterwards? Let us not forget the Russian Ambassador vetoed two United Nations Security Council resolutions supporting the Syrian people, a move that prompted the U.S. Ambassador to the United Nations, Susan Rice, to say that Russia decided to stand with a dictator. Indeed, Russia seems comfortable standing beside a dictator.

In addition, Russian officials rejected the idea of tougher sanctions against Iran despite a report from the International Atomic Energy Agency reinforcing concerns about Iran's nuclear program. Russia also voted against the United Nations General Assembly resolution expressing concern over the "violations of civil, political, economic, social and cultural rights" in North Korea.

Many of my colleagues and I have come to the floor on multiple occasions to express our concern with Russia's deteriorating rule of law and respect for human rights. This is not the kind of relationship President Obama promised when he pressed for passage of the new START treaty in late 2010 over strong objections from many of my colleagues. It sends the wrong signal to our allies throughout Europe who are worried about undue pressure from Russia. At the end of the day, better U.S.-Russian relations are not a foregone conclusion, and President Obama would be wise to remember that one-sided promises are not the means to get there. He should also not forget that the Constitution requires the advice and consent of the Senate on foreign policy decisions.

Over the coming months the Senate will likely take up several issues related to Russia, and I look forward to having a frank discussion about the President's ideas and the President's intentions. Mr. Obama's comments in Seoul are only one instance of the

President pledging to have more flexibility after election day, but they rightly cause us to speculate about what else he expects to do. Americans are right to wonder what other promises are being made that we do not know about.

At the end of the exchange in Seoul, President Obama and President Medvedev clasped hands and Mr. Medvedev promised, "I will transmit this information to Vladimir." In other words, but for the accident of an open microphone, the President's intentions would have been known by Mr. Putin, but not known by the American people. Mr. Medvedev's reply is a grim reminder of what happens when one person is able to seize unrestrained power, as Mr. Putin has demonstrated, and should be a lesson for all of us. It also should give all Americans pause as we approach this fall's election.

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

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

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

#### IMPOSING A MINIMUM EFFECTIVE TAX RATE FOR HIGH-INCOME TAXPAYERS—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, the motion to proceed to Calendar No. 339, S. 2230 is now pending; is that correct?

The PRESIDING OFFICER. The Senator is correct.

#### CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 339, S. 2230, a bill to reduce the deficit by imposing a minimum effective tax rate for high-income taxpayers.

Harry Reid, Sheldon Whitehouse, John D. Rockefeller IV, Barbara Boxer, Patrick J. Leahy, Jeff Bingaman, Richard J. Durbin, Daniel K. Akaka, Al Franken, Jack Reed, Mark Begich, Sherrod Brown, Carl Levin, Richard Blumenthal, Bernard Sanders, Debbie Stabenow, Charles E. Schumer, Patty Murray.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived and the vote on the motion to invoke cloture on the motion to proceed to S. 2230 occur on Monday, April 16, when the Senate resumes legislative session immediately following the vote on the confirmation of Stephanie Dawn Thacker.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that at a time to be determined by the majority leader, in consultation with Senator MCCONNELL, the Senate proceed to executive session to consider Calendar No. 231; that there be 2 hours for debate equally divided in the usual form; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on Calendar No. 231; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the Record; that President Obama be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, I mentioned to the majority leader I have to do some more consultation over here in order to clear this nomination, but for the moment I must object.

The PRESIDING OFFICER. Objection is heard.

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

#### IIHF 2014 WORLD ICE HOCKEY CHAMPIONSHIP

Mr. DURBIN. Mr. President, in the last few years, we have seen dictator after dictator tumble across the world: Qadhafi in Libya, Ben Ali in Tunisia, Mubarak in Egypt, Saleh in Yemen, and eventually Bashar al-Assad in Syria.

Yet there is one dictator who hangs on. He is the last dictator in Europe. You may not be familiar with his name, but they certainly know him in neighboring countries. He is the strong-man President of Belarus, Alexander Lukashenko.

For more than 20 years, he has ruled Belarus with an iron fist—using a barbaric combination of repression, intimidation, and torture to maintain power. He is so bold as to continue to call his security services the KGB. Can you imagine in today's world calling your security service the same name as the dread security service of the Soviet Union, the KGB?

Under Lukashenko's reign, elections have been consistently rigged, arrests have been made for political purposes, and the public's basic freedoms of

speech, assembly, association, even religion—which we take for granted—are severely restricted.

As shown in this photograph I have in the Chamber, this is Alexander Lukashenko, the last dictator in Europe, the President of Belarus.

On December 19, 2010, Lukashenko was given an opportunity to ease the iron grip of his police state and move closer to democracy by holding a legitimate Presidential election. He could not bring himself to do it. He orchestrated a fraudulent election, and then he turned around on the day of the election and arrested all of his opponents who had the audacity to run against him and threw them in prison. How about that?

I was in Belarus shortly afterwards and met with their families. These people were distraught, beside themselves about what had happened.

One of these detainees who was eventually released came and saw me in November, Ales Mikhalevich, one of the Presidential candidates who had been arrested, tortured, and denied basic legal rights for months. Recently he had been given political asylum in the Czech Republic, where he continues to fight for human rights in Belarus. His wife and daughters, whom I met in Minsk, in Belarus, are still being harassed by the KGB as of today.

Ales Mikhalevich and others from the hundreds who were imprisoned have been released, but others were not so lucky.

Mikalai Statkevich, a Presidential candidate, was sentenced to 6 years and can barely receive the medical assistance he needs.

Andrei Sannikau, another Presidential candidate, was sentenced to 5 years in prison for having the boldness to run against this dictator.

A number of other political activists who have engaged in political activity which we take for granted in the United States have been languishing in prison. I thought about it this week, as the demonstrators gathered in front of the Supreme Court, marching back and forth with signs, how we take that for granted. You try to do that in a country like Belarus, you will end up in prison. Thank God the United States has a much better standard when it comes to basic rights.

Here are the names of some of the other activists Lukashenko has thrown in prison: Zmitser Dashkevich, Eduard Lobau, Paval Sevyarynets, Zmister Bandarenka, Ales Byalyatski, Mikalai Autukhovich.

Authoritarians frequently torture these activists, trying to pressure them to sign letters admitting a guilt that does not exist. But I want to speak about something that is going to come up where Belarus and Lukashenko are going to become international celebrities.

On February 16, Mikhalevich, whom I mentioned earlier, was one of the 13 who picketed the headquarters of Prague-based automobile company Skoda, a subsidiary of Volkswagen.

Why did they picket Skoda?

Skoda is one of the major sponsors of the International Ice Hockey Federation's World Championship, and has been for the last 19 years. In fact, Skoda's this automobile company's—relationship with the Hockey Federation is one of the longest lasting sponsorships. And much to the disbelief of the rest of the world, the International Ice Hockey Federation has chosen to host its championship in Belarus. Why? Because Lukashenko, the dictator, is such a big fan of hockey. All the while, political prisoners, including Presidential candidates, will be languishing in prison because of this dictator.

Companies such as Skoda, Nike, and Reebok are among the major corporate sponsors of this federation that is holding its championship in Belarus.

Last year, I joined Congressman MIKE QUIGLEY of Chicago and National Hockey League Hall of Famer turned European Parliamentarian Peter Stastny and wrote to the International Ice Hockey Federation President Rene Fasel, urging that the 2014 games in Belarus be suspended until the political prisoners are released. How can anyone celebrate the excitement of a world-class sports championship when people are languishing in prison for their political beliefs? They ignored our request.

I spoke to USA Hockey, which represents the United States in this federation. They paid no attention.

It turns out the International Ice Hockey Federation will be meeting next month in Finland. Belarus is likely to be on the agenda. It should be. It should be at the top of the agenda.

The honor of hosting this prestigious international sporting event in a country where the President is regarded as Europe's last dictator is hardly a reflection of the quality of the sport that is involved.

An ardent fan of ice hockey and the head of the Belarus national Olympic committee, rewarding Lukashenko with the 2014 World Ice Hockey Championship ignores his regime's atrocities.

I have tried to reach out to Skoda, owned by Volkswagen, Nike, Reebok, and other sponsors to let them know their image is at stake too if they validate this dictator's policies and give honor to a country which does not recognize the basic freedoms.

This photograph I have in the Chamber shows Skoda's CEO, Winfried Vahland, in the center, along with Hockey Federation President Fasel on the right, as they celebrate Skoda's commitment to sponsor the world championship through 2017.

Skoda contends its sponsorship of the event does not indicate approval of what is going on in Belarus—simply their dedication to hockey. That does not show much courage.

Lukashenko's preparations for this ice hockey tournament indicate that Belarus is expecting a lot of visitors and a big economic boost.



I am once again calling on the International Ice Hockey Federation in their meeting in Finland to consider this matter at the top of their agenda and to suspend their plans to hold the Federation Championship in Belarus in 2014.

There are many other countries around the world more than anxious to join them and make this a championship well deserving with a host country that is one we can be proud of.

My feelings about this are not alone. The European Union recently widened sanctions against Lukashenko and his cronies. Lukashenko promptly recalled his Belarusian representative to the EU, after which EU Ambassadors were withdrawn from Belarus.

After a summit in Brussels earlier this month, Lukashenko—never at a loss for words—criticized the European Union politicians and railed on the German Foreign Minister Guido Westerwelle, the first openly gay minister in Germany. President Lukashenko said:

It is better to be a dictator than gay.

That is a quote. He went on to say:

Belarusians deserve to host the World Championship in 2014 in Belarus.

That is incredible. What sports organization wants to validate those comments?

I want to close by saying, I hope the International Ice Hockey Federation's Annual Congress will make the right decision in May. I hope its corporate sponsors will feel a little uneasy being associated with Dictator Lukashenko and his policies in Belarus. I hope they will suspend the 2014 Championship unless the political prisoners are at least released and that other international sporting groups, such as the International Cycling Union, follow their example.

I want the United States, in partnership with the European Union, to continue to place pressure on Lukashenko to open his political system and to stand by the Belarusian people in their efforts to bring justice to their country.

#### REMEMBERING JUDGE WILLIAM HIBBLER

Mr. DURBIN. I wish to pay tribute to a great man and a great judge who passed away unexpectedly earlier this month. Judge William Hibbler had served with distinction as a Federal district court judge in the Northern District of Illinois since 1999. Bill Hibbler cared so deeply about Chicago that it sometimes surprised people to learn that he actually started life in a small town in Alabama.

His family moved to Chicago when he was a child. He graduated from St. Mel High School on the West Side and later from the University of Illinois at Chicago. He worked as a substitute teacher in the Chicago public school system to help pay his tuition at DePaul University School of Law. He started his

legal career in private practice but soon felt the call of public service so he went to work as an assistant State's attorney in Cook County.

In 1986, he became an associate judge of the Cook County Circuit Court, and he served in that capacity for 13 years, until he joined the Federal bench. Judge Hibbler was active in community service throughout his career. He was a mentor to many young people.

During his confirmation hearing before the Senate Judiciary Committee, I noted that some judges have an unfortunate tendency to look down on the people who come before them once they put on the judges' black robes, and I asked Judge Hibbler what type of temperament he would bring to the Federal bench. His answer said so much about the kind of man Bill Hibbler was and about his values. He said, "The opportunity to serve is a wonderful opportunity, and we should never forget that."

Judge Hibbler died on March 19. He was 65 years old. The esteem in which he was held is evident in comments by other judges and by lawyers who appeared before him.

Chief Judge Jim Holderman of the Northern District praised Judge Hibbler as "an outstanding jurist who cared deeply about our system of justice and displayed an unparalleled sense of fairness." Thomas Bruton, clerk of the U.S. District Court for the Northern District of Illinois, said: "Judge Hibbler was a friend to everyone who met him. He was gracious, kind and a mentor to many in this court."

U.S. Attorney Patrick Fitzgerald said, "He was a wonderful judge and wonderful person, who treated everyone who appeared before him with great respect." His friend, 7th Circuit Court of Appeals Judge Anne Claire Williams, said that Judge Hibbler "wasn't what you would call a man of many words, but each day, in his own quiet way, he made a difference in the world."

I am proud to have joined then-Senator Carol Moseley-Braun in urging President Clinton to nominate Judge Hibbler to the Federal bench 13 years ago. His many years of distinguished service on the Federal bench only deepened my respect for him. William Hibbler loved the law, and he loved justice. He also loved his family very deeply, and I wish to offer my sincere condolences to his wife Regina, his son William, and his daughter Aviv. We are grateful for the service that their husband and father provided to the Chicago community, and we will miss him.

#### TRIBUTE TO MR. LEONARD GILLIAM

Mr. MCCONNELL. Mr. President, today I wish to pay tribute to a true American hero who honorably answered the call to serve his country in its dire time of need, Mr. Leonard Gilliam of Laurel County, KY.

Mr. Gilliam was born in McWhorter, KY, in 1919. The 92-year-old has had an incredible life on this Earth thus far. Leonard was a country boy who had lived on his family farm his entire life. He was the first boy from McWhorter to get the call from the U.S. Army in 1941; he was 21 years old.

The newly enlisted men, along with Gilliam, headed to basic training in Fort Thomas, KY. Gilliam was trained in artillery; during training he learned how to man a tank gun. After training ended he was transferred to Fort Benning, GA, where he would reside until December of 1941. The attack on Pearl Harbor led to the declaration of war, which for Gilliam would mean being deployed to the front.

The young Leonard Gilliam knew that going to war would be difficult, and his bringing up had prepared him to face the difficult road ahead. He had spent his childhood working on the farm and walking through fields and creeks, to and from the Twin Branch School, every day. But what the eager Gilliam did not foresee was the opportunities he would be presented with during his time in the service. A chance to see the world and forge a lifelong friendship were not in the then 21-year-old's plans back then.

His much needed experience with tanks landed him a spot on the front lines, and Gilliam entered the war in Casablanca, North Africa. He traveled through Algeria, Morocco, and Tunisia before heading towards Europe. Gilliam was called to invade the island of Sicily on July 10, 1942. He was later awarded the Bronze Arrowhead for his courageous actions during the invasion.

Gilliam spent time in Sicily guarding POWs. He remembers eating with them, talking with them, and even giving them cigarettes. Looking back, he says that the prisoners were some of the finest people he has ever met. He stayed at the prison in Sicily until he was called to go to Normandy. He arrived in France a mere 4 days after the invasion of the beach on June 6, 1944.

The hardships experienced by Gilliam in France were some of the toughest times of the war for him. But in the midst of a dark shadow cast by war, Gilliam met Wayne McCoy, a fellow tank gunner who would soon become his best friend. The two friends helped each other see the end of the war, and then they lost track of each other once they had returned back to the States. It wasn't until 1997—53 years later—when the two would reunite. The two war buddies shared a deep bond, one that they continue to share to this day.

The veteran now recalls the warm welcome he received when he finally made his return trip home in 1945 after 3 years overseas. Mr. Gilliam is a modest man. He feels like he is undeserving of the hero's welcome he received after World War II. He believes that the real heroes were the ones that "stayed over there," the ones who made the ultimate sacrifice for their country and never got the chance to come home.

The former soldier now enjoys life as a full-time family man. He is a husband, father, grandfather, and great-grandfather. Leonard is a remarkable man who has been on a once-in-a-lifetime adventure. Even after all that he has been through, both the good and the bad, he is still grateful he had opportunity. Although he says he wouldn't go on a trip around the world again for \$1 million, he doesn't regret getting to see the world for free the first time.

In November 2011, there was an article about Mr. Leonard Gilliam published in the Sentinel Echo Silver Edition, a magazine based in Laurel County, KY. Mr. President, I ask unanimous consent that said article be printed in the RECORD.

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

[From the Sentinel Echo: Silver Edition, Nov. 2011]

WORLD WAR II: A TRIP AROUND THE WORLD  
(By Carrie Dillard)

Leonard Gilliam remembers the days when he and his family "didn't have a cable bill, water bill or electric bill." The 92-year-old Laurel County native has lived on his family farm his whole life.

He was born in 1919 in McWhorter. It was a time when, he said, "everybody used a mule pair, everybody had a milk cow and some beef cattle, and everybody had their own hogs."

You worked hard, he said. Kept your house warm buying coal for \$1 a ton at the mines or a jug of kerosene for 10 cents a gallon. You cooked on a wood stove, and there were always chores to do.

He had to "go through the field and cross the creek twice" on his walk to Twin Branch School each day, so when he joined the U.S. Army in 1941, he was used to walking.

During the course of his military career, Gilliam would spend approximately three years overseas, engage in six major battles and one invasion. He would end his days in World War II in Berlin, Germany, during the Army occupation in July 1945.

Gilliam was drafted. "They didn't draft until (age) 21 in those days," he said. He was the first one in the McWhorter community who got the call.

"There was a busload of us left London early one morning," he said, on their way to Fort Thomas, Kentucky. In less than two days, a contingent from all across the state filled a train headed to Fort Bragg, North Carolina, for basic training.

Gilliam was trained in artillery. He would later man the tank gun, causing him to lose nearly all of his hearing.

He served in the 2nd Armored Division (Hells on Wheels) under division commander George S. Patton, who once said the 2nd Armored Division "could do the impossible" because he trained them.

Gilliam was at Fort Benning, Georgia, when the Japanese attacked Pearl Harbor in 1941.

"They put more guards out, more security," he said, "as war was declared." Gilliam and his division began more practices and maneuvers, traveling back and forth from Georgia and North Carolina, until his deployment overseas. In total, Gilliam would serve six six-month tours overseas.

As a gunner, he said "the tanks were needed on the front" as soon as they arrived in Casablanca, North Africa. They traveled to Algeria, Morocco, and Tunisia, and on July

10, they invaded the island of Sicily, for which Gilliam was awarded a Bronze Arrowhead.

"Sicily was an interesting place," Gilliam said. It was there he worked as a security officer at an old penitentiary, guarding POWs. "I had a gun and they didn't, but they didn't give me any trouble," he said.

In fact, he said, once they got acquainted, the POWs were "some of the finest people I met."

He said he'd put his gun up and sit down to eat with the prisoners. They ate the same rations—MREs (meal, ready to eat) just as the soldiers did, and were even given cigarettes.

Gilliam said he and his fellow soldiers were put on a boat in Sicily and weren't told where they were headed.

"It looked like we was going to the United States," he said, "but we was going toward England."

They were on the water at Thanksgiving, and, shortly thereafter, landed in Liverpool.

The invasion of Normandy took place on June 6, 1944. Gilliam arrived just four days later.

Although he describes it as some of the roughest times in the war, it is also where he met a good friend: Wayne McCoy.

McCoy was five years younger than Gilliam, and took to him like a younger brother. Both Gilliam and McCoy were on tanks. Gilliam's was called "Crimson Tide," McCoy's "Churchill."

The two lost track of one another after the war, but reunited in 1997, more than 50 years later. Today, they "get together pretty often," Gilliam said, their families becoming like family to each other.

Gilliam said the Germans were smart, and without the combined effort of the U.S. Army and Air Force, they would not have succeeded in driving them back.

In September 1944, Gilliam crossed the Belgium border, but it wasn't an easy trek. He said it rained the whole way there and turned to snow; it was the coldest winter he'd ever felt.

The Battle of the Bulge was upon them. Standing in knee-deep snow, Gilliam said he and his fellow soldiers would fire their guns and huddle around the tank to keep warm. He was nearly overcome by the exhaust fumes from the machine just trying to get warm. Gilliam suffers from the effects of frostbite to this day.

For a time, Gilliam and his company stayed in a local farmer's barn. The owners, he said, knew of their presence, and he said the owners were overjoyed to help.

Without the protection of that barn, they likely "would have frozen to death," Gilliam said the group held up in that barn, sleeping in the hayloft, for three weeks until temperatures got warmer.

Gilliam said he remembers the faces of young children as they made the journey across France, Belgium, and Holland.

"The children were standing and waving at us. If we halted for some reason, they'd climb the tanks and hug everybody."

"The look on those little children's faces, you was glad to have done that for them," he said.

In April 1945, Gilliam said his outfit met the Russians on the Elbe River.

"For me, the war ended. I didn't fire another shot."

Gilliam said soldiers returning from World War II got a hero's welcome, but veterans of other wars, like the Korean War or Vietnam, did not receive the same respect. "Soldiers of the Korean War didn't get that welcome when they came home," he said. "They could've used a welcome home, too." But Gilliam has never considered himself a hero. Those are the ones who gave the ultimate sacrifice, he said. In 238 days of battle, the

2nd Armored Division suffered 7,348 casualties, including 1,160 killed in action.

"The heroes didn't come back. They're still there."

His older brother, Blane, was among them. Blane Gilliam, an Army radio operator who was serving in the Pacific, was killed in action/missing in action at age 30. Gilliam received word of his death around the time he reached Germany.

Following the war, Gilliam returned home and married Wilma George, who was 11 years his junior.

"Here I was a 25-year-old man, been around the world on a killing spree," he said. They were married for 61 years and had three children—Wanda, Coy and Linda. Today, Gilliam has three grandchildren and two great-grandchildren. He is a member of Twin Branch Methodist Church.

"I wouldn't make that trip (again) for one million dollars," he said. "But I got to see the world (for free)."

## TRIBUTES TO SENATOR BARBARA MIKULSKI

Ms. SNOWE. Mr. President, I rise today in light of last week's celebration here in the Senate, to recognize the truly historic and remarkable accomplishment of my good friend and colleague, Senator BARBARA MIKULSKI.

As we all know, Senator MIKULSKI just last week achieved another stunning milestone as she became the longest-serving woman in the history of the United States Congress, surpassing Congresswoman Edith Nourse Rogers. Of course, it was at the outset of this 112th Congress that Senator MIKULSKI overtook Maine's legendary Senator Margaret Chase Smith. To say it's been quite a Congress for the Gentle Lady from Maryland is the height of understatement indeed.

In the process of paying tribute to Senator MIKULSKI, I discovered some interesting information, namely that three out of the four longest serving women in the Congress were actually born in Maine—Congresswoman Rogers, Senator Smith, and myself as third longest serving woman in both the Senate and the House.

Senator Smith of course served Maine and Congresswoman Rogers represented the 5th District of Massachusetts. Both were Republicans, and both were born in Maine. And so, let me just say, as one who is privileged enough to fall into the same categories, on behalf of the great State of Maine which appears to produce women of tremendous endurance at both ends of the U.S. Capitol, we could not be more proud of the Senator from Maryland.

But the commonalities don't end there—far from it. In addition to the overlapping biographical information I just referenced, it is a point of tremendous pride that all three of us also placed the highest of premiums on serving those who have served our Nation by giving every fiber of their being to protect, defend, and secure our cherished freedoms—our courageous men and women in uniform and our veterans.

Born in Saco, ME, Edith Nourse Rogers authored legislation that made her

one of the great champions of our men and women in the military as well as our Nation's veterans. As a Member of Congress, Edith Rogers displayed a work ethic worthy of her Maine roots and was known as "the busiest woman on Capitol Hill."

During her storied 35-year career spanning from 1925 to 1960—still the longest tenure of any woman in the history of the U.S. House of Representatives, Congresswoman Rogers counts among her long-lasting achievements the securing of \$15 million to develop a national network of veterans' hospitals in the Veterans' Administration Act, the creation of both the Women's Army Corp and the landmark GI Bill of Rights.

She also proposed the establishment of a Cabinet-level Department of Veterans Affairs immediately after World War II an achievement that would finally take place in 1989. She was held in such high esteem by our veterans that the American Legion presented her with the Distinguished Service Cross—the first woman ever to receive that prestigious honor.

The incredible inroads and contributions that Edith Rogers made on behalf of our military, Senator Smith mirrored in the Senate. And just as an aside, I think it is worth noting that both shared a floral trademark, demonstrating that they could legislate in what was then very much a man's world without sacrificing their femininity or grace. Representative Edith Rogers wore an orchid or gardenia, and Senator Smith would don her signature rose.

A lifelong native of Skowhegan, Maine, Senator Smith was also a trailblazer and a woman of phenomenal firsts—the first woman to be elected in her own right to the United States Senate; the first woman to serve on the Armed Services Committee; the first woman to serve on the Appropriations Committee; the first woman to have her name placed in nomination for the Presidency by either major political party, in 1964; the first civilian woman to sail on a United States destroyer in wartime; the first woman to break the sound barrier in a U.S. Air Force F-100 Super Sabre Fighter—at 800 miles per hour, I might add.

In fact, that reminds me of the time in 1992 when Senator Nancy Kassebaum came to visit me in Maine, and we traveled together to see Senator Smith at her home and library. Senator Smith gave us a wonderful tour—despite her failing health at the time, and I recall asking her about a bright orange suit I saw that was hanging on one of the walls. And she replied that it was her flight suit from the time she broke the sound barrier. She then told me about how she had initially questioned the less than flattering color tone until she learned that the bright orange would help them find her if she had to eject! But for all of her courage, fearlessness, and monumental leadership, one of Senator Smith's indelible

achievements was shepherding the historic Women's Armed Services Integration Act.

Mr. President, I am forever humbled by the shoulders I have been so proud to stand upon. As I recall the milestones of both Congresswoman Rogers and Senator Smith, especially for our veterans and armed forces, I cannot help but think of how they paved the way for my service as the only Republican woman Senator on the Personnel Subcommittee of the Senate Armed Services Committee, battling as I was at the time in the late 1990s for the fair and equitable treatment of women in the services, including assurances that men and women would train as they fight—side-by-side!

For all of their joint accolades, neither Senator Smith nor Congresswoman Rogers set out to forge new paths for women in politics. In fact, upon winning her first election to the House, Congresswoman Rogers declared, "I hope that everyone will forget that I am a woman as soon as possible." What we remember about these amazing women, born in Maine, is their great integrity, love of country, and a desire to serve. No wonder they have inspired legions of women, myself included.

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

Mr. LEAHY. Mr. President, I would like to take a moment to honor Senator BARBARA MIKULSKI for recently becoming the longest serving woman in the history of the United States Congress. However, in doing so, I am reminded that this milestone does not define her legacy. Rather, her legacy as a coalition builder and a tenacious advocate of the marginalized defines Senator MIKULSKI's tenure as a public servant for the people of Maryland.

Throughout her career, Senator MIKULSKI pioneered the role women play in today's Congress. When she joined the Senate in 1987, Senator MIKULSKI became one of two female Senators and the first Democratic woman ever to join the upper chamber. These achievements were not due to a famous husband or father; Senator MIKULSKI was elected because of her integrity and her fiery and compassionate character. Her personal and professional experiences over the past 35 years make Senator MIKULSKI an excellent mentor for first-term female members, leading to the appropriate title: "Dean of Women." I was recently reminded of "the Dean's" ability to rally the support of female colleagues as Senator MIKULSKI and seven of 17 female senators lent their support for the reauthorization of the Violence Against Women Act on the floor of the Senate. Her efforts are emblematic of a unique ability to orchestrate voices in defense of the voiceless.

Just as the Violence Against Women Act provides support to both male and female victims of domestic abuse, Senator MIKULSKI's legacy as a champion of the exploited transcends the concept of gender. From her roots as a social

worker and community organizer, Senator MIKULSKI has constantly stood for social justice. She was a driving force in the landmark Lilly Ledbetter Fair Pay Act of 2009, which furthered protections for women and others faced with discrimination in the workplace. Equal pay for equal work is a principle that Senator MIKULSKI will continue to defend. From the young lady who delivered groceries to seniors, to a passionate defender of the ethnic American, Senator MIKULSKI continues to stand in solidarity with those forced to live in the margins.

I have been proud to serve in the Senate with Senator MIKULSKI for over two decades, and I have enjoyed working with her on many issues, in addition to our time serving together on the Subcommittee on the Department of State and Foreign Operations for many years. Perhaps most memorable is a CODEL we took to sub-Saharan Africa in 1990.

While my colleagues and I applaud Senator MIKULSKI on the longevity of her career, we more importantly take this moment to celebrate the leadership and achievements that characterize her 35 years of service. How long she has served bears witness to how well she has represented the people of Maryland.

Mr. CASEY. Mr. President, I would like to pay tribute to my colleague, Senator BARBARA MIKULSKI, who is now the longest serving woman in the history of the Congress and congratulate her on reaching this important milestone. Senator MIKULSKI is an inspiration to us all. She had broken down not only multiple gender barriers, but legislative, economic and societal barriers as well.

Throughout her career, Senator MIKULSKI has been a champion for those who are often forgotten. Hubert Humphrey once said the moral test of government is how it treats those in the dawn of life, the twilight of life and the shadows of life. Senator MIKULSKI took this message to heart. Her life has been a life of service. She spent her career as a tireless advocate, first as a social worker in Baltimore on the city council and then in the House of Representatives where she served 10 years before coming to the Senate. For the past 25 years she has continued this advocacy and has been a strong voice on the Senate floor, as well as on the HELP Committee. I have been fortunate to serve on the HELP Committee with Senator MIKULSKI since 2009.

One of the things Senator MIKULSKI is best known for is providing good constituent services. This is something all Senate offices do and it often gets overlooked by the national and international issues of the day. But this speaks to one of the most important duties of a Senator. When your constituent's mother dies in a country halfway around the world and you suddenly need a passport or a visa, when a veteran is not getting the benefits he is entitled to or when an older citizen

cannot afford to heat their home, they can turn to their Senator's local office for help. Senator MIKULSKI makes sure she and she her staff provide help to that family or veteran or older citizen.

BARBARA MIKULSKI knows, and her work demonstrates, that the job of a Senator is not only about numbers and budgets, it is about helping people, especially the vulnerable and those without a voice or a lobbyist.

Again, I congratulate BARBARA on her accomplishment and I look forward to working with her and continuing to fight for our children, our workers and our families with her in the years ahead.

Mr. PRYOR. Mr. President, I come to the floor today to celebrate the service of Senator BARBARA MIKULSKI, one of the most tenacious and effective senators to serve in the U.S. Senate. This month, following 41 years of public service, Senator MIKULSKI has reached a new milestone in serving in the U.S. Congress longer than any woman in history. But as she has said, "It's not how long you serve, but how well you serve." Both the State of Maryland and the entire Nation have benefited from Senator MIKULSKI's stamina as well her energy, intellect, and compassion. Today, we can see the difference she has made in our schools, health care, paychecks, and workplaces.

Senator MIKULSKI follows in the footsteps of the legendary Hattie Caraway of Arkansas. As the wife of Thaddeus Caraway, a former Congressman and U.S. Senator for Arkansas, Hattie assumed her husband's place in the Senate following his death in 1931. She once said, "The time has passed when a woman should be placed in a position and kept there only while someone else is being groomed for the job." A year later, she ran for reelection, becoming the first woman elected to a 6-year term. She surpassed several milestones, including serving as the first female Senator to preside over the Senate and the first woman to serve as the chairwoman of a committee.

It would take 74 more years until a woman senator chaired a subcommittee of the Senate Appropriations Committee. Senator MIKULSKI, now at the reins of the Subcommittee on Commerce, Justice, and Science, has shown great leadership and vision as chairwoman and it has been a privilege to work with her. While we share many interests, we have worked most closely to advance the growth of science parks, strengthen law enforcement, and ensure U.S. companies can compete in the 21st century. I look forward to a continued partnership, congratulate Senator MIKULSKI on this historic achievement, and express my deep appreciation for all that she has done.

Mr. AKAKA. Mr. President, I rise to honor and extend my warmest aloha to my longtime colleague, a fellow member of the House freshman class of 1977, and very dear friend, Senator BARBARA A. MIKULSKI, for setting a new bench-

mark in her career and a significant milestone in this institution: becoming the longest serving woman in the history of the U.S. Congress. With each of her many accomplishments, she inspires the next generation of young American women, and she makes their dreams that much more attainable.

My colleague from Maryland has been a true trailblazer for women in Congress. In 1987, she earned the distinction of becoming the first-ever woman U.S. Senator from Maryland, as well as the first woman Democrat to serve in both the House and the Senate. Last year, she also became the longest serving female in Senate history.

BARBARA has not only witnessed the number of females climb from just 21 when she first came to Congress in 1977 to the 92 female members serving today, her actions and spirit helped to make that feat possible. She continues to be a distinguished leader, mentor, and friend to all of her colleagues in Congress, not just the women. Although we have more work to do to eliminate gender bias and discrimination, I am glad to see that Congress has become more representative of the United States.

Throughout her over 35 years in Congress, BARBARA has remained a fearless advocate for women, working-class Americans, and Federal workers across the country, a steadfast protector of the environment, and a relentless champion of civil rights in this country.

Raised by Polish-American small business owners, she has been a longtime defender of labor rights and a fierce proponent of establishing fair and equal working conditions for all Americans regardless of race, sex, or disability. This cause led her to author the landmark women's and worker's rights legislation, the Lilly Ledbetter Fair Pay Act, which I cosponsored, to guarantee women equal pay for equal work.

Being from a State that, like Maryland, has a large population of Federal workers, I have worked very closely with BARBARA on many issues to support our government employees. From the time that we entered the House together, she has always been a strong partner and stalwart champion for the rights of our Nation's Federal workforce, including fair pay and benefits for the dedicated men and women who make our government more secure, effective, and efficient.

BARBARA is an embodiment of the democratic spirit and continues to be a leader. She uses her great wit, humor, and boundless energy to urge Congress to take up important issues and then works with Members on both sides of the aisle to resolve differences and come together to achieve real solutions that help real working Americans every day. This is a testament to the fact that as she became the longest serving woman in the history of Congress, she has never forgotten her purpose—to make America better.

I again want to extend my aloha and my congratulations to Senator BARBARA MIKULSKI for this amazing achievement. It is a pleasure to serve with you. Thank you for your many years of outstanding service and genuine friendship, and I wish you the best as you continue your important work here in Congress.

Mrs. MCCASKILL. Mr. President, I rise today to honor my colleague and mentor, Senator BARBARA MIKULSKI, and to celebrate her legacy as the longest serving woman in Congress. For over 35 years, Senator MIKULSKI has proudly served the people of Maryland as a tireless advocate and a selfless public servant. It is my privilege to honor her today.

The great-granddaughter of Polish immigrants, Senator MIKULSKI grew up appreciating the value of hard work and service. On the weekends she worked in her parents' East Baltimore grocery store delivering groceries to homebound elderly. It was then that BARBARA developed her deep passion for helping others.

After earning her master's degree in social work from the University of Maryland, BARBARA started a career as a social worker with Catholic Charities and Baltimore's Department of Social Services. An outspoken advocate for at-risk youth and the elderly, she quickly earned a reputation as a fighter and was elected to the Baltimore City Council in 1971. After 5 years on the city council, BARBARA ran for Congress.

In 1976, BARBARA began her first term representing Maryland's Third Congressional District. As one of only 18 women in the House of Representatives, BARBARA was a member of a small but mighty group. During her 10 years in the House, she gained a reputation as a fighter, and in 1986 the people of Maryland again chose her to represent them but this time in the Senate.

As one of only two female Senators, and the first woman elected to the Senate in her own right, Senator MIKULSKI was met with much skepticism. While outnumbered, BARBARA's determination and dedication to her constituents shined through. BARBARA is a steadfast proponent of greater access to higher education, a leader on the front of women's health, and an unwavering supporter of America's veterans. She is determined to stand up for those who are often forgotten.

A few weeks ago, BARBARA shared a touching story that I think exemplifies her character.

When BARBARA first ran for Senate in 1986, she had the opportunity to get to know Harriet Woods, who was campaigning as a Democrat for the Missouri Senate seat. BARBARA saw the significance of having two female candidates for Senate, and she was certain both of them would win. Unfortunately, it wasn't meant to be for Harriet Woods, who lost to Republican John Danforth.

On BARBARA's first day she was shown her desk on the Senate floor—she opened it and saw Harry Truman's autograph. She had Harry Truman's desk. While she was delighted to have that desk, she knew that it really belonged to the Senator from Missouri and relinquished it. She said that for years she thought about that desk and hoped that it would someday be returned to a Democrat from Missouri.

Twenty years later, on election night in 2006, BARBARA watched the election results come in from around the country—and in Missouri, in particular. She said she stayed up late in the night waiting for the final result. Once she learned of the results from Missouri, she knew that the desk that had been accidentally given to her all of those years ago would finally be returned, where it belonged. I am so pleased to know that the Truman desk was shared, if only briefly, with my friend BARBARA MIKULSKI.

BARBARA MIKULSKI is a trailblazer, a role model, and an advisor to the other women in the Senate. Today there are 17 women in the Senate, and much of that progress can be attributed to Senator MIKULSKI's leadership.

Mr. President, I ask that the Senate join me in congratulating Senator MIKULSKI on this milestone and thank her for her 35 years of leadership, friendship, and service.

Mr. KOHL. Mr. President, today I would like to honor Senator BARBARA MIKULSKI's amazing life and career as she becomes the Senate's longest serving woman Senator. She has been a role model and inspiration to women across the country as she broke barriers in public life. When she first came to the Senate she was one of only a handful of women ever to serve in the U.S. Senate and now she is one of 17 women here on the Senate floor. Her service has made it easier for girls to dream about one day being a Senator—or President.

Senator MIKULSKI and I shared a similar experience growing up: her parents, William and Christine, opened and operated Willy's Market, a small grocery store in their working class neighborhood in East Baltimore. My parents also opened a small grocery store in Milwaukee—the first of what would become the Kohl's Food Stores and then Kohl's Department Stores.

As we have already heard here on the floor, her father would frequently open the store early so local steel workers could buy their lunches before their shift began. He would also extend credit to help customers who were having a hard time making ends meet. William Mikulski's neighbors didn't go hungry with him as their grocer. BARBARA worked at the store, and helped deliver groceries to homebound seniors in their neighborhood. She got to know her neighbors well, and she understood the important issues facing her community.

Much of what we both experienced working in our family stores and

watching our parents work so hard to provide superior service to their customers, ensuring their children understood the value of hard work, treating others fairly and with dignity, and giving back to the community, influenced our views on customer service. Those views have translated into Senator MIKULSKI's constituent service here in the Senate.

BARBARA's enthusiasm and commitment to serving the people of Maryland has resulted in too many victories to mention here, but I do want to point out a few of the projects we have worked on together on the Agriculture appropriations subcommittee.

Senator MIKULSKI and I have worked closely over the years to protect USDA agriculture research in Beltsville, MD. Beltsville is a historic and crucial part of the USDA's research arm. In fact it is the largest agriculture research facility in the world and does valuable work developing the next generation of crops and farming methods that will feed a growing planet. We've also worked together on increasing funding for the Food and Drug Administration, ensuring that the food we eat and medicine we rely upon is safe.

In my work as the chairman of Agriculture Appropriations subcommittee, I have been especially thankful for the times when BARBARA has spoken passionately about the important programs we fund through the subcommittee. She has been a stalwart supporter of farmers throughout Maryland and across the country, and a true friend here in the Senate. It has been an honor to serve with her.

Mr. ALEXANDER. Mr. President, my late friend Alex Haley, the author of "Roots," lived his life by the motto "Find the Good and Praise It." That is an easy thing to do when talking about BARBARA MIKULSKI, a friend and colleague with whom I have worked closely since I joined the Senate.

I would like to add my congratulations to those of my colleagues on Senator MIKULSKI reaching the milestone of becoming the longest serving woman in Congress. This is a remarkable achievement for a remarkable woman. For over 35 years, that is almost 13,000 days, BARBARA MIKULSKI has dedicated herself to serving the people of Maryland and representing them here in Congress.

Although Senator MIKULSKI is a proud partisan, she is one of the best advocates of bipartisanship. She understands the need to work together, to learn from one another's point of view, and to strike a deal so that each side can get something of value and move forward.

I have found that when you have BARBARA MIKULSKI by your side in a debate you always seem to win. She brings passion and dedication and tenacity to every issue she works on. Her love of the Senate, Congress in general, and the American people is infectious.

When Senator MIKULSKI and I have worked together it has always been a

delightful experience. Whether authorizing the Teach for America program to allow college graduates to become teachers in our Nation's worst schools; passing America COMPETES, where we improved our energy research programs and STEM education initiatives; or working on higher education where we share a passion for eliminating costly and unnecessary Federal regulations, BARBARA MIKULSKI is a tireless friend and ally.

Congratulations, Senator MIKULSKI. The Senate is proud of you, Maryland is proud of you, and the country is proud of you.

Mr. NELSON of Nebraska. Mr. President, today I wish to offer congratulations to my friend and colleague, Senator BARBARA MIKULSKI, on becoming the longest serving woman Senator in American history.

As Senator MIKULSKI has said, "It's not only how long I serve, but how well I serve." And she has served very, very well. Not only does Senator MIKULSKI serve in the best interests of the people of her native Maryland, but her service continues to improve the lives of Americans from coast to coast.

This comes as no surprise for a person who began her career helping at-risk children and seniors as a social worker in Baltimore. Senator MIKULSKI's nightly commute home from Washington ensures that she will not forget who she works for or where she comes from. The truth is, she never left.

Her commitment and connection to her constituents benefits us all. Her advocacy for access to better health care, improving the quality of education, investing in innovation, and protecting human dignity are not bound by the borders of Maryland. Her service benefits the people of Baltimore, MD, but also the people of Broken Bow, NE.

It is an honor to serve with Senator MIKULSKI. I enjoy her company, I respect her strength, and I admire her commitment.

Congratulations to Senator BARBARA MIKULSKI on her record-setting service. We are all the better for it.

#### JOBS ACT

Mr. TOOMEY. Mr. President, I rise today to speak on H.R. 3606, the Jumpstart Our Business Startups, or JOBS, Act, which the Senate passed on Thursday, March 22, 2012, by a vote of 73 to 26. I am particularly pleased that H.R. 3606 included language from S. 1824, the Private Company Flexibility and Growth Act, which I introduced on November 8, 2011, with Senator CARPER. We authored this important measure to update the shareholder threshold after which entities must register their securities with the Securities and Exchange Commission. This and other provisions contained in H.R. 3606 will provide companies and small banks with the flexibility to grow, which will in turn lead to economic growth and job creation.

As the Commission amends its rules implementing title V of H.R. 3606, it is important that it be mindful of Congress's intent that the rules provide clear guidance to issuers on how to comply with the new provisions. For instance, section 503 of the JOBS Act requires that the SEC adopt safe harbor provisions that issuers can follow when determining whether holders of their securities received the securities pursuant to an employee compensation plan in transactions that were exempt from the registration requirements of section 5 of the Securities Act of 1933.

The issues that we would expect the Commission to address when adopting the safe harbor provisions include the steps issuers can take to obtain comfort that securities are held by persons who received the securities pursuant to an employee compensation plan and whether the issuance of those securities were exempt from Securities Act registration. To provide issuers appropriate comfort under the rules, the Commission could adopt a safe harbor provision that allows issuers, absent actual knowledge of information to the contrary, to rely on information it has about a person at the time the securities are issued. The Commission could also adopt a safe harbor provision that allows issuers to consider an issuance of securities exempt from the Securities Act if it has a reasonable belief that the exemption existed at the time the securities were issued.

The definition of an "employee compensation plan" should be interpreted broadly. For purposes of determining whether a person is an employee who need not be counted when an issuer is calculating the number of holders of record under section 12(g)(1)(A) of the Securities Exchange Act of 1934, the term "employee" would include persons who are current or former employees of the issuer. We would also include but not limit this exemption to other persons such as surviving spouses or family members who inherit equity securities from the employee and who need not be included in the calculation of the number of holders of record. "Employee compensation plans" would include but is not limited to a written compensatory benefit plan or written contract as defined in SEC rule 701 under the Securities Act of 1933.

In revising rule 506 and rule 144A to remove the prohibitions on general solicitation or general advertising, the Commission should consider practice in the market for rule 144A securities and ensure that offerings and sales of rule 144A securities can proceed on the same basis as they do currently, including from a state blue sky perspective, regardless of whether there is general solicitation or general advertising.

The Commission should also consider adopting similar safe harbor provisions for how issuers can determine whether their investors are accredited for purposes of revised Exchange Act section 12(g)(1)(A) and whether securities are held by persons who purchase such se-

curities in crowdfunding transactions described under new Securities Act section 4(6), in accordance with new Exchange Act section 12(g)(5)(B). We believe these additional safe harbor protections would provide important guidance for issuers and should be strongly considered by the SEC.

Mr. BROWN of Massachusetts. Mr. President, I wish rise to speak about jobs and the Massachusetts innovation economy.

In July 2010, the Kauffman Foundation noted that "startups aren't everything when it comes to job growth. They're the only thing." In fact, the Kauffman Foundation found that "without startups, there would be no net job growth in the U.S. economy." In Massachusetts, where we have the second largest venture capital market in the country, venture capital helps drive our innovation technology. Massachusetts public companies that were once venture-backed start-ups account for 775,151 jobs and \$190 billion in revenue in the United States.

However, in the current economic climate, institutional investors are wary of investing in ideas that carry significant entrepreneurial and technological risk. With a high risk of failure and often a lack of collateral, small start-up companies cannot qualify for traditional commercial loans. Alternative capital markets are therefore critical to these engines of future economic prosperity. To give entrepreneurs and start-ups the access to capital they need to get their businesses off the ground, I introduced the Democratizing Access to Capital Act—S. 1791—to legalize crowdfunding on November 2, 2011. Crowdfunding will create a new alternative market for capital formation by allowing every American—regardless of income or wealth—to invest in a start-up or a great idea. And according to an economic model by Regional Economic Models, Inc.—REMI, crowdfunding has the potential to increase the number of start-ups by 10 percent, potentially creating hundreds of thousands of new jobs.

Recognizing that crowdfunding could provide a huge new growth engine for the Massachusetts tech sector and the Internet, our brightest economic frontier, I wrote to President Obama on February 3, 2012 to ask for his help in urging the Senate to pass crowdfunding legislation. On February 27, 2012, I hosted a roundtable with Massachusetts entrepreneurs and small businesses at Boston City Hall. And on February 29, 2012, I called on my colleagues to work together and pass a crowdfunding bill in a speech from the Senate floor.

At the same time, entrepreneurs from the Cambridge Innovation Center created a petition to show Congress their support for crowdfunding. These entrepreneurs founded [wefunder.com](http://wefunder.com) to rally support for crowdfunding. On March 5, 2012, [wefunder.com](http://wefunder.com) and MassChallenge, a not-for-profit organization dedicated to supporting the

work of entrepreneurs, hosted a roundtable on crowdfunding in Boston. As of March 26, 2012, 3 thousand investors pledged to invest \$7.5 million when crowdfunding becomes legal.

On March 8, 2012, the House of Representatives passed the Jumpstart Our Business Startups (JOBS) Act by a vote of 390-23, which included crowdfunding legislation. President Obama also issued a statement in support of the JOBS Act. Although my focus was on legalizing crowdfunding, I felt that the JOBS Act bill lacked basic investor protection standards that would give investors some confidence and help the market grow. I worked with Senators MICHAEL BENNET and JEFF MERKLEY to introduce a bipartisan compromise crowdfunding bill, the CROWDFUND Act—S. 2190, on March 13, 2012. On March 22, 2012, the Senate passed the CROWDFUND Act as an amendment to the JOBS Act, which was approved by a vote of 73-26.

The CROWDFUND Act sets the framework for developing a new market in which entrepreneurs can raise capital and ordinary investors can invest in new ideas. To create a new marketplace for investment, the CROWDFUND Act creates investor protections that are designed to balance entrepreneurs' ease of access to capital with the need for transparency.

In prescribing requirements for issuers, the CROWDFUND Act addresses the importance of providing investors accurate information. While financial disclosures are necessary for investors to make wise investment decisions, the importance of disclosure should be balanced with individuals' right to privacy. The SEC should therefore, under its rulemaking authority provided in Section 4A(b), clarify that entrepreneurs will not be asked to disclose individual personal tax returns. In addition, while the bill clearly states that issuers should be liable for material misrepresentations or omissions, issuers should not be held liable for misstatements or omissions that were made by mistake. The standard of liability for issuers as described in Section 4A(c) should be "due diligence." In other words, issuers must do their "due diligence" to make sure that the information that they are providing to potential investors is accurate. This is a widely accepted liability standard.

Although issuers may not advertise the specific terms of an offering, the CROWDFUND Act ensures that issuers are allowed to generally advertise their offerings through email and social media channels, as long as the intermediary website remains the location for all offerings. Potential investors should be given enough information about offerings to spark their interest. To discourage fraudulent operators, provide proper investor education and "crowdvetting" of opportunities by impartial third parties, issuers should not be allowed to encourage investment



outside of the intermediary. In addition to facilitating communication between issuers and investors, intermediaries should allow fellow investors to endorse or provide feedback about issuers and offerings, provided that these investors are not employees of the intermediary. Investors' credentials should be included with their comments to aid the collective wisdom of the crowd.

Regulated intermediaries are necessary for investor protection; however, intermediaries should not be over-regulated. Specifically, none of the requirements placed on intermediaries should prevent an intermediary or funding portal from removing or preventing the public display of an offering that it deems not credible. To guarantee the quality of offerings, intermediaries should be able to employ a Kickstarter-like process, in which the staff of an intermediary determines which issuers are invited to present their offerings to site visitors. Intermediaries should also be allowed to inform its users about offerings that may interest them, provided that this is not explicitly or implicitly recommending the offering to an investor. Although intermediaries must only provide offering proceeds to issuers once the issuers' target offering amount is reached, intermediaries should not be required to escrow proceeds.

To streamline the offering process, it makes sense to allow intermediaries to place a hold on investor credit cards until an offer is fully subscribed. At that time, investors' credit cards should be charged and the proceeds immediately transferred to the issuer. Intermediaries should also be permitted to act as the holder of record for offerings that they facilitate to reduce compliance complexity for issuers and to increase the likelihood of subsequent funding from institutional investors. Providing holder of record services will reduce compliance complexity for issuers and place the burden of managing crowdfunded investors on the intermediary. Without this mechanism, issuer capitalization tables may become unwieldy, discouraging subsequent funding from institutional investors. In addition, intermediaries should be allowed to take an equity stake in offerings. This however, does not mean that intermediaries should be able to choose which offerings to participate in but rather it should be a standard process for any offering that the intermediary facilitates. This will incentivize an intermediary to focus on issuer quality over quantity, providing more vetting for investors and greater alignment of interests. Of course, any equity stakes by the intermediary must be fully and meaningfully disclosed to investors. Of course, any equity stakes by the intermediary must be fully and meaningfully disclosed to investors. The SEC should carefully monitor any developments in this area and adjust practices, including re-

stricting the ability for intermediaries to take equity positions, should fraud or manipulative practices arise.

Although the CROWDFUND Act requires intermediaries to register with the SEC and become members of a self-regulatory association, all rules, regulations and registration requirements should be developed with minimal burden and cost to the intermediaries. The SEC and any relevant self-regulatory association should bear in mind that these costs will ultimately be passed through to issuers—costs should not undermine the goals of crowdfunding to create low-burden alternative means of raising capital. In addition, the crowdfunding community may develop its own self-regulatory association to specifically oversee crowdfunding intermediaries.

While preemption of State securities law is necessary for crowdfunding to function, State securities regulators should play a role in crowdfunding offerings. In addition to allowing limited State securities registration, State should retain its authority to take enforcement action with regard to any issuer or intermediary. Further, where state authority is not specifically preempted, the SEC will not presume preemption. State securities regulators are the first line of defense against fraud and their ability to continue to combat fraud should not be curtailed.

Finally, I urge the SEC to take seriously the statutory directive to complete within 270 days of enactment the rulemaking necessary to make the law effective. Crowdfunding entrepreneurs and intermediaries are eagerly awaiting the rules to take full advantage of crowdfunding's potential to unlock capital for start-ups and small businesses. Based on my office's interactions with the SEC, I believe that the SEC is committed the success of this new market, and the rulemaking should be easily completed within 270 days.

Few entrepreneurs take a new start-up to a mature company on their own. New ideas need the support of investors to survive and thrive. Investments power payrolls across our nation and every sector. It's the grease that keeps the gears in the American economy turning. Crowdfunding will allow small businesses to bypass Wall Street and go straight to Main Street for financing. We know that new businesses are the source of all of the net job creation in the United States. This CROWDFUND Act provides an avenue for new growth for that crucial sector with unlimited potential.

Mr. BENNET. Mr. President, I wish to discuss our bipartisan efforts to pass a crowdfunding amendment that provides needed flexibility but also ensures that crowdfunding has sufficient oversight and investor protections. I was proud to work with Senators MERKLEY and BROWN in crafting this bipartisan proposal. The Senate passed our amendment by a 64 to 35 margin. The House of Representatives subse-

quently passed our language when it considered the JOBS legislation earlier this week.

As the Securities and Exchange Commission works to implement this new law, it is my hope that it will recognize that the funding portal registration process is meant to be more streamlined and less burdensome than traditional broker-dealer registration. Given the size of the investments that are likely to occur in crowdfunding, the SEC should work to provide an appropriate level of oversight without making it cost-prohibitive to become a funding portal.

Funding portals should be allowed to organize and sort information based on certain criteria. This will make it easier for individuals to find the types of companies in which they can potentially invest. This type of capability—commonly referred to as curation—should not constitute investment advice or recommendations, which the law otherwise prohibits.

Similarly, funding portals should be allowed to engage in due diligence services. This would include providing templates and forms, which will enable issuers to comply with the underlying statute. In crafting this law, it was our intent to allow funding portals to provide such services.

We also sought to provide the Securities and Exchange Commission sufficient flexibility to promulgate rules to ensure individuals have the necessary information and protections to make informed investment decisions. It is my hope that the Commission will exercise such discretion judiciously and will not create a regulatory regime that is too cumbersome and expensive for funding portals to operate or for issuers to sell their securities. In preparing the law, we sought to find the right balance, preserving basic investor protections while ensuring enough entrepreneurial flexibility to help this promising medium take off for the good of our economy. I am hopeful that the Commission will respect this balance as it moves forward to implement this law.

Finally, we provided 270 days for the Commission to implement this new law. I hope the SEC will make every effort possible to meet this deadline.

#### HOUSE BUDGET PROPOSAL

Mr. BAUCUS. President Kennedy said that "to govern is to choose."

When you put away the charts and graphs, budgets are about choices. These choices impact our children's schools, business owners' bottom lines, and families' paychecks. And they affect how we care for our wounded veterans when they return home from fighting for us.

The House has chosen to pass the House Budget Committee chairman's budget.

Just as it did last year, this budget makes a stark choice. It shows where the House's priorities are.

Under the House plan, millionaires would receive an average tax cut of at least \$150,000. Meanwhile, seniors would eventually have to pay nearly \$6,000 more for their health care. That is a big increase when the average senior has a fixed income of only \$25,000 a year.

Most Americans would agree that this doesn't pass the smell test.

We know we need to reduce our deficit.

But asking seniors to pay an additional quarter of their income for their health care while giving millionaires a six-figure tax break just isn't fair. It is certainly not balanced. And it is the wrong choice.

The House plan would also end the Medicare Program seniors know today. It would eliminate guaranteed benefits. It would charge seniors more for their prescriptions. It would make them pay for the screenings and doctor visits they get free now.

The millions hurt by this plan include former members of our Armed Forces who served for more than 20 years or were injured while on duty. This budget leaves these military retirees—and other seniors—high and dry.

It takes a lot of courage to serve a full career in the military. But there is nothing courageous about cutting care for our military retirees. I will stand up for our military and our seniors and make sure they have the health care they need.

The House budget also increases the eligibility age for Medicare from 65 to 67 years old. That means seniors would be forced to work later in life, just to keep their health care.

And the House budget replaces Medicare with a voucher program.

Seniors would have to use these fixed-price vouchers to purchase private insurance or Medicare. But this voucher wouldn't cover seniors' health care needs.

Seniors would be forced to make up the difference by spending thousands of dollars out of their own pockets.

To make matters worse, under the House plan, seniors would be paying more and getting less.

Private insurance companies would get to dictate what care seniors can get—and what they can't. Private companies could say a senior can't have hospice or nursing home care or they could limit hospital stays or prescription drug coverage.

The House plan would end the guaranteed benefits that Medicare protects today.

I won't let this happen. I won't let others break our promise to America's seniors. I won't let anyone dismantle Medicare.

Besides ending the Medicare seniors rely on today, the House budget does not solve our country's deficit problem. It just makes seniors and middle-class families pay more than their fair share.

Fortunately, this is not the only option we have to reduce our country's debt. We have another choice—the path we took with health reform.

We know our long-term deficits are in part due to health care costs. For the past several decades, these costs have been growing faster than inflation. This makes Medicare more expensive for the government.

That is why health reform focused on lowering overall health care costs.

This lowers premiums for seniors enrolled in Medicare today. And it helps keep the program strong for generations to come.

If we hadn't passed health reform, the deficit would be more than \$1 trillion higher over the next two decades.

If we hadn't passed the affordable care act, health care spending would have doubled. We passed health reform to bend the cost curve and slow this cost growth.

Last week marked the second anniversary of the health care reform law. We are already seeing results. According to CBO, over the next 10 years, per-person Medicare costs will decrease by four percentage points compared to the past thirty years.

How did we make this progress?

We know that when doctors and hospitals don't talk to each other, patients receive the same tests twice and other duplicative services. Health reform improves coordination by giving providers incentives to work together.

We know that expensive diseases can be better managed if they are caught early. Health reform provides free preventive care to catch and treat costly chronic conditions.

We know criminals try to rip off taxpayers. Health reform provides law enforcement new tools to protect Medicare and Medicaid from fraud and recoup taxpayer dollars.

We know that some of the best ideas to lower costs don't come out of Washington. They come from our communities. Health reform leverages these good ideas by partnering with the private sector.

This is the path we need to continue down. We need to ensure these tools are successful and work to improve them. We need to build on these reforms to keep saving consumers' and taxpayers' money.

As we look to solving our country's largest problems, we need to remember our priorities.

We need to focus on fairness. We need to remember that the choices we make matter.

The choices we made in the affordable care act are making our health care system more efficient. These choices are lowering costs for everyone.

The House plan chooses to ignore rising health care costs. It simply shifts risks and costs onto the backs of America's seniors.

That is a plan that is not right for seniors. It is not right for our health care system. And it is not right for our future. The American people know which choice we should make.

## HEALTH CARE

Ms. COLLINS. Mr. President, this week marks the 2-year anniversary of the signing into law of President Obama's health care bill. There was no question that our health care system required substantial reform. In passing this law, however, Congress failed to follow the Hippocratic oath, "first do no harm." The new law increases health care costs, hurts our seniors and health care providers, and imposes billions of dollars in new taxes, fees, and penalties. This will lead to fewer choices and higher insurance costs for many middle-income Americans and most small businesses—the opposite of what real health care reform should do.

I find it particularly disturbing that President Obama's health care law does not do enough to rein in the cost of health care and provide consumers with more affordable choices. In fact, Medicare's Chief Actuary estimates that the law will increase health spending across the economy by \$311 billion, and the nonpartisan Congressional Budget Office says the law will actually increase premiums for an average family plan by \$2,100. Moreover, a recent report issued by the CBO found that the new law will cost \$1.76 trillion between now and 2022. That is twice as much as the bill's original 10-year price tag of \$940 billion.

The new law also means fewer choices for many middle-income Americans and small businesses. All individual and small group policies sold in the United States will soon have to fit into one of four categories. One size simply does not fit all. In Maine, almost 90 percent of those purchasing coverage in the individual market have a policy that is different from the standards in the new law.

I am also very concerned about the impact the law will have on Maine's small businesses, which are our State's job creation engine. The new law discourages small businesses from hiring new employees and paying them more. It could also lead to onerous financial penalties, even for those small businesses that are struggling to provide health insurance for their employees. According to a 2012 Gallup Survey, 48 percent of small businesses are not hiring because of the potential cost of health insurance under the health care law, and the Director of the Congressional Budget Office has testified that the new law will mean 800,000 fewer American jobs over the next decade.

Even where the law tries to help small businesses, it misses the mark. For example, I have long been a proponent of tax credits to help small businesses cover employee health insurance costs. The new credits for small businesses in the health care law, however, are poorly structured. They are phased out in such a way that businesses will actually be penalized when they hire new workers or pay their employees more. Moreover, they are temporary and can only be claimed for 2 years in the exchange.

Finally, I am very concerned that the new law is paid for, in large part, through more than \$500 billion cuts to Medicare, a program which already is facing long-term financing problems. It simply does not make sense to rely on deep cuts in Medicare to finance a new entitlement program at a time when the number of Medicare beneficiaries is on the rise.

Moreover, according to the administration's own Chief Actuary, these deep cuts could push one in five hospitals, nursing homes, and home health providers into the red. Many of these providers could simply stop taking Medicare patients, which would jeopardize access to care for millions of seniors.

It doesn't have to be this way. The bitter rhetoric and partisan gridlock over the past few years have obscured the very important fact that there are many health care reforms that have overwhelming support in both parties. For example, we should be able to agree on generous tax credits for self-employed individuals and small businesses to help them afford health insurance, thus reducing the number of uninsured. We should be able to agree on insurance market reforms that would prevent insurance companies from denying coverage to children who have preexisting conditions, permit children to remain on their parents' policies until age 26, require standardized claim forms to reduce costs, and allow consumers to purchase insurance across State lines.

We should be able to agree on delivery system reforms that reward value rather than volume and quality over quantity and that increase transparency throughout the health care system. And we should be able to agree on ways to address the serious health care workforce shortages that plague rural and smalltown America. Simply having an insurance card will do you no good if there is no one available to provide the care.

In short, we should repeal ObamaCare so that we can start over to work together to draft a health care bill that achieves the consensus goals of providing more choice, containing health care costs, improving quality and access, and making health care coverage more affordable for all Americans.

#### BETTER HEALTH REWARDS PROGRAM ACT OF 2012

Mr. WYDEN. Mr. President, I wish to advocate for legislation my colleague, Senator PORTMAN, and I have coauthored that focuses on driving better health outcomes for America's seniors through the use of real, positive financial incentives.

I think we can all agree on a theory—the best health care is often the least expensive, and it is often health care you can have real control over—prevention.

According to the Hastings Center, 76 percent of Medicare spending is on pa-

tients with five or more chronic diseases: stroke, heart disease, diabetes and cancer lead the way. And with \$2.7 trillion spent annually on health care, one of the best ways to slow the growth of that spending is to keep Americans healthier, and to do that, we have to reduce the prevalence of chronic disease.

I think Medicare can help spark that transformation. It is a large Federal program, some of the smartest health policy links the Federal Government and the private sector, and, most important, the Federal Government already pays for seniors to have an annual physical.

At present, when seniors leave that physical, too often there is no game plan or specific steps a senior can take to get healthier in the year ahead. Seniors get a bunch of numbers about their tests, possibly a prescription, and some medical lingo about their general health, but mostly everyone just hopes things will turn out OK at the next physical. Maybe it was an OK year, and that extra dessert wasn't a problem after all.

We believe that if the Federal Government is already paying for that physical, it is only common sense to wring every possible advantage for seniors out of it, specifically by giving seniors the tools to make changes that promote good health and reward them for staying motivated.

That is exactly what the bill I have written with Senator PORTMAN does. Typically, the assumption has always been that preventive care means more services. But in this case, government already pays for the service—the \$3.8 billion on the annual wellness visit—and we are saying, let's get more out of that visit.

Here is how our legislation—the Medicare Better Health Rewards Program Act—would do that:

First, it is voluntary. Since we hear a little discussion about mandates these days, this is voluntary.

In year 1, a senior has their physical, has their tests run, and their health provider has a conversation with them about their health. They come up with a plan to use the next year so that the senior can get healthier. The provider then lets Medicare know their patient is participating.

In year 2, the senior comes back for their next annual wellness visit. Again, tests are run, and they discuss the changes that may have occurred over the last year. If they have gotten healthier and their provider confirms it, they are eligible for a Healthy Reward. If they haven't, they still had their physical at no out of pocket cost to them. Their provider still gets paid. The same happens again in year 3.

Finally, the money to pay these rewards comes from the fact that as participating seniors get healthier, Medicare is spending less money on them. They are saving the system money. If that occurs, those seniors who are getting healthier will be able to share in the savings.

Bottom line: Innovation is rampant in American health care, and we are here with a new strategy to bring a fresh wave of innovation to Medicare.

I would like to thank Senator PORTMAN for working with me on this new approach to Medicare reform, and I urge my colleagues to join us in co-sponsoring our legislation.

#### DISTRICT OF COLUMBIA EMANCIPATION DAY

Mr. CARDIN. When Congress returns to session on Monday, April 16, 2012, we will recognize an important anniversary and holiday here in Washington. That day will be the 150th anniversary of District of Columbia Emancipation Day. Nine months before President Abraham Lincoln issued the Emancipation Proclamation in January 1862, the President signed the District of Columbia Compensated Emancipation Act. The act ordered the release of the 3,100 enslaved persons of African descent held in the Nation's capital. District of Columbia residents were therefore known as the "First Freed" slaves by the Federal government during the Civil War.

In 1865 the Confederacy surrendered and the Civil War ended, and later that year the 13th Amendment to the Constitution was ratified, which states that: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Emancipation Day celebrations were held annually in the District of Columbia from 1866 through 1901, and resumed in 2002. In 2005 Emancipation Day was made an official public holiday in the District of Columbia.

On March 6, 2012, the District of Columbia City Council adopted ceremonial resolution 19-207. The resolution finds this anniversary to be "an important, historic occasion for the District of Columbia and the nation and serves as an appropriate time to reflect on how far the District of Columbia and the United States have progressed since institutionalized enslavement of people of African descent. Most importantly, the 150th anniversary reminds us to reaffirm our commitment to forge a more just and united country that truly reflects the ideas of its founders and instills in its people a broad sense of duty to be responsible and conscientious stewards of freedom and democracy." I ask unanimous consent to place a copy of this resolution in the RECORD at the end of my statement.

(See exhibit 1.)

In the recent past, we have been blessed to celebrate numerous historic achievements for African-Americans in Washington, DC and throughout the Nation, including the election of the first African-American President of the United States, the dedication of the Rev. Martin Luther King, Jr. Memorial, and the groundbreaking for the

National Museum of African American History and Culture. I congratulate the District of Columbia government and its residents on this historic anniversary.

#### EXHIBIT 1

A CEREMONIAL RESOLUTION: 19-207—IN THE COUNCIL OF THE DISTRICT OF COLUMBIA, MARCH 6, 2012

To recognize and preserve the cultural history and heritage of the District of Columbia; to formally recognize the 150th anniversary of District of Columbia Emancipation Day on April 16, 2012, as an important day in the history of the District of Columbia and the United States in that, on April 16, 1862, 9 months before President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863 to begin to end institutionalized slavery in America, President Lincoln signed the District of Columbia Compensated Emancipation Act to release the 3,100 enslaved persons of African descent held in the nation's capital, making them the "first freed" by the federal government, at a cost of nearly \$1 million, in 1862 funds, paid to the people who enslaved them; to recognize that, after the Civil War, formerly enslaved people and others commemorated the signing of the 1862 act by parading down Pennsylvania Avenue in festive attire, with music and marching bands, proclaiming and celebrating freedom in the District of Columbia Emancipation Day Parade, which was received by every sitting President of the United States from 1866 to 1901; and to recognize that, on March 7, 2000, the Council of the District of Columbia voted unanimously to establish April 16th as a legal private holiday, the Emancipation Day Parade resumed in the nation's capital in 2002, and, on April 5, 2005, District of Columbia Emancipation Day was made a legal public holiday, recognized annually on April 16th.

Whereas, on April 16, 1862, President Abraham Lincoln signed the District of Columbia Compensated Emancipation Act ("Emancipation Act") during the Civil War;

Whereas, the Emancipation Act provided for immediate emancipation of 3,100 enslaved men, women, and children of African descent held in bondage in the District of Columbia;

Whereas, the Emancipation Act authorized compensation of up to \$300 for each of the 3,100 enslaved men, women, and children held in bondage by those loyal to the Union, voluntary colonization of the formerly enslaved to colonies outside of America, and payments of up to \$100 to each formerly enslaved person who agreed to leave America;

Whereas, the Emancipation Act authorized the federal government to pay approximately \$1 million, in 1862 funds, for the freedom of 3,100 enslaved men, women, and children of African descent in the District of Columbia;

Whereas, the Emancipation Act ended the bondage of 3,100 enslaved men, women, and children of African descent in the District of Columbia, and made them the "first freed" by the federal government during the Civil War;

Whereas, nine months after the signing of the Emancipation Act, on January 1, 1863, President Lincoln signed the Emancipation Proclamation of 1863, to begin to end institutionalized enslavement of people of African descent in Confederate states;

Whereas, on April 9, 1865, the Confederacy surrendered, marking the beginning of the end of the Civil War, and on August 20, 1866, President Andrew Johnson signed a Proclamation—Declaring that Peace, Order, Tranquility and Civil Authority Now Exists in and Throughout the Whole of the United States of America;

Whereas, in December 1865, the 13th Amendment to the United States Constitution was ratified establishing that "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction";

Whereas, in April 1866, to commemorate the signing of the Emancipation Act, the formerly enslaved people and others, in festive attire, with music and marching bands, started an annual tradition of parading down Pennsylvania Avenue, proclaiming and celebrating the anniversary of their freedom;

Whereas, the District of Columbia Emancipation Day Parade was received by every sitting President of the United States from 1866 to 1901;

Whereas, on March 7, 2000, at the Twenty-Seventh Legislative Session of the Council of the District of Columbia, Councilmember Vincent B. Orange, Sr. (D-Ward 5) authored and introduced, with Carol Schwartz (R-At Large), the historic District of Columbia Emancipation Day Amendment Act of 2000, effective April 3, 2001 (D.C. Law 13-237; D.C. Official Code §§ 1-612.02a, 32-1201), and on that same date moved an emergency version of the legislation that established April 16th as a legal private holiday;

Whereas, the District of Columbia Emancipation Day Emergency Amendment Act of 2000, which established April 16th as a legal private holiday, was passed unanimously by the Council on March 7, 2000, and signed into law on March 22, 2000 by Mayor Anthony A. Williams;

Whereas, on April 16, 2000, to properly preserve the historical and cultural significance of the District of Columbia Emancipation Day, Councilmember Orange hosted a celebration program in the historic 15th Street Presbyterian Church, founded in 1841 as the First Colored Presbyterian Church;

Whereas, on April 16, 2002, after a 100-year absence, the District of Columbia, spearheaded by Councilmember Orange with the support of Mayor Anthony Williams, returned the Emancipation Day Parade to Pennsylvania Avenue, N.W., along with public activities on Freedom Plaza and evening fireworks (D.C. Official Code § 1-182);

Whereas, the District of Columbia Emancipation Day Parade and Fund Act of 2004, effective March 17, 2005 (D.C. Law 15-240; D.C. Official Code § 1-181 et seq.), established the Emancipation Day Fund to receive and disburse monies for the Emancipation Day Parade and activities associated with the celebration and commemoration of the District of Columbia Emancipation Day;

Whereas, the District of Columbia Emancipation Day Amendment Act of 2004, effective April 5, 2005 (D.C. Law 15-288; D.C. Official Code § 1-612.02(a)(11)), established April 16th as a legal public holiday;

Whereas, on April 16, 2005, District of Columbia Emancipation Day was observed for the first time as a legal public holiday, for the purpose of pay and leave of employees scheduled to work on that day (D.C. Official Code § 1-612.02(c)(2));

Whereas, April 16, 2012, is the 150th anniversary of District of Columbia Emancipation Day, which symbolizes the triumph of people of African descent over the cruelty of institutionalized slavery and the goodwill of people opposed to the injustice of slavery in a democracy;

Whereas, the Council of the District of Columbia remembers and pays homage to the millions of people of African descent enslaved for more than 2 centuries in America for their courage and determination;

Whereas, the Council of the District of Columbia remembers and pays homage to President Abraham Lincoln for his courage

and determination to begin to end the inhumanity and injustice of institutionalized slavery by signing the District of Columbia Compensated Emancipation Act on April 16, 1862;

Whereas, the alignment of the (1) election of the first African-American President of the United States, Barack H. Obama; (2) dedication of the Rev. Martin Luther King, Jr. Memorial; (3) groundbreaking for the National Museum of African American History and Culture; (4) 150th anniversary of the District of Columbia Emancipation Day; and (5) 150th anniversary of the Emancipation Proclamation on January 1, 2013, are historically important for the District of Columbia and for the United States; and

Whereas, the 150th anniversary of District of Columbia Emancipation Day is a singularly important occasion that links the historic Presidency of Abraham Lincoln with the equally historic Presidency of Barack H. Obama, as the first President of the United States of African descent.

*Resolved, by the Council of the District of Columbia, That this resolution may be cited as the "District of Columbia Emancipation Day—150th Anniversary Recognition Resolution of 2012".*

SEC. 2. The Council of the District of Columbia finds the 150th anniversary of District of Columbia Emancipation Day is an important, historic occasion for the District of Columbia and the nation and serves as an appropriate time to reflect on how far the District of Columbia and the United States have progressed since institutionalized enslavement of people of African descent. Most importantly, the 150th anniversary reminds us to reaffirm our commitment to forge a more just and united country that truly reflects the ideals of its founders and instills in its people a broad sense of duty to be responsible and conscientious stewards of freedom and democracy.

SEC. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

#### FINANCIAL LITERACY MONTH

Mr. AKAKA. Mr. President, my friend and colleague from Wyoming, Senator ENZI, and I have once again submitted a resolution to designate April as "Financial Literacy Month" to raise public awareness of this important issue. I would like to first thank the cosponsors of the resolution, Senators BAUCUS, BLUNT, BROWN of Ohio, CARDIN, CARPER, COCHRAN, COONS, CRAPO, DURBIN, HAGAN, INOUE, JOHNSON of South Dakota, KOHL, LANDRIEU, LAUTENBERG, MENENDEZ, MURRAY, and WICKER. I appreciate their hard work and support in working to increase the level of financial literacy for people of all ages across America. I also thank the Senate for taking up this resolution and passing it with unanimous consent last night.

This is the tenth and final year that I have introduced this resolution, which highlights our Nation's need for investments in financial literacy, commends current efforts and initiatives to promote financial education, and encourages the administration and private institutions to continue to work toward creating a more financially literate public.

Financial literacy empowers individuals to be able to appropriately evaluate credit opportunities, successfully

save and invest for long-term financial goals in an increasingly intricate marketplace, and responsibly manage their personal, professional, and family finances. It is essential that we continue to make strides toward improving education and consumer protection, while giving individuals the necessary tools to build more financially stable families, businesses, and communities. As we continue along the path to economic recovery, it is imperative that the basics of economics, credit, and personal finance become a fundamental fixture in the American school system.

The Council for Economic Education recently released their 2011 "Survey of the States: Economic and Personal Finance Education in Our Nation's Schools." According to this survey, there have been great improvements in financial literacy since the first survey in 1998. However, troublingly, in the past 2 years, progress has slowed and in some cases even reversed. Specifically, only 22 States require students to take an economics course as a high school graduation requirement, and only 16 States require the testing of student knowledge in economics. In addition, only 12 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement.

Also, alarmingly, according to the Gallup-Operation HOPE Financial Literacy Index, while 69 percent of American students strongly believe that the best time to save money is now, only 57 percent believe that their parents are saving money for the future. Despite clear progress in this area over the past 15 years, these most recent trends are disturbing.

There is no better time than now to invest in a better-educated, more financially savvy public. With the increased complexity of and access to today's financial products, the unscrupulous nature of predatory lenders as they enticed millions of families into complicated loans they could not afford nor understand, and people having to make important life decisions at a younger and younger age, it is critical that we ensure that students are empowered by a sound financial education by the time they graduate from high school. Our Nation cannot afford another housing crisis, and the best way to safeguard against that risk is education and promotion spreading knowledge.

I would like to thank the various organizations and individuals who are doing their part to ensure the education of personal finance reaches as many Americans as possible. Teachers, parents, financial institutions, nonprofit organizations, Governors, legislators, and other decision makers must be leaders on this issue just as all of us owe it to ourselves and our country to have adequate knowledge of personal finance.

As policymakers, we must champion these issues year round, not just in the

month of April. However, focusing on Financial Literacy Month in April allows us to have a designated month when we can focus our efforts, take stock of what has been working, and improve on our work for the coming year. I thank my colleagues again for passing this resolution.

#### TRIBUTE TO JENNIFER L. SMITH

Mr. CONRAD. Mr. President, I rise along with my colleague, the ranking member of the Budget Committee, Senator SESSIONS, to pay tribute to Jennifer L. Smith, who is retiring this week after more than 32 years of distinguished service to the Congress.

Ms. Smith began her congressional career in 1979, working in the Senate. While working, she attended law school at night and became one of the Senate's Assistant Parliamentarians. She has since served as an Assistant Counsel for the House Budget Committee, the General Counsel for the Senate Budget Committee, and the Deputy General Counsel for CBO. In 2006, she returned to the Senate Parliamentarian's Office as the Senate Precedents Editor and in 2010 returned to CBO as the Associate General Counsel.

In each of her roles, Ms. Smith worked tirelessly to ensure that the decisions of each office were carefully researched, well reasoned, and fully documented.

As an attorney for CBO, Ms. Smith ensured that CBO's estimates of legislation were based on a solid understanding of the law. Her skills as an attorney have been highlighted in the diverse issues she has worked on while at CBO, ranging from immigration, to Social Security to lease-purchase issues. Her knowledge of appropriations law, copyright law, and the ethics rules of the House of Representatives rivals those of the most acknowledged experts in those fields.

Ms. Smith's excellent work has been recognized throughout her career. In 2005, for instance, as CBO's Deputy General Counsel, she received a CBO Director's Award for outstanding performance, one of many such awards.

Ms. Smith has exemplified CBO's high standard of professionalism, objectivity, and nonpartisanship. As chairman, I greatly appreciate the sacrifices that Ms. Smith—as well as her family—has made in assisting the Budget Committee and Congress.

I would like to turn to my colleague, Senator SESSIONS, for his remarks.

Mr. SESSIONS. I thank the chairman and join him in commending Ms. Smith for her many years of dedicated, faithful, and outstanding service to CBO, to the Senate through her work in the Parliamentarian's Office and the Budget Committee, and to the Congress and American people. We wish her all the best in her well-deserved retirement.

We hope our colleagues will join us in thanking Ms. Smith—and really all of the hard-working employees at the Congressional Budget Office—for her and their service.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING THE OAHU MATH LEAGUE

• Mr. AKAKA. Mr. President, I wish to recognize the math coaches and teachers of the Oahu Math League, OML, for their outstanding service for the students of Hawaii. The Hawaii Council of Teachers of Mathematics created the OML more than 40 years ago to supplement the traditional math curriculum in Hawaii's schools and to provide students with an outlet to represent their schools in academic competition. The league is comprised two senior varsity divisions as well as one junior varsity division. The various teams represent 28 of Oahu's schools, both public and private, and over 35 coaches, each dedicated to the promotion of mathematics education in the State of Hawaii.

I wish to acknowledge the students who spend their free time after school and on weekends to prepare and compete in the OML's seven grueling meets each academic year. These students devote their extracurricular time to mastering difficult mathematic techniques and theories in order to challenge themselves in the pursuit of academic excellence. Their commitment to their education is exemplary and should be commended.

However, these young men and women would not be able to participate in the OML competitions were it not for the support and knowledge of the fundamentals of math given to them by their coaches and teachers. These devoted men and women work many hours a week outside the school day in preparation for these competitions.

I would like to recognize both the foresight of OML's founders, as well as the enduring passion and tireless diligence of the many outstanding teachers who volunteer their time and efforts each school year to make the league a success. In particular, I would like to note the extraordinary commitment of several of OML's most active supporters: Thomas Yamachika, Carl Wheeler, Hank Koszewski, Phil Abe, Clarence Kanja, Lance Suzuki, Clayton Akatsuka, Kathleen Goto, and Amy Yonashiro.

I also want to thank the nine dedicated math teachers and OML coaches, who spend a combined total of 68 hours a week preparing for meets outside of the regular school day and represent more than 180 years of math instruction and service. They are Calvin Fukuhara of Kamehameha School, Michael Park of Iolani School, Tim Cantley and Deborah Kula of Sacred Hearts Academy, Michael Ida of Kalani High School, Carolyn Okunaga of Mililani High School, Chenfu Chiang of Hanalani High School, Hal Parker of Punahou School, and Joyce Kanja of Mid-Pacific Institute.

As an educator and former principal, I know firsthand about the countless hours that go into student extracurricular activities when the school

day ends. It makes me proud to see these outstanding educators embody the spirit of service. Their dedication to their field and to the students of Hawaii is undeniable. I send my best wishes to the students, their families, teachers, and coaches and to the Oahu Math League for continued success in the future.●

#### TRIBUTE TO COLONEL ROBERT WALK

● Ms. AYOTTE. Mr. President, today I rise to congratulate Robert Walk who is retiring from the U.S. Army with the rank of colonel. Robert dedicated more than 30 years of his life to serving our Nation as both an Active and Reserve officer. New Hampshire has been very fortunate to have a man such as Robert serving in the Army, and I am privileged to recognize his accomplishments today.

Robert comes from a patriotic family with a long history of honorable service. He chose to follow in the footsteps of his father, the late COL James Frederick Walk of Hanover, and his grandfathers, BG Arthur Richard Walk, U.S. Army, and LTC and Dartmouth College professor—Ralph Arthur Burns, Army Air Force. His brothers, LTC William Arthur Walk and LTC James Bradford Walk, all answered the same call to service.

After receiving a degree in chemical engineering from the University of New Hampshire, he served for 11 years on active duty in the Army, where he met his wife, LTC M. Angela S. Walk. Following his active-duty service, he continued his career in the Army Reserve, serving as a traditional reserve officer while pursuing a master's degree in environmental engineering. As a traditional Reserve officer, Robert held a variety of positions, working in the Army Reserve's Homeland Security Office, and in the congressionally directed Domestic Preparedness Program, before transitioning to active Guard Reserve status. His final position was serving as the chief of staff of the U.S. Strategic Command Center for Combating Weapons of Mass Destruction at Fort Belvoir.

Even in retirement, I am confident that Robert will continue to serve his Nation. On behalf of all New Hampshire residents and all Americans, I am proud to thank Robert and his entire family for their service to our great Nation.●

#### UNITED FARM WORKERS OF AMERICA 50TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 50th anniversary of the United Farm Workers of America, the Nation's largest farmworkers union.

In 1962, Cesar Chavez, the preeminent figure in the movement for farm laborers' rights in the 20th century, founded the National Farm Workers Association, which later became the United Farm Workers, UFW.

Mr. Chavez's steely determination and use of nonviolent protest tactics in the Delano grape strike of 1965–1970; the fasts of 1968, 1972, and 1988; and numerous other strikes around the Nation became an organizing model and inspiration for the labor movement.

Driven by its core values of integrity, innovation, empowerment, nonviolence and “Si Se Puede” attitude, the UFW has worked valiantly and tirelessly over the past half century to achieve a number of historic gains for farmworkers. The vigorous advocacy of the UFW has enabled farmworkers to secure higher wages and safer working conditions, reduced exposure to the use of harmful and toxic pesticides, and equality and opportunities for their families.

Today, the UFW remains an ardent protector and advocate for the rights and interests of farmworkers in 10 States. The union's proud legacy of social justice and civil rights is alive and thriving.

The story of the first 50 years of the United Farm Workers is a testament to the value of perseverance and social justice. I applaud the indefatigable commitment of all UFW members, past and present, to bring justice and equality to farmworkers and to future generations.

As the members and friends of the United Farm Workers gather to celebrate this auspicious occasion, I congratulate them on their 50th anniversary and wish everyone a memorable anniversary and continued success.●

#### EAST BAY MUNICIPAL UTILITY DISTRICT

● Mrs. FEINSTEIN. Mr. President, I wish today to recognize the significant contributions that the East Bay Municipal Utility District in Oakland, CA, is making with respect to renewable energy production. East Bay Municipal Utility District is a regional water and wastewater treatment agency serving the needs of the citizens of Alameda and Contra Costa Counties in the San Francisco Bay area. I am proud to note that with 1.3 million customers in the east bay region, this agency is leading the way in developing sustainable energy and water conservation practices that benefit the region.

On April 3, the East Bay Municipal Utility District's board of directors will formally dedicate a project that will create clean energy for the region and help ensure that waste materials that would otherwise be sent to landfills are reused. This new project is the Power Generation Station Renewable Energy Expansion Project and it builds on the successful Resource Recovery Program that is already serving as a model for other wastewater treatment plants across the Nation.

The Power Generation Station Renewable Energy Expansion Project will utilize biogas, methane, produced from anaerobic digesters to power electrical generators and a new 4.6-megawatt

clean-burn turbine. The source materials used by the anaerobic digesters will be waste that is currently being sent to garbage dumps. As a result of this new project, EBMUD's total production capacity at its wastewater treatment plant will be 10.6 megawatts, enough capacity to meet the electrical power demands of 13,000 homes.

The innovative Power Generation Station Renewable Energy Expansion Project will allow the East Bay Municipal Utility District to be the first agency of its kind in the Nation to generate all its own energy entirely from the production of biogas generated from waste materials. Excess energy, above and beyond that needed to meet the electrical power demands of running the wastewater treatment plant, will be sold back to the electrical grid, thereby helping to keep customer rates low by reducing EBMUD's power bill and increasing revenues from the sale of electricity. Increasing the generation of green energy supports California's goal of increasing clean energy while reducing greenhouse gas emissions. This project is particularly important because EBMUD is currently generating so much biogas from waste material that it is forced to flare the excess biogas.

At a time when all of us must find ways to reduce energy consumption and help generate renewable energy, I commend the board of directors and the employees of the East Bay Municipal Utility District for the foresight they have shown in developing and growing the Resource Recovery Program and in the construction of this important sustainable energy project. This project serves as a reminder to each of us that we can find ways to develop high-quality public services and reduce operating costs through innovative thinking and the use of technology. I congratulate East Bay Municipal Utility District for leading the way on developing clean energy.●

#### TRIBUTE TO COLONEL RICHARD C. GROSS

● Mr. GRAHAM. Mr. President, I ask my colleagues to join me in recognizing COL Richard “Rich” C. Gross on the occasion of his promotion to brigadier general in the U.S. Army. This is a tremendous honor, for which he should be especially proud.

A devoted patriot, Rich has dedicated the past 27 years to serving our Armed Forces and protecting our Nation. After graduating from the U.S. Military Academy at West Point, he was commissioned in the U.S. Army as a second lieutenant in the Infantry. Rich's first assignment took him to the 82nd Airborne Division at Fort Bragg, NC, where he served in numerous leadership positions. While there, he was accepted into the Army's Funded Legal Education Program. In 1993, he graduated from the University of Virginia School of Law and entered the U.S. Army Judge Advocate General's, JAG,



Corps. He later earned a master's degree in strategic studies from the U.S. Army War College at Carlisle Barracks, PA.

As a JAG, Rich served in numerous positions across the world. He began serving in the 101st Airborne Division, Fort Campbell, KY. After assignments at the U.S. Army Litigation Division in Arlington, VA, and the 1st Special Operational Detachment—Delta, Fort Bragg, he was assigned to the V Corps, Heidelberg, Germany, as the deputy staff judge advocate, SJA. Most recently, he served as the SJA for U.S. Central Command, USCENTCOM, at MacDill AFB, Tampa, FL.

I had the opportunity to serve with Rich in Kabul, Afghanistan, and was able to see firsthand his strong work ethic, good character, and integrity. As the chief legal advisor for the International Security Assistance Force, ISAF, and SJA for U.S. Forces—Afghanistan, USFOR-A, Rich is an invaluable asset to our Armed Forces and, as a leader, has set an example for other service men to follow.

Rich has received numerous awards, including the Defense Superior Service Medal, the Legion of Merit, the Bronze Star with two Oak Leaf Clusters, the Defense Meritorious Service Medal, the Army Meritorious Service Medal with Oak Leaf Cluster, and the Non-Article 5 NATO Medal. He is a recipient of the U.S. Army Ranger Tab, Master Parachutist Badge, Air Assault Badge, and Expert Infantryman Badge.

I ask the Senate join me in congratulating Richard C. Gross on his promotion to Army, brigadier general. We thank him for his lifelong dedication to our Armed Forces and Nation. I wish Rich the very best in his future endeavors.●

#### REMEMBERING JUDGE DAVID HUFF

● Mr. HELLER. Mr. President, today we honor the life and service of Judge David Huff, whose passing on March 27, 2012 signifies a great loss to Nevada's judiciary. David's commitment to the people of the State of Nevada will never be forgotten. I send my condolences and prayers to David's family in this time of mourning.

David served the communities of Fallon and Yerington for 15 years as District Court Judge for Nevada's Third Judicial District Court and the recently-formed Tenth Judicial District Court. Since being elected to the bench in 1996, David's main priority was to maintain and secure justice for the residents of Churchill and Lyon Counties. Throughout his career, David was deeply invested in community efforts to improve the justice system by developing policies that promoted excellence in court administration.

As a Vietnam veteran and Navy Justice School graduate, David made a commitment to his country long before he served the great State of Nevada. He joined the United States Navy and

after being deployed, worked for the Judge Advocate General's—JAG—Corps to provide military individuals with legal support and assistance. David also served as a military judge, demonstrating his continued resolution to upholding the laws of our land.

Throughout his life, David maintained a dedication to the preservation of justice and integrity which I am honored to commend. Today, I join the Churchill County community and citizens of the Silver State to celebrate the life of an upstanding Nevadan and dedicated advocate on behalf of our State.●

#### TRIBUTE TO DR. JOHN HITT

● Mr. NELSON of Florida. Mr. President, today I pay tribute to a great Floridian, Dr. John Hitt, who earlier this month celebrated his 20th anniversary as the president of the University of Central Florida.

First and foremost, I would like to congratulate him on reaching this milestone, and thank him and his wife Martha for everything they have done for Central Florida over the past 20 years. When they arrived at UCF in 1992, Dr. Hitt outlined five goals for UCF that have held steadfast for two decades.

He wanted the school to offer the best undergraduate education available in Florida and achieve international prominence in key programs of graduate study and research. He wanted the school to provide international focus to UCF's curricula and research programs, become more inclusive and diverse, and to be America's leading partnership university.

This innovative vision and entrepreneurial spirit have led to UCF becoming our nation's 2nd largest university and a place among America's premier metropolitan research universities.

When Dr. Hitt arrived in Orlando, he knew that the key to making UCF a world-class university and a vital force in Central Florida was going to be through the power of partnerships.

It would be through partnerships with our community and State colleges where UCF accepts 29 percent of all Florida community and State college transfer students, making it the No. 1 destination for transfer students in the State university system and among the top universities in the United States for community college transfer students.

It would be through partnerships with industry and government that led to the growth of the Central Florida Research Park—one of the top five research parks in the country—and to the founding of the Florida High Tech Corridor Council, which links the resources and talent of UCF, the University of South Florida, and the University of Florida with high-tech companies.

And, it would be through partnerships that are profoundly transforming Central Florida, such as those that led

to the creation of the UCF College of Medicine which has become the cornerstone for a growing medical sciences cluster of facilities known as the "Medical City at Lake Nona."

A few weeks ago, Dr. Hitt told the UCF community that if he had learned anything in 20 years, it was that our greatest danger is not to dream too large, but to dream too small. In the years that he has led UCF—and in the 50 years that he has had Martha at his side—John Hitt has stayed true to his ideals, his vision, and his heart.

Mr. President, Dr. Hitt is fond of saying that UCF "stands for opportunity." That is in no small part because of his strength of character, bold vision and steady leadership. As UCF celebrates its 50th anniversary next year, Dr. Hitt's unique approach to tackling challenges and creating opportunities has taken UCF from promise to prominence. On this special anniversary, I thank Dr. Hitt for not straying from the five visionary goals that he outlined in his inaugural address two decades ago—and for showing us what is possible through passion and partnership.

Thank you, Dr. Hitt.●

#### TRIBUTE TO JOHN W. ROWE

● Ms. SNOWE. Mr. President, today I wish to pay tribute to John Rowe, an individual whose keen intellect and indefatigable work ethic have transformed him into one of the country's most respected voices in the energy industry—and one that I have relied on throughout my congressional career as a source for honest analysis of public policy relating to climate change and energy markets.

Earlier this month, John spent his first day of retirement teaching students at a charter school that he financed and founded in Chicago—an action which embodies a career that has prioritized responsibility, competition, and above all, a commitment to embracing challenges. Indeed, John not only leaves Exelon a stronger company, but he bequeaths a legacy of vision and innovation to the utility sector that will truly reverberate for generations to come. It has often been noted that John holds the distinction of being the longest serving utility executive in the United States, which is also a remarkable reflection of the degree to which he is considered a pre-eminent and trusted voice on a range of issues from national climate policies to transmission and environmental regulations.

To think that it all began in Maine. In reflecting upon the origins of his career, John described to the New York Times last summer that he was told he could either try to become a CEO through a long and arduous climb up the corporate ladder, or he could "go to some fairly small company that is in really big trouble and is willing to take a lot of risk." And the rest, as they say, is history—to the everlasting benefit of the energy industry.

John, who had virtually no experience in the energy sector, moved to Maine and joined Central Maine Power, or CMP, as CEO in 1984—as the company was confronting unparalleled challenges. It was also after he came to CMP that my husband, the former Governor of Maine Jock McKernan, and I first met John.

In Maine, John quickly demonstrated exceptional business acumen and quickly altered the discussion in Maine from one of confrontation to one of collaboration that involved regulators and the rest of the business community. He carried that experience forward to New England Electric Systems where he became a forceful voice for deregulation of the electricity markets in the 1990s. Always a strong proponent of increasing competitiveness in the electricity market, John realized that the electricity industry was on course toward a new paradigm when he remarked to the Bangor Daily News in 1995, “We’re on a route to increasing competition, and that is unlikely to be turned around.”

John steadfastly maintained that ideology throughout the rest of his career, and while he left Maine and New England for his work at Exelon and its predecessor, Unicom, he indisputably continued to influence public policy throughout the country—garnering him numerous industry accolades, including Edison Electric Institute’s Distinguished Leadership Award, the Keystone Center Leadership in Industry Award, Chicagoland Chamber of Commerce Burnham Award for Business and Civic Leadership, as well as an induction to the Chicago Business Hall of Fame. But most invaluable to the Nation has been his ever-steady and thoughtful commentary on the development of sensible policies that would reduce greenhouse gas emissions while providing certainty for business investments.

Rather than challenging regulations, John has led the effort to replace antiquated Clean Air Act rules with market-based solutions that provide environmental dividends at a reduced cost to industry and consumers. Specifically, as cochair of the National Commission on Energy Policy, he developed the report, “Ending the Energy Stalemate,” which called for increasing and reforming fuel economy standards, addressing climate change through a mandatory market-based trading program, and increasing the development and distribution of energy-efficient products.

Specifically, the report stated that, “improving passenger vehicle fuel economy is by far the most significant oil demand reduction measure proposed by the Commission.” As a coauthor of the “Ten-in-Ten” Fuel Economy Title of the 2007 Energy Independence and Security Act, I took these recommendations to heart, and with Senator FEINSTEIN, embarked on an initiative to achieve historic fuel economy standards based upon this law—which, given the increasing prices for gasoline, could not be more imperative.

However, John’s true expertise, starting with his initial effort to stop the campaign to close a nuclear plant in Maine, focuses on developing a regulatory environment that provides safe nuclear power to consumers. As the operator of the largest nuclear fleet in the United States, John has meticulously worked to address the current challenges confronting additional nuclear power in the United States, while also preemptively positioning the industry for unanticipated impediments. The American nuclear power fleet is the safest in the world in part because of his unparalleled contributions.

At a time when trust of institutions, companies, and public policymakers has eroded, it is difficult to lose John’s voice as a head of one of the most influential companies in the United States. John has always demonstrated a trust with his colleagues as well as policymakers, and I look forward to watching his continued contributions following his retirement as chief executive officer of Exelon.

I wish John and his wife, Jeanne, the very best in the next chapter of their lives, and I look forward to continuing to work with an individual who believes in cost-effective development of clean energy in the United States, is champion of competition, and is committed to responsibility throughout society.●

#### TRIBUTE TO JAMES MCCORMICK

● Mr. ROCKEFELLER. Mr. President, last week, an extraordinary West Virginian, James McCormick, received a national award, Citizen Service Before Self Honors, from the Congressional Medal of Honor Foundation. This nonprofit is dedicated to education and awareness about the Congressional Medal of Honor. James McCormick was recognized by this distinguished group for his extraordinary commitment to his fellow veterans. Mr. McCormick returned from service and rather than thinking of just himself, he realized that his fellow veterans needed to work and they needed housing.

His deep understanding of the needs of returning veterans led to the creation of his nonprofit, Raising Cane Farms. The vision is simple but important. Raising Cane Farms is an organic, environmentally friendly farm located in Mason County, WV, that grows and market bamboo for multiple uses, including sales to manufacturers of bamboo products, produce sellers, restaurants, and landscapers. But beyond that, the farm will also serve as an educational facility and place to employ veterans and provide quality jobs in an outdoors, veteran-friendly environment using both the outdoors and fellowship with other veterans to help them recover from combat disabilities.

Raising Cane Farms has been helped by dedicated partners including the Farmer Veteran’s Coalition, FVC, that

provided support to clear the land, build roads, establish a watering system, and build a greenhouse. Other partners include Work Vessels for Veterans, which helped with funding for a trailer, marketing and Web development support, and important introductions to other veteran farmers including Veteran Farm’s pioneer Adam Burke.

As the longest serving member of the Senate Veterans’ Affairs Committee, I am deeply moved by the courage of our veterans and their ongoing service to our country and their colleagues. James McCormick is such an inspiration.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 12:50 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5. An act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

H.R. 1339. An act to designate the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

At 1:54 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4281. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

#### ENROLLED BILL SIGNED

At 6:23 p.m., a message from the House of Representatives, delivered by Mr. Bias, one of its reading clerks, announced that the Speaker pro tempore (Mr. THORNBERRY) has signed the following enrolled bill:

H.R. 4281. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

The enrolled bill was subsequently signed by the Acting President pro tempore (Mr. REID).

### MEASURES REFERRED

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

H.R. 1339. An act to designate the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States; to the Committee on Armed Services.

### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 5. An act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5516. A communication from the Secretary of the Commission, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Commodity Pool Operators and Commodity Trading Advisors: Compliance Obligations" (RIN3038-AD30) received in the Office of the President of the Senate on March 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5517. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tuberculosis in Cattle and Bison: State and Zone Designations; New Mexico; Correction" (Docket No. APHIS-2008-0124) received in the Office of the President of the Senate on March 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5518. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus pumilus strain GHA 180; Exemption from the Requirement of a Tolerance" (FRL No. 9343-1) received during adjournment of the Senate in the Office of the President of the Senate on March 23, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5519. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs (DCN OSS-2012-0407); to the Committee on Armed Services.

EC-5520. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the Department of Defense's fiscal year 2010-2018 Strategic Workforce plan; to the Committee on Armed Services.

EC-5521. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual Developing Countries Combined Exercise Program Report of Expenditures for Fiscal Year 2011; to the Committee on Armed Services.

EC-5522. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Secretary's personnel management demonstration project authori-

ties for Department of Defense Science and Technology Reinvention Laboratories; to the Committee on Armed Services.

EC-5523. A communication from the Principal Military Deputy, Office of the Assistant Secretary of Defense (Research, Development and Acquisition), transmitting, pursuant to law, a notification of plans to donate the destroyer ex-EDSON (DD 946) to the Saginaw Valley Naval Ship Museum for permanent berthing and public display in Bay City, Michigan, received in the Office of the President of the Senate on March 26, 2012; to the Committee on Armed Services.

EC-5524. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-5525. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Establishing a Manatee Refuge in Kings Bay, Citrus County, FL" (RIN1018-AX27) received during adjournment of the Senate in the Office of the President of the Senate on March 23, 2012; to the Committee on Energy and Natural Resources.

EC-5526. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detailed boundary for the Allegheny Wild and Scenic River in Pennsylvania, added to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-5527. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Regional Haze" (FRL No. 9652-1) received during adjournment of the Senate in the Office of the President of the Senate on March 23, 2012; to the Committee on Environment and Public Works.

EC-5528. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quality Assurance Requirements for Continuous Opacity Monitoring Systems at Stationary Sources" (FRL No. 9653-3) received during adjournment of the Senate in the Office of the President of the Senate on March 23, 2012; to the Committee on Environment and Public Works.

EC-5529. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Amendment to HFO-1234yf SNAP Rule for Motor Vehicle Air Conditioning Sector" (FRL No. 9651-3) received during adjournment of the Senate in the Office of the President of the Senate on March 23, 2012; to the Committee on Environment and Public Works.

EC-5530. A communication from the Acting Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing and Designation of Critical Habitat for the Chiricahua Leop-

ard Frog" (RIN1018-AX12) received during adjournment of the Senate in the Office of the President of the Senate on March 23, 2012; to the Committee on Environment and Public Works.

EC-5531. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Revised Endangered Status, Revised Critical Habitat Designation, and Taxonomic Revision for *Monardella linoides* ssp. *viminea*" (RIN1018-AX18) received during adjournment of the Senate in the Office of the President of the Senate on March 23, 2012; to the Committee on Environment and Public Works.

EC-5532. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Terrestrial Environmental Studies for Nuclear Power Stations" (Regulatory Guide 4.11, Revision 2) received in the Office of the President of the Senate on March 26, 2012; to the Committee on Environment and Public Works.

EC-5533. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a legislative proposal relative to amending the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974; to the Committee on Environment and Public Works.

EC-5534. A communication from the Acting Director of Human Resources, Office of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Administrator for Toxic Substances, received in the Office of the President of the Senate on March 27, 2012; to the Committee on Environment and Public Works.

EC-5535. A communication from the Acting Director of Human Resources, Office of Human Resources, Environmental Protection Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Administrator for Toxic Substances, received in the Office of the President of the Senate on March 27, 2012; to the Committee on Environment and Public Works.

EC-5536. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Interest on Untimely Paid Vessel Repair Duties" (RIN1515-AD74) received during adjournment of the Senate in the Office of the President of the Senate on March 23, 2012; to the Committee on Finance.

EC-5537. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to the Congress on the Implementation of the Medicare Self-Referral Disclosure Protocol"; to the Committee on Finance.

EC-5538. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Plan to Implement a Home Health Agency Value-Based Purchasing Program"; to the Committee on Finance.

EC-5539. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the establishment of a Danger Pay Allowance for Nigeria; to the Committee on Foreign Relations.

EC-5540. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, certification for the export of defense

articles, to include technical data, and defense services related to the export of firearms to the Government of India, Ministry of Home Affairs in the amount of \$1,000,000 or more; to the Committee on Foreign Relations.

EC-5541. A communication from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Revising Standards Referenced in the Acetylene Standard" (RIN1218-AC64) received in the Office of the President of the Senate on March 19, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5542. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision of Organization and Conforming Changes to Regulations" (Docket No. FDA-2012-N-0222) received in the Office of the President of the Senate on March 26, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5543. A communication from a Member of the Ronald Reagan Centennial Commission, transmitting, pursuant to law, a report relative to the Commission's activities; to the Committee on the Judiciary.

EC-5544. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-Propenoic acid, 2-methyl-, 2-ethylhexyl ester, telomer with 1-dodecanethiol, ethenylbenzene and 2-methyloxirane polymer with oxirane monoether with 1,2-propanediol mono(2-methyl-2-propenoate), hydrogen 2-sulfobutanedioate, sodium salt, 2,2'-(1,2-diazenediyl)bis[2-methylpropanenitrile]-initiated; Tolerance Exemption" (FRL No. 9339-9) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5545. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetamidiprid; Pesticide Tolerance" (FRL No. 9340-7) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5546. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: New Threshold for Peer Reviews of Noncompetitive Contracts" ((RIN0750-AH66) (DFARS Case 2012-D018)) received in the Office of the President of the Senate on March 27, 2012; to the Committee on Armed Services.

EC-5547. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Repeal of Case-by-Case Reporting" ((RIN0750-AH67) (DFARS Case 2012-D020)) received in the Office of the President of the Senate on March 27, 2012; to the Committee on Armed Services.

EC-5548. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Inflation Adjustment of Threshold for Acquisition of Right-Hand Drive Passenger Sedans" ((RIN0750-AH65) (DFARS Case 2012-D016)) received in the Of-

fice of the President of the Senate on March 27, 2012; to the Committee on Armed Services.

EC-5549. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Separation of Combined Provisions and Clauses" ((RIN0750-AH38) (DFARS Case 2011-D048)) received in the Office of the President of the Senate on March 27, 2012; to the Committee on Armed Services.

EC-5550. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a notification of intent to use fiscal year 2010 Nonproliferation, Anti-terrorism, Demining, and Related Programs (NADR) funds for Global Threat Reduction activities in Libya; to the Committee on Armed Services.

EC-5551. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (7); Amdt. No. 3466" (RIN2120-AA65) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5552. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (30); Amdt. No. 30829" (RIN2120-AA65) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5553. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules (4); Amdt. No. 499" (RIN2120-AA63) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5554. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BRP-Powertrain GmbH and Co KG Rotax Reciprocating Engines" ((RIN2120-AA64) (Docket No. FAA-2011-0836)) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5555. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Creation of a Low Power Radio Service" (MB Docket No. 99-25; FCC 12-28) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5556. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Creation of a Low Power Radio Service; Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations" (MB Docket No. 99-25; FCC 12-29) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Commerce, Science, and Transportation.

EC-5557. A communication from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled "2011

Report to Congress on the Disclosure of Financial Interest and Recusal Requirements for Regional Fishery Management Councils and Scientific and Statistical Committees; to the Committee on Commerce, Science, and Transportation.

EC-5558. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the Department of Veterans Affairs Vehicle Fleet Report on Alternative Fuel Vehicles for fiscal year 2011; to the Committee on Energy and Natural Resources.

EC-5559. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report of the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during calendar year 2011; to the Committee on Energy and Natural Resources.

EC-5560. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Construction Permit Fees" (FRL No. 9654-2) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Environment and Public Works.

EC-5561. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky; Regional Haze State Implementation Plan" (FRL No. 9653-8) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Environment and Public Works.

EC-5562. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determinations of Clean Data for the 2006 24-Hour Fine Particulate Standard for the Harrisburg-Lebanon-Carlisle-York, Allentown, Johnstown, and Lancaster Non-attainment Areas" (FRL No. 9654-1) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Environment and Public Works.

EC-5563. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Secondary National Ambient Air Quality Standards for Oxides of Nitrogen and Sulfur" (FRL No. 9654-4) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Environment and Public Works.

EC-5564. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's updated Strategic Plan for the period of fiscal year 2008 through fiscal year 2013; to the Committee on Environment and Public Works.

EC-5565. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States-Korea Free Trade Agreement" (RIN1515-AD86) received in the Office of the President of the Senate on March 28, 2012; to the Committee on Finance.

EC-5566. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Tobacco Prevention and Control Activities in the United States, 2008-2009"; to the Committee on Health, Education, Labor, and Pensions.

EC-5567. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Administration's Annual Report on The Notification and Federal Employee Antidiscrimination and Retaliation Act for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-5568. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-321, "Car Wash Employee Overtime Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5569. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-322, "Lottery Amendment Repeal Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5570. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-323, "Moratorium on Establishments Which Permit Nude Dancing Temporary Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5571. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-327, "Workforce Job Development Grant-Making Authority Temporary Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5572. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-328, "Board of Elections and Ethics Electoral Process Improvement Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5573. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-329, "Unemployed Anti-Discrimination Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5574. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-330, "Civil Marriage Dissolution Equality Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5575. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-331, "DDOT Omnibus Conforming Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5576. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-332, "Unemployment Compensation Funds Appropriation Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5577. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-333, "Targeted Retirement Distribution Withholding Temporary Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-5578. A communication from the Secretary to the Board, Railroad Retirement Board, transmitting, pursuant to law, the Railroad Retirement Board's fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-5579. A communication from the Director, Facilities Services Directorate, Department of Defense, transmitting, pursuant to law, the Facilities Services Directorate/Pentagon Renovation and Construction Program Office (PENREN) annual report; to the Committee on Armed Services.

EC-5580. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2011 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-5581. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Neurological Devices; Classification of the Near Infrared Brain Hematoma Detector" (Docket No. FDA-2012-M-0206) received in the Office of the President of the Senate on March 29, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-5582. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Agreements and Memoranda of Understanding Between the Food and Drug Administration and Other Departments, Agencies, and Organizations" (Docket No. FDA-2012-N-0205) received in the Office of the President of the Senate on March 29, 2012; to the Committee on Health, Education, Labor, and Pensions.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-68. A resolution adopted by the Senate of the State of Michigan memorializing the Congress of the United States to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally authorized ports, harbors, and waterways; to the Committee on Environment and Public Works.

#### SENATE RESOLUTION No. 97

Whereas, domestic shippers and importers using Great Lakes and coastal ports pay more than a billion dollars per year in federal harbor maintenance taxes. Congress established the tax to fund harbor operation and maintenance, particularly dredging, at these ports; and

Whereas, despite a nearly \$6 billion balance in the Harbor Maintenance Trust Fund, our nation's dredging needs are not being met. Throughout our nation and particularly in the Great Lakes region, the lack of dredging has forced shippers to operate inefficiently and carry lighter loads, costing them millions of dollars each year; and

Whereas, the Obama Administration has only budgeted about half of the revenue collected through the harbor maintenance tax for maintaining our nation's harbors. Last year, nearly \$1.5 billion were collected from shippers, but only \$758 million has been allocated for dredging harbors in Michigan and other coastal states; and

Whereas, during the current turbulent economic conditions, we must make every effort to support economic activity by maintaining the infrastructure necessary for commerce. Essentially by, using harbor maintenance taxes placed in the Harbor Maintenance Trust Fund to finance and balance other por-

tions of the federal budget, we are breaking our promise to the shippers paying the tax and hurting our nation's economic recovery; and

Whereas, current congressional legislation (H.R. 104 and S. 412) would ensure that harbor maintenance taxes are only used for their intended purpose to maintain our nation's harbors; now, therefore, be it

*Resolved by the Senate*, That we memorialize the Congress of the United States to enact legislation to ensure that amounts credited to the Harbor Maintenance Trust Fund are used solely for the dredging, infrastructure, operation, and maintenance of federally-authorized ports, harbors, and waterways; and be it further

*Resolved*, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-69. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing a request for an amendments convention to be called for the purpose of proposing an amendment to the U.S. Constitution which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states; to the Committee on the Judiciary.

#### HOUSE CONCURRENT RESOLUTION No. 87

Whereas, Article V of the Constitution of the United States provides authority for a convention to be called by the Congress of the United States for the purpose of proposing amendments to the constitution upon application of two-thirds of the legislatures of the several states, an "amendments convention"; and

Whereas, the legislature of the state of Louisiana favors the proposal and ratification of an amendment to said constitution which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states. therefore, be it

*Resolved*, Section 1. That, as provided for in Article V of the Constitution of the United States, the legislature of the state of Louisiana herewith respectfully applies for an amendments convention to be called for the purpose of proposing an amendment which shall provide that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

Section 2. That the amendments convention contemplated by this application shall be entirely focused upon and exclusively limited to the subject matter of proposing for ratification an amendment to the constitution providing that an increase in the federal debt requires approval from a majority of the legislatures of the separate States.

Section 3. This application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made application for an equivalently limited amendments convention.

Section 4. That a certified copy of this application be dispatched by the secretary of state (or other responsible constitutional officer) to the president of the United States Senate, to the speaker of the United States House of Representatives, to each member of the applicant's delegation to the United States Congress, and to the presiding officers of each house of the several state legislatures, requesting their cooperation in applying for the amendments convention limited to the subject matter contemplated by this application.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 2297. A bill to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes (Rept. No. 112–09154).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2159. A bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. JOHNSON of South Dakota, for the Committee on Banking, Housing, and Urban Affairs.

Christy L. Romero, of Virginia, to be Special Inspector General for the Troubled Asset Relief Program.

\*Richard B. Berner, of Massachusetts, to be Director, Office of Financial Research, Department of the Treasury, for a term of six years.

\*Jeremy C. Stein, of Massachusetts, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2004.

\*Jerome H. Powell, of Maryland, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 2000.

\*Jeremiah O'Hear Norton, of Virginia, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring July 15, 2013.

By Mr. LEAHY for the Committee on the Judiciary.

Gregory K. Davis, of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

Richard Gary Taranto, of Maryland, to be United States Circuit Judge for the Federal Circuit.

Gershwin A. Drain, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Robin S. Rosenbaum, of Florida, to be United States District Judge for the Southern District of Florida.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Ms. STABENOW (for herself, Mr. HELLER, Mr. MENENDEZ, Mr. BROWN of Ohio, Mr. MERKLEY, and Mr. ISAKSON):

S. 2250. A bill to prevent homeowners from being forced to pay taxes on forgiven mort-

gage loan debt; to the Committee on Finance.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 2251. A bill to designate the United States courthouse located at 709 West 9th Street, Juneau, Alaska, as the Robert Booechever United States Courthouse; to the Committee on Environment and Public Works.

By Mr. HARKIN:

S. 2252. A bill to rebuild the American middle class by creating jobs, investing in our future, building opportunity for working families, and restoring balance to the tax code; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. FRANKEN):

S. 2253. A bill to require individuals who file under the Ethics in Government Act of 1978 to disclose any financial accounts that are or have been deposited in a country that is a tax haven; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PORTMAN (for himself and Mr. WHITEHOUSE):

S. 2254. A bill to direct the Attorney General to establish uniform standards for the exchange of controlled substance and prescription information for the purpose of preventing diversion, fraud, and abuse of controlled substances and other prescription drugs; to the Committee on Health, Education, Labor, and Pensions.

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

S. 2255. A bill to amend chapter 1 of title 36, United States Code, to add Welcome Home Vietnam Veterans Day as a patriotic and National observance; to the Committee on the Judiciary.

By Mr. REED (for himself and Ms. STABENOW):

S. 2256. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself and Mr. REED):

S. 2257. A bill to increase access to community behavioral health services for all Americans and to improve Medicaid reimbursement for community behavioral health services; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself, Mrs. LANDRIEU, Mrs. HUTCHISON, Mrs. BOXER, Mr. ALEXANDER, and Mr. CORKER):

S. 2258. A bill to amend the Internal Revenue Code of 1986 to make permanent the rule providing 5-year amortization of expenses incurred in creating or acquiring music or music copyrights; to the Committee on Finance.

By Mr. TESTER (for himself, Mrs. MURRAY, Mr. BURR, Mr. BEGICH, Mr. WEBB, Mr. ISAKSON, Mr. BROWN of Massachusetts, Mr. BOOZMAN, Mr. MORAN, Mr. WICKER, Mr. ROCKEFELLER, Mr. AKAKA, Mr. BROWN of Ohio, and Mr. SANDERS):

S. 2259. A bill to provide for an increase, effective December 1, 2012, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HARKIN:

S. 2260. A bill to allow taxpayers the opportunity to specify their choice of Federal budget priorities, and for other purposes; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. HOEVEN, and Mr. BAUCUS):

S. 2261. A bill to amend the Food, Conservation, and Energy Act of 2008 to estab-

lish a revenue loss assistance program, repeal the direct payment and ACRE programs, extend commodity programs through 2017, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSON of South Dakota (for himself, Ms. MURKOWSKI, Mr. INOUE, and Mr. BEGICH):

S. 2262. A bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. BROWN of Ohio):

S. 2263. A bill to authorize the Secretary of Education to establish the National Program for Arts and Technology Act as a Federal program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOEVEN (for himself, Mr. BLUNT, Ms. KLOBUCHAR, Mr. CRAPO, and Mr. JOHANNES):

S. 2264. A bill to provide liability protection for claims based on the design, manufacture, sale, offer for sale, introduction into commerce, or use of certain fuels and fuel additives, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE:

S. 2265. A bill to amend title XVIII of the Social Security Act to cover screening computed tomography colonography as a colorectal cancer screening test under the Medicare program; to the Committee on Finance.

By Mr. BURR:

S. 2266. A bill to improve sharing of immigration information among Federal, State, and local law enforcement officials, to improve State and local enforcement of immigration laws, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 2267. A bill to reauthorize the Hudson Valley National Heritage Area; to the Committee on Energy and Natural Resources.

By Mrs. GILLIBRAND:

S. 2268. A bill to ensure that all items offered for sale in any gift shop of the National Park Service or of the National Archives and Records Administration are produced in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PAUL:

S. 2269. A bill to permit voluntary economic activity; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. CONRAD):

S. 2270. A bill to amend the Farm Security and Rural Investment Act of 2002 to improve energy programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FRANKEN (for himself, Ms. SNOWE, and Mr. ENZI):

S. 2271. A bill to amend the Internal Revenue Code of 1986 to extend the time for making S corporation elections, and for other purposes; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 2272. A bill to designate a mountain in the State of Alaska as Mount Denali; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 2273. A bill to designate the Talkeetna Ranger Station in Talkeetna, Alaska, as the Walter Harper Talkeetna Ranger Station; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself, Ms. STABENOW, and Mr. CONRAD):



S. 2274. A bill to require the Secretary of Agriculture to establish a nonprofit corporation to be known as the Foundation for Food and Agriculture Research; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 2275. A bill to amend the Rural Electrification Act of 1936 to establish a grant program within the rural broadband program of the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

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

S. 2276. A bill to permit Federal officers to remove cases involving crimes of violence to Federal court; to the Committee on the Judiciary.

By Mr. THUNE:

S. 2277. A bill to respond to the extreme fire hazard and unsafe conditions resulting from pine beetle infestation, drought, disease, or storm damage by declaring a state of emergency and directing the Secretary of Agriculture to immediately implement hazardous fuels reduction projects in the manner provided in title I of the Healthy Forests Restoration Act of 2003, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER:

S. 2278. A bill to provide for an exemption for community banks to certain escrow requirements under the Truth in Lending Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. ISAKSON):

S. 2279. A bill to amend the R.M.S. Titanic Maritime Memorial Act of 1986 to provide additional protection for the R.M.S. Titanic and its wreck site, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mr. HARKIN):

S. 2280. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require certain creditors to obtain certifications from institutions of higher education, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WHITEHOUSE:

S. 2281. A bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the ability of the Food and Drug Administration to seek advice from external experts regarding rare diseases, the burden of rare diseases, and the unmet medical needs of individuals with rare diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mrs. BOXER, Mr. VITTER, Ms. LANDRIEU, Mr. COCHRAN, Mr. JOHNSON of South Dakota, and Ms. KLOBUCHAR):

S. 2282. A bill to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017; to the Committee on Environment and Public Works.

By Mr. TESTER:

S. 2283. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY:

S. Res. 411. A resolution congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself and Mr. BROWN of Ohio):

S. Res. 412. A resolution commending the African Union for committing to a coordinated military response, comprised of 5,000 troops from Uganda, the Central African Republic, the Democratic Republic of Congo, and South Sudan, in order to fortify ongoing efforts to arrest Joseph Kony and senior commanders of the Lord's Resistance Army and to stop the crimes against humanity and mass atrocities committed by them; to the Committee on Foreign Relations.

By Mr. CASEY:

S. Res. 413. A resolution supporting the designation of April 2012 as National Autism Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR (for himself and Mrs. HAGAN):

S. Res. 414. A resolution commemorating the 125th anniversary of the University of North Carolina at Pembroke; considered and agreed to.

By Mr. WICKER (for himself and Mr. PRYOR):

S. Res. 415. A resolution designating April 4, 2012, as "National Association of Junior Auxiliaries Day"; considered and agreed to.

By Ms. STABENOW (for herself, Mr. UDALL of Colorado, Mr. JOHANNES, Mr. ISAKSON, Mr. BROWN of Ohio, Ms. LANDRIEU, and Mrs. HUTCHISON):

S. Res. 416. A resolution supporting the designation of April as Parkinson's Awareness Month; considered and agreed to.

By Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mr. UDALL of New Mexico, Mr. AKAKA, Mr. COONS, Mr. TESTER, Mr. WYDEN, Mr. BEGICH, Mr. BROWN of Ohio, and Mr. JOHNSON of South Dakota):

S. Res. 417. A resolution supporting the goals and ideals of National Public Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TOOMEY (for himself, Mr. VITTER, Mr. LEE, Mr. DEMINT, Mr. COBURN, Mr. BURR, Mr. KYL, and Mr. RISCH):

S. Con. Res. 37. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2013, and setting forth the appropriate budgetary levels for fiscal years 2014 through 2022; to the Committee on the Budget.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 38. A concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives; considered and agreed to.

By Mr. PAUL (for himself, Mr. DEMINT, and Mr. LEE):

S. Con. Res. 39. A concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2013, revising the appropriate budgetary levels for fiscal year 2012, and setting forth the appropriate budgetary levels for fiscal years 2013 through 2022; to the Committee on the Budget.

NYN) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 606

At the request of Mr. CASEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 700

At the request of Mr. KLOBUCHAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation.

S. 1131

At the request of Mrs. HAGAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1131, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 1147

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1147, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and service to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes.

S. 1174

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1174, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1506

At the request of Mr. RUBIO, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 1506, a bill to prevent the Secretary of the Treasury from expanding United States bank reporting requirements with respect to interest on deposits paid to nonresident aliens.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from Colorado

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

## ADDITIONAL COSPONSORS ON MARCH 28, 2012

S. 202

At the request of Mr. PAUL, the name of the Senator from Texas (Mr. COR-

(Mr. UDALL) was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1880

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2066

At the request of Ms. MURKOWSKI, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2066, a bill to recognize the heritage of recreational fishing, hunting, and shooting on Federal public land and ensure continued opportunities for those activities.

S. 2112

At the request of Mr. BEGICH, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Illinois (Mr. DURBIN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 2112, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 2121

At the request of Ms. KLOBUCHAR, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2121, a bill to modify the Department of Defense Program Guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components to exempt any member whose qualified mobilization commenced before October 1, 2011, and continued on or after that date, from the changes to the program guidance that took effect on that date.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2134, a bill to amend title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2159

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2159, a bill to extend the authorization of the Drug-Free Communities Support Program through fiscal year 2017.

S. 2160

At the request of Mr. MORAN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 2160, a bill to improve the examination of depository institutions, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2168

At the request of Mr. BLUMENTHAL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 2168, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 2197

At the request of Ms. MURKOWSKI, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2197, a bill to require the attorney for the Government to disclose favorable information to the defendant in criminal prosecutions brought by the United States, and for other purposes.

S. 2213

At the request of Mr. THUNE, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 2213, a bill to allow reciprocity for the carrying of certain concealed firearms.

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 2213, *supra*.

S. 2219

At the request of Mr. WHITEHOUSE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2219, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 2221

At the request of Mr. THUNE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2221, a bill to prohibit the Secretary of Labor from finalizing a proposed rule under the Fair Labor Standards Act of 1938 relating to child labor.

S. 2222

At the request of Mr. SANDERS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2222, a bill to require the Commodity Futures Trading Commission to take certain actions to reduce excessive speculation in energy markets.

S. 2233

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2233, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States.

S. RES. 380

At the request of Mr. GRAHAM, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Hawaii (Mr. INOUE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 380, a resolution to express the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

AMENDMENT NO. 1952

At the request of Mr. SANDERS, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of amendment No. 1952 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

AMENDMENT NO. 1953

At the request of Mr. MENENDEZ, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of amendment No. 1953 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

AMENDMENT NO. 1955

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 1955 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

AMENDMENT NO. 1965

At the request of Mr. VITTER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 1965 intended to be proposed to S. 2204, a bill to eliminate unnecessary tax subsidies and promote renewable energy and energy conservation.

#### ADDITIONAL COSPONSORS

S. 57

At the request of Mr. INOUE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 57, a bill to amend the Internal Revenue Code of 1986 to modify the application of the tonnage tax on certain vessels.

S. 260

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 543

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 543, a bill to restrict any State or local jurisdiction from imposing a new discriminatory tax on cell phone services, providers, or property.

S. 604

At the request of Mr. WYDEN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 687

At the request of Mr. CONRAD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 816

At the request of Mr. BROWN of Ohio, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 816, a bill to facilitate nationwide availability of volunteer income tax assistance for low-income and underserved populations, and for other purposes.

S. 1174

At the request of Mr. ROBERTS, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 1174, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1336

At the request of Mrs. FEINSTEIN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1336, a bill to prevent immigration fraud and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1479

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1479, a bill to preserve Medicare beneficiary choice by restoring and expanding Medicare open enrollment and disenrollment opportunities.

S. 1597

At the request of Mr. BROWN of Ohio, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1597, a bill to provide assistance for the modernization, renovation, and repair of elementary school and secondary school buildings in public school districts and community colleges across the United States in order to support the achievement of improved educational outcomes in those schools, and for other purposes.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Mississippi

(Mr. WICKER) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1737

At the request of Mr. BENNET, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1737, a bill to improve the accuracy of mortgage underwriting used by Federal mortgage agencies by ensuring that energy costs are included in the underwriting process, to reduce the amount of energy consumed by homes, to facilitate the creation of energy efficiency retrofit and construction jobs, and for other purposes.

S. 1832

At the request of Mr. ENZI, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1910

At the request of Mr. LIEBERMAN, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from California (Mrs. BOXER), the Senator from Maryland (Mr. CARDIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Illinois (Mr. DURBIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Iowa (Mr. HARKIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Vermont (Mr. LEAHY), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. MERKLEY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. SANDERS), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1910, a bill to provide benefits to domestic partners of Federal employees.

S. 1990

At the request of Mr. LIEBERMAN, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2062

At the request of Mr. PAUL, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2062, a bill to amend the Lacey Act Amendments of 1981 to repeal certain provisions relating to criminal penalties and violations of foreign laws, and for other purposes.

S. 2065

At the request of Mr. KYL, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 2065, a bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the discretionary spending limits to take into account savings resulting from the reduction in the number of Federal employees and extending the pay freeze for Federal employees.

S. 2072

At the request of Mr. FRANKEN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2072, a bill to discourage disincentives to the housing missions of government sponsored enterprises and require consistent putback risks at the enterprises to assist homeowners.

S. 2076

At the request of Mr. FRANKEN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2076, a bill to improve security at State and local courthouses.

S. 2103

At the request of Mr. LEE, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of S. 2103, a bill to amend title 18, United States Code, to protect pain-capable unborn children in the District of Columbia, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2169

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2169, a bill to require the Director of the Bureau of Prisons to be appointed by and with the advice and consent of the Senate.

S. 2213

At the request of Mr. THUNE, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 2213, a bill to allow reciprocity for the carrying of certain concealed firearms.

S. 2245

At the request of Mr. BARRASSO, the names of the Senator from Utah (Mr. LEE), the Senator from Tennessee (Mr. CORKER) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2245, a bill to preserve existing rights and responsibilities with respect to waters of the United States.

S. RES. 356

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. Res. 356, a resolution expressing support for the people of Tibet.

S. RES. 380

At the request of Mr. GRAHAM, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. Res. 380, a resolution to express

the sense of the Senate regarding the importance of preventing the Government of Iran from acquiring nuclear weapons capability.

S. RES. 399

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 399, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, crimes against humanity, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 402

At the request of Mr. COONS, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 402, a resolution condemning Joseph Kony and the Lord's Resistance Army for committing crimes against humanity and mass atrocities, and supporting ongoing efforts by the United States Government and governments in central Africa to remove Joseph Kony and Lord's Resistance Army commanders from the battlefield.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 2251. A bill to designate the United States courthouse located at 709 West 9th Street, Juneau, Alaska, as the Robert Boochever United States Courthouse; to the Committee on Environment and Public Works.

Mr. BEGICH. Mr. President, I come to the floor today to introduce a piece of legislation honoring a great Alaskan. Robert Boochever was a giant of my state's judicial community for over 60 years—even longer than Alaska has been a State. This legislation, naming the Juneau Federal courthouse facility in Judge Boochever's honor, is a fitting tribute to his legacy.

Robert Boochever first came to Alaska in the 1946, after having fought in World War II as a Captain in the U.S. Army. In territorial Alaska, he was an Assistant U.S. Attorney for two years, before joining a private practice in Juneau for almost 25 years, and was before long, one of the most respected lawyers in the state. He served as President of the Juneau Bar Association and the Alaska Bar Association.

In 1972, Governor Egan tapped Boochever to serve as an Associate Justice on the Alaska Supreme Court. He served on the court for eight years, three of which he had the honor of being the fourth ever Chief Justice of the Alaska Supreme Court.

President Jimmy Carter nominated Judge Boochever to be a Judge of the United States Circuit Court of Appeals for the Ninth Circuit on May 22, 1980. He was quickly confirmed by the U.S.

Senate and received his commission to the Federal bench about a month later. This made Judge Boochever the first ever Alaskan to be a judge on the Ninth Circuit, a court he would serve on for the next thirty years.

Judge Boochever is well known for his commitment to the city and the people of Juneau. He lived in Juneau and maintained an office there for most of his life. Even when he moved to California in his later years to facilitate travel and communications, he still maintained his Juneau office and returned to it every year with his clerks.

In addition to his impressive record of accomplishments and his years of public service, Judge Boochever was known for his love and commitment for the law. He is well known as a tireless advocate for the rights of the disadvantaged and for his strong commitment to protecting individual freedoms and First Amendment rights.

Naming the Juneau Federal courthouse facility in Judge Boochever's honor is broadly supported by Alaskans and so appropriate because he kept his chambers there for many years. In fact, this effort has the support of the Juneau Bar Association, the Alaska Bar Association's Historians Committee, the Mayor of Juneau, and many of its residents.

For all these reasons, today I am proud to introduce this legislation to designate the United States Courthouse in Juneau as the Robert Boochever United States Courthouse. He was a great man and this is a fine way to remember all he did for my State.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

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

S. 2251

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

#### SECTION 1. ROBERT BOOCHEVER UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse located at 709 West 9th Street, Juneau, Alaska, shall be known and designated as the "Robert Boochever United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the "Robert Boochever United States Courthouse".

By Mr. DURBIN (for himself and Mr. FRANKEN):

S. 2253. A bill to require individuals who file under the Ethics in Government Act of 1978 to disclose any financial accounts that are or have been deposited in a country that is a tax haven; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, the old adage that sunlight is the best disinfectant is an old adage for one main reason: It is true.

That is why I am introducing the Financial Disclosure to Reduce Tax Haven Abuse Act of 2012, to require candidates for Federal office and certain Federal employees to disclose any financial interest they or their spouse hold that is held in an offshore tax haven.

It might seem ridiculous that we don't already know whether candidates and Members of Congress are using offshore tax havens. However, under current law, those individuals are not required to account for where their financial interests are held.

A January 26, 2012, article in the Los Angeles Times reported that Mitt Romney—a candidate for the Republican nomination for President—failed to disclose a number of accounts in countries with very low tax burdens.

Specifically, according to a review of the candidate's tax returns and financial disclosure statements:

At least 23 funds and partnerships listed in the couple's 2010 tax returns did not show up or were not listed in the same fashion on Romney's most recent financial disclosure, including 11 based in low-tax foreign countries such as Bermuda, the Cayman Islands and Luxembourg.

The Romney campaign called the discrepancies "trivial."

But this information is not trivial to the American people's trust in government, and the use of offshore tax havens is not trivial to our economy.

Studies have found that tax offshore tax havens, and other similar loopholes, cost taxpayers \$100 billion per year.

I want to commend Senators LEVIN and CONRAD for the work they have done to shine a light on these nefarious practices.

Those two Senators successfully included a provision in the Senate Transportation bill that will give the Treasury Department greater tools to crack down on offshore tax haven abuse. It is an important step forward, but more must be done.

The American people are rightly concerned that the wealthy and well-connected are skirting our laws to avoid taxation, and they deserve to know that the people who hope to represent them in Washington—and those who are trying to attain those positions—are not cheating the system.

Nothing in this bill impinges on an individual's right to hold financial interests within the global economy. If there is a legitimate reason for a candidate or a Member of Congress or any other individual who files a financial disclosure to hold their money in an account on the Cayman Islands, they should have no problem explaining it to voters. But any individual who has or wants to have the public's trust should be honest about practices they have engaged in that cost the taxpayers they wish to represent billions of dollars every year. This is an important step that we must take to restore the public trust.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2253

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Financial Disclosure to Reduce Tax Haven Abuse Act of 2012”.

#### SEC. 2. DISCLOSURE OF ACCOUNTS HELD IN TAX HAVENS.

Section 102(b)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (A), by inserting “, with a specific accounting of any financial interest held by the covered individual or their spouse in a country that is considered as a tax haven as listed by the Secretary of the Treasury and made available to the filer” after “calendar year”; and

(2) inserting at the end the following:

“In compiling the list of tax havens under subparagraph (A), the Secretary of the Treasury should consider for inclusion those jurisdictions which have been previously and publicly identified by the Internal Revenue Service as secrecy jurisdictions in Federal court proceedings.”.

By Mr. REED (for himself and Ms. STABENOW):

S. 2256. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce, along with my colleague, Senator STABENOW, the Community-Based Mental Health Infrastructure Improvements Act.

According to the Mental Health Association of Rhode Island, 38,000 adults and 11,000 children in the state have a serious mental illness, and approximately 15 percent of Rhode Island adults report suffering from serious psychological distress every year. Unfortunately, mental illness is often linked to poor physical health—obesity, high blood pressure, and high cholesterol.

Community mental health centers help these individuals get the mental and behavioral health care that they need to lead healthier, more productive lives through no or low-cost treatments. This cost structure has been particularly critical throughout the recent recession and as our economy continues to recover. Individuals and families didn't have to forgo health care because they lost their job or health insurance. The proof is in the numbers. In just the last 6 months of 2010, Community Mental Health Centers in Rhode Island treated nearly 30,000 individuals. The demand for care will only grow as more Americans gain access to comprehensive, affordable health insurance in 2014.

It is critical that Community Mental Health Centers have the infrastructure necessary to treat every individual who needs care. In Rhode Island, some of the community mental health centers are in older buildings that need updat-

ing. Others need more space to be able to meet current demand and prepare for the expected increase in patients in 2014. These needs are true of community mental health centers across the country. The Community-Based Mental Health Infrastructure Improvements Act would help ensure that Community Mental Health Centers have the resources to construct and modernize these mental and behavioral health facilities.

I am pleased that this legislation has been included in a broader mental health care bill, the Excellence in Mental Health Act, that I joined Senator STABENOW in introducing today. I look forward to working with my colleagues to improve our mental and behavioral health care delivery system, and urge my colleagues to support these important bills.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2256

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Community-Based Mental Health Infrastructure Improvements Act”.

#### SEC. 2. COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENT.

Title V of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

#### “PART H—COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS

##### “SEC. 560. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS.

“(a) GRANTS AUTHORIZED.—The Secretary may award grants to eligible entities to expend funds for the construction or modernization of facilities used to provide mental health and substance abuse services to individuals.

“(b) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a State that is the recipient of a Community Mental Health Services Block Grant under subpart I of part B of title XIX and a Substance Abuse Prevention and Treatment Block Grant under subpart II of such part; or

“(2) an Indian tribe or a tribal organization (as such terms are defined in sections 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act).

“(c) APPLICATION.—A eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing—

“(1) a plan for the construction or modernization of facilities used to provide mental health and substance abuse services to individuals that—

“(A) designates a single State or tribal agency as the sole agency for the supervision and administration of the grant;

“(B) contains satisfactory evidence that such agency so designated will have the authority to carry out the plan;

“(C) provides for the designation of an advisory council, which shall include representatives of nongovernmental organizations or groups, and of the relevant State or tribal agencies, that aided in the develop-

ment of the plan and that will implement and monitor any grant awarded to the eligible entity under this section;

“(D) in the case of an eligible entity that is a State, includes a copy of the State plan under section 1912(b) and section 1932(b);

“(E)(i) includes a listing of the projects to be funded by the grant; and

“(ii) in the case of an eligible entity that is a State, explains how each listed project helps the State in accomplishing its goals and objectives under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part;

“(F) includes assurances that the facilities will be used for a period of not less than 10 years for the provision of community-based mental health or substance abuse services for those who cannot pay for such services, subject to subsection (e); and

“(G) in the case of a facility that is not a public facility, includes the name and executive director of the entity who will provide services in the facility; and

“(2) with respect to each construction or modernization project described in the application—

“(A) a description of the site for the project;

“(B) plans and specifications for the project and State or tribal approval for the plans and specifications;

“(C) assurance that the title for the site is or will be vested with either the public entity or private nonprofit entity who will provide the services in the facility;

“(D) assurance that adequate financial resources will be available for the construction or major rehabilitation of the project and for the maintenance and operation of the facility;

“(E) estimates of the cost of the project; and

“(F) the estimated length of time for completion of the project.

#### “(d) SUBGRANTS BY STATES.—

“(1) IN GENERAL.—A State that receives a grant under this section may award a subgrant to a qualified community program (as such term is used in section 1913(b)(1)).

“(2) USE OF FUNDS.—Subgrants awarded pursuant to paragraph (1) may be used for activities such as—

“(A) the construction, expansion, and modernization of facilities used to provide mental health and substance abuse services to individuals;

“(B) acquiring and leasing facilities and equipment (including paying the costs of amortizing the principal of, and paying the interest on, loans for such facilities and equipment) to support or further the operation of the subgrantee;

“(C) the construction and structural modification (including equipment acquisition) of facilities to permit the integrated delivery of behavioral health and primary care of specialty medical services to individuals with co-occurring mental illnesses and chronic medical or surgical diseases at a single service site; and

“(D) acquiring information technology required to accommodate the clinical needs of primary and specialty care professionals.

“(3) LIMITATION.—Not to exceed 15 percent of grant funds may be used for activities described in paragraph (2)(D).

“(e) REQUEST TO TRANSFER OBLIGATION.—An eligible entity that receives a grant under this section may submit a request to the Secretary for permission to transfer the 10-year obligation of facility use, as described in subsection (c)(1)(F), to another facility.

“(f) AGREEMENT TO FEDERAL SHARE.—As a condition of receipt of a grant under this section, an eligible entity shall agree, with respect to the costs to be incurred by the entity in carrying out the activities for which such grant is awarded, that the entity will make available non-Federal contributions (which may include State or local funds, or funds from the qualified community program) in an amount equal to not less than \$1 for every \$1 of Federal funds provided under the grant.

“(g) REPORTING.—

“(1) REPORTING BY STATES.—During the 10-year period referred to in subsection (c)(1)(F), the Secretary shall require that a State that receives a grant under this section submit, as part of the report of the State required under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part, a description of the progress on—

“(A) the projects carried out pursuant to the grant under this section; and

“(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during such 10-year period.

“(2) REPORTING BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary shall establish reporting requirements for Indian tribes and tribal organizations that receive a grant under this section. Such reporting requirements shall include that such Indian tribe or tribal organization provide a description of the progress on—

“(A) the projects carried out pursuant to the grant under this section; and

“(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during the 10-year period referred to in subsection (c)(1)(F).

“(h) FAILURE TO MEET OBLIGATIONS.—

“(1) IN GENERAL.—If an eligible entity that receives a grant under this section fails to meet any of the obligations of the entity required under this section, the Secretary shall take appropriate steps, which may include—

“(A) requiring that the entity return the unused portion of the funds awarded under this section for the projects that are incomplete; and

“(B) extending the length of time that the entity must ensure that the facility involved is used for the purposes for which it is intended, as described in subsection (c)(1)(F).

“(2) HEARING.—Prior to requesting the return of the funds under paragraph (1)(B), the Secretary shall provide the entity notice and opportunity for a hearing.

“(i) COLLABORATION.—The Secretary may establish intergovernmental and interdepartmental memorandums of agreement as necessary to carry out this section.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2013 through 2017.”.

By Ms. STABENOW (for herself and Mr. REED):

S. 2257. A bill to increase access to community behavioral health services for all Americans and to improve Medicaid reimbursement for community behavioral health services; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2257

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Excellence in Mental Health Act”.

#### SEC. 2. ESTABLISHING COMMUNITY BEHAVIORAL HEALTH CENTERS.

Section 1913 of the Public Health Service Act (42 U.S.C. 300x-2) is amended—

(1) in subsection (a)(2)(A), by striking “community mental health services” and inserting “behavioral health services (of the type offered by federally-qualified community behavioral health centers consistent with subsection (c)(3))”; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) services under the plan will be provided only through appropriate, qualified community programs (which may include federally-qualified community behavioral health centers, child mental health programs, psychosocial rehabilitation programs, mental health peer-support programs, outpatient addiction treatment programs, acute detoxification services, and mental health primary consumer-directed programs); and”; and

(B) in paragraph (2), by striking “community mental health centers” and inserting “federally-qualified community behavioral health centers”; and

(3) by striking subsection (c) and inserting the following:

“(c) CRITERIA FOR FEDERALLY-QUALIFIED COMMUNITY BEHAVIORAL HEALTH CENTERS.—

“(1) IN GENERAL.—The Administrator shall certify, and recertify at least every 5 years, federally-qualified community behavioral health centers as meeting the criteria specified in this subsection.

“(2) REGULATIONS.—Not later than 18 months after the date of the enactment of the Excellence in Mental Health Act, the Administrator, in consultation with State Mental Health and Substance Abuse Authorities, shall issue final regulations for certifying non-profit or local government centers as centers under paragraph (1).

“(3) CRITERIA.—The criteria referred to in subsection (b)(2) are that the center performs each of the following:

“(A) Provide services in locations that ensure services will be available and accessible promptly and in a manner which preserves human dignity and assures continuity of care.

“(B) Provide services in a mode of service delivery appropriate for the target population.

“(C) Provide individuals with a choice of service options where there is more than one efficacious treatment.

“(D) Employ a core staff of clinical staff that is multidisciplinary and culturally and linguistically competent.

“(E) Provide services, within the limits of the capacities of the center, to any individual residing or employed in the service area of the center, regardless of the ability of the individual to pay.

“(F) Provide, directly or through contract, to the extent covered for adults in the State Medicaid plan under title XIX of the Social Security Act and for children in accordance with section 1905(r) of such Act regarding early and periodic screening, diagnosis, and treatment, each of the following services:

“(i) Screening, assessment, and diagnosis, including risk assessment.

“(ii) Person-centered treatment planning or similar processes, including risk assessment and crisis planning.

“(iii) Outpatient mental health and substance use services, including screening, assessment, diagnosis, psychotherapy, medication management, and integrated treatment for mental illness and substance abuse which shall be evidence-based (including cognitive behavioral therapy and other such therapies which are evidence-based).

“(iv) Outpatient clinic primary care screening and monitoring of key health indicators and health risk (including screening for diabetes, hypertension, and cardiovascular disease and monitoring of weight, height, body mass index (BMI), blood pressure, blood glucose or HbA1C, and lipid profile).

“(v) Crisis mental health services, including 24-hour mobile crisis teams, emergency crisis intervention services, and crisis stabilization.

“(vi) Targeted case management (services to assist individuals gaining access to needed medical, social, educational, and other services and applying for income security and other benefits to which they may be entitled).

“(vii) Psychiatric rehabilitation services including skills training, assertive community treatment, family psychoeducation, disability self-management, supported employment, supported housing services, therapeutic foster care services, and such other evidence-based practices as the Secretary may require.

“(viii) Peer support and counselor services and family supports.

“(G) Maintain linkages, and where possible enter into formal contracts with the following:

“(i) Federally qualified health centers.

“(ii) Inpatient psychiatric facilities and substance use detoxification, post-detoxification step-down services, and residential programs.

“(iii) Adult and youth peer support and counselor services.

“(iv) Family support services for families of children with serious mental or substance use disorders.

“(v) Other community or regional services, supports, and providers, including schools, child welfare agencies, juvenile and criminal justice agencies and facilities, housing agencies and programs, employers, and other social services.

“(vi) Onsite or offsite access to primary care services.

“(vii) Enabling services, including outreach, transportation, and translation.

“(viii) Health and wellness services, including services for tobacco cessation.

“(4) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed as prohibiting States receiving funds appropriated through the Community Mental Health Services Block Grant under subpart I of part B of this title from financing qualified community programs (whether such programs meet the definition of eligible programs prior to or after the date of enactment of this subsection).

“(5) LIMITATION.—With respect to federally-qualified behavioral health centers authorized under this subsection, 20 percent of the total number of such centers shall become newly eligible to receive reimbursement under this section in each of the first 5 years after the initial year of eligibility through fiscal year 2022. In implementing this paragraph, the Secretary shall ensure geographic diversity of such sites, take into account the ability of such sites to provide required services, and the ability of such sites to report required data.”.



### SEC. 3. MEDICAID COVERAGE AND PAYMENT FOR COMMUNITY BEHAVIORAL HEALTH CENTER SERVICES.

(a) PAYMENT FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED COMMUNITY BEHAVIORAL HEALTH CENTERS.—Section 1902(bb) of the Social Security Act (42 U.S.C. 1396a(bb)) is amended—

(1) in the heading, by striking “AND RURAL HEALTH CLINICS” and inserting “, FEDERALLY-QUALIFIED COMMUNITY BEHAVIORAL HEALTH CENTERS, AND RURAL HEALTH CLINICS”;

(2) in paragraph (1), by inserting “(and beginning with fiscal year 2013 with respect to services furnished on or after January 1, 2013, and each succeeding fiscal year, for services described in section 1905(a)(2)(D) furnished by a federally-qualified community behavioral health center)” after “by a rural health clinic”;

(3) in paragraph (2)—

(A) by striking the heading and inserting “INITIAL FISCAL YEAR”;

(B) by inserting “(or, in the case of services described in section 1905(a)(2)(D) furnished by a federally-qualified community behavioral health center, for services furnished on and after January 1, 2013, during fiscal year 2013)” after “January 1, 2001, during fiscal year 2001”;

(C) by inserting “(or, in the case of services described in section 1905(a)(2)(D) furnished by a federally-qualified community behavioral health center, during fiscal years 2010 and 2011)” after “1999 and 2000”;

(D) by inserting “(or, in the case of services described in section 1905(a)(2)(D) furnished by a federally-qualified community behavioral health center, during fiscal year 2013)” before the period;

(4) in paragraph (3)—

(A) in the heading, by striking “FISCAL YEAR 2002 AND SUCCEEDING” and inserting “SUCCEEDING”;

(B) by inserting “(or, in the case of services described in section 1905(a)(2)(D) furnished by a federally-qualified community behavioral health center, for services furnished during fiscal year 2013 or a succeeding fiscal year)” after “2002 or a succeeding fiscal year”;

(5) in paragraph (4)—

(A) by inserting “(or as a federally-qualified community behavioral health center after fiscal year 2011)” after “or rural health clinic after fiscal year 2000”;

(B) by striking “furnished by the center or” and inserting “furnished by the federally qualified health center, services described in section 1905(a)(2)(D) furnished by the federally-qualified community behavioral health center, or”;

(C) in the second sentence, by striking “or rural health clinic” and inserting “, federally-qualified community behavioral health center, or rural health clinic”;

(6) in paragraph (5), in each of subparagraphs (A) and (B), by striking “or rural health clinic” and inserting “, federally-qualified community behavioral health center, or rural health clinic”;

(7) in paragraph (6), by striking “or to a rural health clinic” and inserting “, to a federally-qualified community behavioral health center for services described in section 1905(a)(2)(D), or to a rural health clinic”.

(b) INCLUSION OF COMMUNITY BEHAVIORAL HEALTH CENTER SERVICES IN THE TERM MEDICAL ASSISTANCE.—Section 1905(a)(2) of the Social Security Act (42 U.S.C. 1396d(a)(2)) is amended—

(1) by striking “and” before “(C)”;

(2) by inserting before the semicolon at the end the following: “, and (D) federally-qualified community behavioral health center services (as defined in subsection (1)(4))”.

(c) DEFINITION OF FEDERALLY-QUALIFIED COMMUNITY BEHAVIORAL HEALTH CENTER SERVICES.—Section 1905(l) of the Social Security Act (42 U.S.C. 1396d(l)) is amended by adding at the end the following paragraph:

“(4)(A) The term ‘community behavioral health center services’ means services furnished to an individual at a federally-qualified community behavioral health center (as defined by subparagraph (B)).

“(B) The term ‘federally qualified community behavioral health center’ means an entity that is certified under section 1913(c) of the Public Health Service Act as meeting the criteria described in paragraph (3) of such section.”.

### SEC. 4. COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENT.

Title V of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

#### “PART H—COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS

##### “SEC. 560. GRANTS FOR COMMUNITY-BASED MENTAL HEALTH INFRASTRUCTURE IMPROVEMENTS.

“(a) GRANTS AUTHORIZED.—The Secretary may award grants to eligible entities to expend funds for the construction or modernization of facilities used to provide mental health and substance abuse services to individuals.

“(b) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a State that is the recipient of a Community Mental Health Services Block Grant under subpart I of part B of title XIX and a Substance Abuse Prevention and Treatment Block Grant under subpart II of such part; or

“(2) an Indian tribe or a tribal organization (as such terms are defined in sections 4(b) and 4(c) of the Indian Self-Determination and Education Assistance Act).

“(c) APPLICATION.—A eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing—

“(1) a plan for the construction or modernization of facilities used to provide mental health and substance abuse services to individuals that—

“(A) designates a single State or tribal agency as the sole agency for the supervision and administration of the grant;

“(B) contains satisfactory evidence that such agency so designated will have the authority to carry out the plan;

“(C) provides for the designation of an advisory council, which shall include representatives of nongovernmental organizations or groups, and of the relevant State or tribal agencies, that aided in the development of the plan and that will implement and monitor any grant awarded to the eligible entity under this section;

“(D) in the case of an eligible entity that is a State, includes a copy of the State plan under section 1912(b) and section 1932(b);

“(E)(i) includes a listing of the projects to be funded by the grant; and

“(ii) in the case of an eligible entity that is a State, explains how each listed project helps the State in accomplishing its goals and objectives under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part;

“(F) includes assurances that the facilities will be used for a period of not less than 10 years for the provision of community-based mental health or substance abuse services for those who cannot pay for such services, subject to subsection (e); and

“(G) in the case of a facility that is not a public facility, includes the name and execu-

tive director of the entity who will provide services in the facility; and

“(2) with respect to each construction or modernization project described in the application—

“(A) a description of the site for the project;

“(B) plans and specifications for the project and State or tribal approval for the plans and specifications;

“(C) assurance that the title for the site is or will be vested with either the public entity or private nonprofit entity who will provide the services in the facility;

“(D) assurance that adequate financial resources will be available for the construction or major rehabilitation of the project and for the maintenance and operation of the facility;

“(E) estimates of the cost of the project; and

“(F) the estimated length of time for completion of the project.

“(d) SUBGRANTS BY STATES.—

“(1) IN GENERAL.—A State that receives a grant under this section may award a subgrant to a qualified community program (as such term is used in section 1913(b)(1)).

“(2) USE OF FUNDS.—Subgrants awarded pursuant to paragraph (1) may be used for activities such as—

“(A) the construction, expansion, and modernization of facilities used to provide mental health and substance abuse services to individuals;

“(B) acquiring and leasing facilities and equipment (including paying the costs of amortizing the principal of, and paying the interest on, loans for such facilities and equipment) to support or further the operation of the subgrantee;

“(C) the construction and structural modification (including equipment acquisition) of facilities to permit the integrated delivery of behavioral health and primary care of specialty medical services to individuals with co-occurring mental illnesses and chronic medical or surgical diseases at a single service site; and

“(D) acquiring information technology required to accommodate the clinical needs of primary and specialty care professionals.

“(3) LIMITATION.—Not to exceed 15 percent of grant funds may be used for activities described in paragraph (2)(D).

“(e) REQUEST TO TRANSFER OBLIGATION.—An eligible entity that receives a grant under this section may submit a request to the Secretary for permission to transfer the 10-year obligation of facility use, as described in subsection (c)(1)(F), to another facility.

“(f) AGREEMENT TO FEDERAL SHARE.—As a condition of receipt of a grant under this section, an eligible entity shall agree, with respect to the costs to be incurred by the entity in carrying out the activities for which such grant is awarded, that the entity will make available non-Federal contributions (which may include State or local funds, or funds from the qualified community program) in an amount equal to not less than \$1 for every \$1 of Federal funds provided under the grant.

“(g) REPORTING.—

“(1) REPORTING BY STATES.—During the 10-year period referred to in subsection (c)(1)(F), the Secretary shall require that a State that receives a grant under this section submit, as part of the report of the State required under the Community Mental Health Services Block Grant under subpart I of part B of title XIX and the Substance Abuse Prevention and Treatment Block Grant under subpart II of such part, a description of the progress on—

“(A) the projects carried out pursuant to the grant under this section; and

“(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during such 10-year period.

“(2) REPORTING BY INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—The Secretary shall establish reporting requirements for Indian tribes and tribal organizations that receive a grant under this section. Such reporting requirements shall include that such Indian tribe or tribal organization provide a description of the progress on—

“(A) the projects carried out pursuant to the grant under this section; and

“(B) the assurances that the facilities involved continue to be used for the purpose for which they were funded under such grant during the 10-year period referred to in subsection (c)(1)(F).

“(h) FAILURE TO MEET OBLIGATIONS.—

“(1) IN GENERAL.—If an eligible entity that receives a grant under this section fails to meet any of the obligations of the entity required under this section, the Secretary shall take appropriate steps, which may include—

“(A) requiring that the entity return the unused portion of the funds awarded under this section for the projects that are incomplete; and

“(B) extending the length of time that the entity must ensure that the facility involved is used for the purposes for which it is intended, as described in subsection (c)(1)(F).

“(2) HEARING.—Prior to requesting the return of the funds under paragraph (1)(B), the Secretary shall provide the entity notice and opportunity for a hearing.

“(i) COLLABORATION.—The Secretary may establish intergovernmental and interdepartmental memorandums of agreement as necessary to carry out this section.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2013 through 2017.”.

#### SEC. 5. EXPANDED PARTICIPATION IN 340B PROGRAM.

Section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)) is amended by adding at the end the following:

“(P) An entity receiving funds under subpart I of part B of title XIX of this Act for the provision of community mental health services.

“(Q) An entity receiving funds under subpart II of part B of title XIX of this Act for the provision of treatment services for substance abuse.”.

By Mr. HOEVEN (for himself, Mr. BLUNT, Ms. KLOBUCHAR, Mr. CRAPO, and Mr. JOHANNIS):

S. 2264. A bill to provide liability protection for claims based on the design, manufacture, sale, offer for sale, introduction into commerce, or use of certain fuels and fuel additives, and for other purposes; to the Committee on Environment and Public Works.

Mr. HOEVEN. Mr. President, I rise to introduce bipartisan energy legislation, the Domestic Fuels Act. This legislation is designed to help hard-working Americans with the high fuel prices, the high gas prices they are paying at the pump. This legislation will truly help us do “all of the above” when it comes to producing and providing lower cost energy for American consumers, American businesses, and to fuel our economy, help create jobs, and also to create greater national energy security. It is part of what I be-

lieve we need to do to truly have an energy security plan for our country.

I wish to take a few minutes to talk about the Domestic Fuels Act. We are going to start with a quick review of gas prices. As we all very well know, gas prices are high, and they continue to go higher. AAA indicated this week the national average for a gallon of gasoline is \$3.91 a gallon. Gasoline prices, over the last 3 years of the current administration, have more than doubled from about roughly \$1.87 to the national average today of more than \$3.90. I believe there are nine States right now where, on average, gas is more than \$4 a gallon. In Chicago, for example, I believe it is about \$4.68. Over here, a few blocks from the Capitol, I checked not too long ago and it was \$4.39 a gallon.

This puts enormous pressure and strain on American consumers, hard-working Americans, every day, when they are being forced to fill their car at the gas pump and spend close to \$4 per gallon. Some predictions are that later this summer, it may go to \$5 a gallon. Clearly, we have to find a way to help with gasoline prices across this country.

What it comes down to is supply and demand. More supply creates downward pressure on gasoline prices; more demand, of course, pushes prices higher. So we have to find ways to increase the supply and increase the supply in a dependable way. That means not only increasing supply now but having policies in place that increase supply now and in the future.

We need to send signals to the market that we are serious about growing our supply of energy—all types of energy—certainly gas and oil but all types of energy in this country, as well as working with our neighbors we can count on, such as Canada, for more supplies to help reduce the price of gasoline and, frankly, reduce the cost of all types of energy to help get the economy going, to have more national security and more jobs to put the 13 million people who are unemployed back to work. Energy is a key aspect of creating the type of economic environment that will help us do that.

This chart shows our current level of crude oil production. The first bar shows that between ourselves and Canada, we produce just under 10 million barrels of crude and crude equivalent right now. In North America—Canada and the United States—we produce under 10 million barrels of crude today. That comes not only from conventional oil but oil shale, tight oil, oil sands, Arctic, and offshore—all these different sources.

Under the current policies, we can see by looking at this next bar that over the next 15 years the supply of oil and gas coming from Canada and the United States will shrink. Under the current policies and the current approach, without the kind of energy policy we need in this country, we actually will have less oil and gas from

Canada and the United States over the next 15 years.

The key is this: We have to implement the kind of energy policy that will help us produce more energy, oil and gas, and from all sources, traditional and renewable. That is what we are talking about with this Domestic Fuels Act.

The third bar on this chart shows that just from oil and gas, with the right kinds of policies over the next 15 years—this is a 15-year timeframe—we can produce more oil and gas in Canada and the United States than we consume. So before we bring in other types of energy—biofuels and any other types, any renewable energy we want to include, just from oil and gas, with the right kinds of policies in Canada and the United States, over the next 15 years we can produce more energy than we consume.

Think what that means in terms of helping bring down the price of gasoline and in terms of creating jobs in our country; think of what that means in terms of national security, not needing to depend on crude oil from the Middle East. That is just with the right policies to develop more oil and gas. Of course, we can develop all the other types of energy resources as well.

Let's not take 15 years to get this done. Let's have a plan for national energy security that gets it done in the next 5 to 7 years. There is no question we can do it. We can absolutely do it. How do we do it? Very simple and very common sense. When we talk about producing “all of the above,” let's actually do that. Let's not say “all of the above” and then block energy production. Let's have the kinds of energy policies in place, traditional sources and renewable sources, on a bipartisan basis. Let's put the types of policies in place that will truly help us get to energy security, and let's do it over the next 5 to 7 years. Let's increase oil production in the United States and Canada. Let's have the policies that help us produce more oil onshore and off. Let's increase natural gas production and usage.

Again, let's join with Canada and do this with North American energy. We have incredible potential with Canada. We are the closest friends and allies in the world. Let's increase the renewable fuels we produce right here at home. We can do that with a market-based approach. Let's increase our use of renewable fuels with market-based approaches that work. Let's use technology to drive energy production—produce more energy—with better environmental stewardship.

We can do all these things. When we talk about an energy security plan or the path to energy security in our country, these are very commonsense steps. I have bills, as do other Members of this body, on a bipartisan basis, to do all these things—increase oil production, increase the use of natural gas, increase renewables with market-based approaches, and use technology

to drive energy and do it with better environmental stewardship.

One of the things I submitted legislation to do is approve the Keystone Pipeline. It is an issue that has been very much in the national discussion. It has gotten a lot of attention. It is a straightforward concept. It simply says let's develop the infrastructure in our country, so that as we produce more oil in Canada—Canada has the third largest oil reserves in the world. No. 1 is Saudi Arabia, No. 2 is Venezuela, and No. 3 is Canada. Let's work with Canada to tap and use more of that oil. If we don't, it will go to China. But we can do it. We simply have to develop the infrastructure and work with Canada.

What has the opposition to that oil development been? A number of arguments have come up. The main one behind it is, some people say we don't want to produce oil in the oil sands; we don't want to do that. The concern, in their opinion, is greenhouse gas. It has about a 6-percent higher greenhouse gas emission than conventional drilling production.

The important point is—going back to the last chart, which I mentioned in the national energy security plan is let's use technology to produce more energy with better stewardship. What I mean is, when we talk about the oil sands, rather than using the current excavation method, 80 percent of the new development is going to in situ, which is essentially drilling. So it is basically the same footprint and same greenhouse gas emissions as conventional drilling for oil and gas. So let's use that new technology to produce more energy, more oil in the Canadian oil sands, and do it with better environmental stewardship.

We will then be getting oil from a dependable ally, rather than getting 30 percent of our crude from the Middle East and Venezuela. It is just common sense. We win with more energy at a lower cost. We win with job creation, and we win with better environmental stewardship. We need to just get the right policies, the right law, and the right approach to how we regulate these things in place.

That is what the Domestic Fuels Act is all about. It is an example of exactly how we do that. The Domestic Fuels Act essentially says, all right, when we pull up to the gas station, we should be able to get whatever fuel provides the best energy for what we need at the best possible price.

It is about consumer choice, and it is about lowering the cost at the pump.

Right now, when you pull in, very often the petroleum retail marketer has multiple tanks in order to dispense various types of fuel. It might be traditional gasoline from petroleum, it might be some blend of petroleum and ethanol, he might have biodiesel, and increasingly service stations, gas stations, are looking to market natural gas. But think about it. If they have to have a different set of tanks, different

set of piping, and different dispensers for each type of fuel, then they have to make a choice, don't they. They can maybe offer gasoline from petroleum, they can maybe offer some ethanol blend, they can maybe offer biodiesel, or maybe they try natural gas; right?

But if they have to have tanks and pumps and piping for each one, think of the cost—hundreds of thousands of dollars.

So how do you get consumer choice? How do you get consumer choice in there? Also, how do you get the lowest price? If petroleum-based gasoline versus ethanol-based is cheaper, well, then, maybe they want to offer straight petroleum, not have a blend. But if they can mix it with ethanol, offer even up to E85, and that is cheaper, they may want to offer that. If they want to offer biodiesel rather than traditional diesel or if they want to offer natural gas—because increasingly we have trucks and buses particularly in our urban areas using natural gas—how do they do it? That is the point.

What this act provides is that the EPA has to streamline the process so a service station or gas station can use their existing tanks and equipment so they can decide to offer any one of those products. Now we have more consumer choice and we have a way to drive down prices at the pump—drive down the cost of gasoline, drive down the cost of biofuels, drive down the cost of natural gas, or whatever it is—consumer choice, lower prices, and that extends back through the production chain as well. If I produce ethanol, if I produce biodiesel, if I produce gasoline or natural gas, I know I am going to be able to market those products to consumers.

This is about looking to the future instead of looking to the past. This isn't about government spending any more money. This is about the government empowering industry, empowering entrepreneurship, empowering the energy sector, and empowering our consumers with choice and lower costs at the pump. It is just common sense. It is just common sense. We give the marketer a way to market whatever product makes the most sense and whatever best serves the consumers at the best price. We give them liability protection so they know they can go forward and offer these different products without worrying about being sued and losing their livelihood so they are willing to do it. We provide a clear and simple pathway so they know what they have to accomplish in order to best serve their consumers and build their business.

This is about the right kind of legal framework. This is about the right kind of legislation that is clear, understandable, and empowering. This is how we get government working for people rather than people working for government. This is how we build the right kind of energy future based on all of the above. This isn't just about saying, hey, let's do all of the above when

it comes to energy development. This is about doing it. This is about making a difference for the American consumer, and we can do it.

This legislation is bipartisan legislation. I am very pleased Senator ROY BLUNT of Missouri is cosponsoring it with me, along with AMY KLOBUCHAR of Minnesota, MIKE CRAPO of Idaho, and I believe we will have many others joining us on both sides of the aisle. Also, we are working with Representative JOHN SHIMKUS in the House who will be introducing companion legislation as well.

The other point I want to make in concluding is that we have broad-based support from companies and people who work in the traditional energy sector as well as the renewable energy sector, who make the equipment that dispense gasoline and other types of fuel products and the people who sell gasoline and all types of fuel. They are all onboard.

Let me give an example. From the renewable fuels energy sector, we have the Renewable Fuels Association endorsing this legislation, and also Growth Energy. From traditional oil and gas, the American Petroleum Institute has endorsed this legislation, as has Tesoro Corporation and ExxonMobil, and there are many others. From the service stations—the marketers that actually dispense the product—endorsing this legislation is the National Association of Convenience Stores, the Society of Independent Gasoline Marketers of America, the Petroleum Marketers Association of America, and the National Association of Truck Stop Operators. From the people who make the equipment, the manufacturers that make the equipment, we have received endorsements as well from the American Fuel and Petrochemical Manufacturers and also the Outdoor Power Equipment Institute.

Look, everybody is onboard. Now we need to get to work and get it in place. This is about building the right kind of energy future for our country. We have to get going. Gasoline prices are \$4 at the pump, and they are going higher. We can do something about it, and that is exactly what we need to do.

I urge my colleagues to join me in this effort on behalf of the American people.

By Mr. FRANKEN (for himself, Ms. SNOWE, and Mr. ENZI):

S. 2271. A bill to amend the Internal Revenue Code of 1986 to extend the time for making S corporation elections, and for other purposes; to the Committee on Finance.

Mr. FRANKEN. Mr. President, today I am introducing the Small Business Election Simplification Act with my friends, Senators SNOWE and ENZI.

I want to thank them for this collaboration, and I especially want to acknowledge Senator SNOWE for her leadership. As Ranking Member of the Committee on Small Business and Entrepreneurship, Senator SNOWE is one

of the Senate's experts on small business issues. She is always working to make sure that the Federal Government meets the needs of small businesses and is committed to creating the best possible environment for entrepreneurs.

That is exactly what our legislation is about—making it easier and more straightforward for entrepreneurs to start small businesses.

When starting up a new business, entrepreneurs often choose to organize their business as an S Corporation because of its simplicity. Owners of S Corporations report business income on their individual tax returns. So instead of having their business profits taxed at the corporate level of 35 percent, they pay taxes at their individual income tax rate. Not only is this simpler, but it also often saves small business owners money.

To become an S Corporation, small business owners have to go through what's called an "election process" and submit an election form to the IRS. The deadline to submit this election form is currently set a year in advance of the tax return deadline for businesses. This means that a new small business owner must know to submit the election form a full year before they have to do their taxes.

Unsurprisingly, many first-time business owners are unaware of this rule and therefore miss the election deadline. These taxpayers must wait an additional year before their business becomes an S Corporation, which can have serious tax consequences. Or they must go through a late election process with the IRS, which can be time-consuming and costly.

This is a real problem. In 2009, nearly 100,000 S Corporation returns could not be processed as filed. That was almost a quarter of all new S Corporation filings. Missing or late elections is one of the main reasons that returns are rejected as filed.

The National Taxpayer Advocate—whose job is to watch out for the needs of taxpayers—described the current S Corporation election process as an undue burden on small businesses. Simplifying the S Corporation election process was one of 11 legislative recommendations outlined in the National Taxpayer Advocate's 2011 Annual Report to Congress.

Our legislation does just that. The Small Business Election Simplification Act would extend and coordinate S Corporation deadlines. It would match the S Corporation election deadline for new businesses with the deadline for tax returns. This would reduce the number of taxpayers who inadvertently miss the S Corporation election deadline and suffer negative tax consequences.

To further simplify the process and reduce paperwork, our legislation would also allow new small businesses to elect to become an S Corporation simply by designating the election on their S Corporation tax return. This

would eliminate the need for business owners to fill out an additional election form.

Here in the Senate, we are always saying that small businesses are the engine of our economy; that they are the job creators; and that we need to support entrepreneurs coming up with the next big idea that will get our economy growing again.

Passing the Small Business Election Simplification Act is one thing we can do to help them. It can make a difference right now. By making it easier and more straightforward for new small businesses to become S Corporations, our legislation would free business owners to concentrate on the important stuff—like growing their business and hiring new workers, instead of worrying about IRS election form deadlines and learning about complicated business tax rules.

I urge my colleagues to support this legislation and send it to the President's desk to be signed into law as soon as possible.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2271

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Election Simplification Act".

#### SEC. 2. EXTENSION OF TIME FOR MAKING S CORPORATION ELECTIONS.

(a) IN GENERAL.—Subsection (b) of section 1362 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) WHEN MADE.—

“(1) RULES FOR NEW CORPORATIONS.—Except as provided in paragraph (2)—

“(A) IN GENERAL.—An election under subsection (a) may be made by a small business corporation for any taxable year at any time during the period—

“(i) beginning on the first day of the taxable year for which made, and

“(ii) ending on the due date (with extensions) for filing the return for the taxable year.

“(B) CERTAIN ELECTIONS TREATED AS MADE FOR NEXT TAXABLE YEAR.—If—

“(i) an election under subsection (a) is made for any taxable year within the period described in subparagraph (A), but

“(ii) either—

“(I) on 1 or more days in such taxable year and before the day on which the election was made the corporation did not meet the requirements of subsection (b) of section 1361, or

“(II) 1 or more of the persons who held stock in the corporation during such taxable year and before the election was made did not consent to the election,

then such election shall be treated as made for the following taxable year.

“(C) ELECTION MADE AFTER DUE DATE TREATED AS MADE FOR FOLLOWING TAXABLE YEAR.—If—

“(i) a small business corporation makes an election under subsection (a) for any taxable year, and

“(ii) such election is made after the due date (with extensions) for filing the return

for such year and on or before the due date (with extensions) for filing the return for the following taxable year,

then such election shall be treated as made for the following taxable year.

“(2) RULES FOR EXISTING C CORPORATIONS.—In the case of any small business corporation which was a C corporation for the taxable year prior to the taxable year for which the election is made under subsection (a), the rules under this paragraph shall apply in lieu of the rules under paragraph (1):

“(A) IN GENERAL.—An election under subsection (a) may be made by a small business corporation for any taxable year—

“(i) at any time during the preceding taxable year, or

“(ii) at any time during the taxable year and on or before the 15th day of the 3d month of the taxable year.

“(B) CERTAIN ELECTIONS MADE DURING 1ST 2½ MONTHS TREATED AS MADE FOR NEXT TAXABLE YEAR.—If—

“(i) an election under subsection (a) is made for any taxable year during such year and on or before the 15th day of the 3d month of such year, but

“(ii) either—

“(I) on 1 or more days in such taxable year and before the day on which the election was made the corporation did not meet the requirements of subsection (b) of section 1361, or

“(II) 1 or more of the persons who held stock in the corporation during such taxable year and before the election was made did not consent to the election,

then such election shall be treated as made for the following taxable year.

“(C) ELECTION MADE AFTER 1ST 2½ MONTHS TREATED AS MADE FOR FOLLOWING TAXABLE YEAR.—If—

“(i) a small business corporation makes an election under subsection (a) for any taxable year, and

“(ii) such election is made after the 15th day of the 3d month of the taxable year and on or before the 15th day of the 3d month of the following taxable year,

then such election shall be treated as made for the following taxable year.

“(D) TAXABLE YEARS OF 2½ MONTHS OR LESS.—For purposes of this paragraph, an election for a taxable year made not later than 2 months and 15 days after the first day of the taxable year shall be treated as timely made during such year.

“(3) AUTHORITY TO TREAT LATE ELECTIONS, ETC., AS TIMELY.—If—

“(A) an election under subsection (a) is made for any taxable year after the date prescribed by this subsection for making such election for such taxable year or no such election is made for any taxable year, and

“(B) the Secretary determines that there was reasonable cause for the failure to timely make such election,

the Secretary may treat such an election as timely made for such taxable year.

“(4) MANNER OF ELECTION.—Elections may be made at any time as provided in this subsection by filing a form prescribed by the Secretary. For purposes of any election described under paragraph (1), the Secretary shall provide that the election may be made on any timely filed small business corporation return for such taxable year, with the consents of all persons who held stock in the corporation during such taxable year included therewith.

“(5) SECRETARIAL AUTHORITY.—The Secretary may prescribe such regulations, rules, or other guidance as may be necessary or appropriate for purposes of applying this subsection.”.

(b) REVOCATIONS.—Paragraph (1) of section 1362(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking “subparagraph (D)” in subparagraph (C) and inserting “subparagraphs (D) and (E)”, and

(2) by adding at the end the following new subparagraph:

“(E) AUTHORITY TO TREAT LATE REVOCATIONS AS TIMELY.—If—

“(i) a revocation under subparagraph (A) is made for any taxable year after the date prescribed by this paragraph for making such revocation for such taxable year or no such revocation is made for any taxable year, and

“(ii) the Secretary determines that there was reasonable cause for the failure to timely make such revocation,

the Secretary may treat such a revocation as timely made for such taxable year.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to elections for taxable years beginning after the date of the enactment of this Act.

By Ms. MURKOWSKI:

S. 2273. A bill to designate the Talkeetna Ranger Station in Talkeetna, Alaska, as the Walter Harper Talkeetna Ranger Station; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that would officially rename the Talkeetna Ranger Station in Talkeetna, Alaska, the Walter Harper Talkeetna Ranger Station.

The Talkeetna Ranger Station, which is the home of Denali National Park's mountaineering rangers, sits just about 100 miles south of the entrance to the park. Of course, the landmark that's most commonly linked to both the park and the ranger station itself happens to be the mountain that features a summit which represents the highest point in North America: Denali.

In fact, anybody who intends to attempt a climb of Mt. McKinley is required to first stop at the Talkeetna Ranger Station for their permit and mountain orientation.

It is only fitting, then, that we honor the memory of Alaska Native Walter Harper by forever linking his name with this specific ranger station. It was Mr. Harper, that 100 years ago next year became the first person to reach the summit of Mt. McKinley.

My bill is a simple one, and it is not likely to gain much notice outside of Alaska. Within my home state, however, this small gesture means a great deal. Alaskans, like the people who call any other state home, are proud of the historical accomplishments of their fellow Alaskans. Walter Harper was one such Alaskan, and his feat is one that will always be remembered.

Certainly, officially designating the Talkeetna Ranger Station—the very building where any hiker today planning to climb Mt. McKinley is required to first stop—the Walter Harper Talkeetna Ranger Station is a fitting tribute to the man himself, as well as his spot in our state's history books.

June 7 of next year, 2013, will mark the 100 year anniversary of Mr. Harp-

er's historic climb. It would truly be special for Alaska and Alaskans to have this designation in place by that date.

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

S. 2276. A bill to permit Federal officers to remove cases involving crimes of violence to Federal court; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today in support of a bill that I am introducing on behalf of a bipartisan group of Senators, the Officer Safety Act of 2012, S. 2276. This bill allows a Federal law enforcement agent, who stops a violent crime while off-duty and is indicted in a State court for those actions, to petition for the State criminal prosecution against him to be removed to Federal court.

The bill effectuates this change by amending the Federal removal statute, found in 28 United States Code, Section 1442, to clarify when a Federal law enforcement officer is acting under the color of his office.

As a 2003 Judiciary Committee report stated, “Law enforcement officers are never ‘off-duty.’” Many are required to carry an off-duty weapon. When they fly on personal business, they are expected to carry their weapon and check-in with the airline as a Federal law enforcement agent so they can defend the pilots and passengers if something bad happens. In fact, Federal agents are specifically paid to be available 24 hours a day, 7 days a week. Agents can be disciplined if they are not available when called.

They are not even allowed to engage in activities on their personal time that regular citizens take for granted, like coaching their kids' sports teams, if it might interfere with their ability to respond to a crisis.

Federal law enforcement agents are extensively trained, at the expense of the taxpayer for the benefit of the taxpayer. They not only train in basic academies, but they are required to participate in additional and regular training and re-certifications many times each year. If training is missed or if standards are not up to par, the agent is disciplined or removed. Federal law enforcement agencies take training requirements very seriously. The United States is known for having the best trained Federal law enforcement officers in the world.

So what if one of these exceptionally trained Federal law enforcement agents walks into the grocery store on a Saturday and witnesses a woman being repeatedly hit by her husband; do we want him to walk past the woman? No. The taxpayers spend money on his training so that he can protect victims, not walk away from them. In this situation, we all hope that he would use his training to protect the victim. But when he steps in to protect the victim from a crime of violence occurring in his presence, he risks state criminal

prosecution and damage to his career. That might lead him to hesitate. This is contrary to good public policy. If we were the victim in this scenario, every one of us would want that Federal law enforcement officer to help us.

If a Federal agent acts to protect an individual in his presence from a crime of violence, as taxpayer dollars have trained him to do, and then is indicted in State court for that act, he should have the right to defend himself within the Federal court system.

So the Officer Safety Act amends the removal statute, found in Title 28, United States Code, Section 1442, to clarify when a Federal law enforcement officer is acting under the color of his office. This bill does not provide immunity for law enforcement agents, and it does not grant them additional authority. It doesn't even guarantee that the case will be moved from State to Federal court: the State will be heard and its position will be weighed by the judge before deciding if removal is appropriate. It does allow a Federal law enforcement officer/agent, who is indicted in a State court for actions related to his protection of a victim of a violent crime that is committed in the officer's presence, to petition for that criminal case to be removed to Federal court, where the officer will be required to defend his actions.

Current law provides that removal is proper so long as defendants demonstrate that they are officers of the United States that acted “under color of” their office and have a “colorable federal defense”.

In general, a Federal agent acts “under color of” his office when he takes actions that are necessary and reasonable for the discharge of his Federal responsibilities. Accordingly, the prototypical example of a Federal officer acting under color of his office is a Federal law enforcement officer who kills someone while performing an act related to Federal law enforcement and, in the subsequent State homicide prosecution, claims he was acting in self-defense and/or is entitled to official immunity. The Supreme Court has upheld this prototypical example as appropriate for removal from State court to Federal court.

The primary restraint on the current statute's scope is its limitation to defendants who acted under color of Federal office or, in other words, while performing official duties. Defendants must show in their petition for removal that there is a causal nexus between the actions challenged and their Federal duties.

The history of the removal statute explains why this is important. The statute dates back to 1815. It was passed in response to the New England States' opposition to the trade embargo with England during the War of 1812. The law provided for the removal to Federal court of any suit or prosecution commenced in State court against a Federal customs officer or other persons enforcing Federal customs laws.

Thus, Federal agents did not need to fear performing their jobs because the local authorities opposed the embargo and wanted to stop them from enforcing it.

A few decades later, the U.S. Government encountered a similar problem in South Carolina, which in 1833 declared certain Federal tariff laws unenforceable within its borders. Congress responded by authorizing the removal of any suit or prosecution commenced in a State court against an officer of the United States for the enforcement of the Federal revenue laws.

During the Civil War and the Reconstruction era, Congress' disenchantment with State courts in the South led to new Federal officer removal laws. In the 1863 Habeas Corpus Act, Congress provided for the removal of suits or prosecutions against persons acting under Federal authority for actions, or failures to act, during the Civil War. In addition, Congress passed a removal statute similar to those of 1815 and 1833, authorizing the removal of suits or prosecutions commenced in State court against Federal officers for actions, or omissions, related to the collection of Federal revenue. However, it was not until the enactment of the Judicial Code of 1948 that Congress extended the statute to cover all Federal officers.

The courts view the history behind section 1442 and its statutory predecessors as justification for construing the statute broadly to assure the supremacy of U.S. law and protect Federal operations against interference from State judicial proceedings.

This bill does not infringe upon States' rights, as they retain the same due process rights to be heard on the question of removal that have existed since the early 1800s. In fact, this Congress passed a bill by unanimous consent that amended this statute, without a word about States' rights.

Today, Federal law enforcement officers, whether or not in uniform, require protections when they take actions to assist citizens. Civil liability protections are provided to officers under The Good Samaritan Act, codified at Title 28, United States Code, Section 2671. This bill, the Officer Safety Act, while modeled on the Good Samaritan Act, is narrower, more restrictive, and provides no liability protection. Rather, this bill clarifies the "color of law" prong required in the removal process, as courts have invited Congress to clarify.

The bill makes no change to the current standards governing when removal is permissible, and therefore leaves alone existing standards and case law. But it provides that in three situations, the law enforcement officer who is a defendant in a State criminal prosecution will be deemed to have acted under color of his or her office: when the officer protects a victim from a violent crime committed in the presence of the officer; when the officer provides immediate assistance to an

individual who suffered or is about to suffer imminent bodily harm; and when the officer prevents the escape of an individual the officer reasonably believes committed or was about to commit, in the presence of the officer, a crime of violence that resulted in or was likely to result in serious bodily injury. I believe that in these situations, the Federal courts should always determine that the law enforcement officer acted under the color of his or her office for purposes of determining whether to grant the officer's removal petition. But the courts remain free to determine under current law that there are other circumstances in which an officer seeking removal satisfies the color of office standard.

So the bill is a modest change that nevertheless provides an important layer of safety for the people who risk their lives day-in and day-out to protect us. It will help make our communities safer and protect those who are sworn to guard and serve the American public.

This principle and this bill are supported by the Federal Law Enforcement Officers Association, the Federal Bureau of Investigation Agents Association, and the National Border Patrol Council.

I want to thank Senator COONS, a member of the Committee on the Judiciary, who co-chairs the Senate Law Enforcement Caucus, and is a co-sponsor on this bill. He understands the need to support law enforcement officers who risk their lives every day so that we can sleep safely at night.

Further, I want to thank Senators COBURN and SESSIONS, also members of the Judiciary Committee and co-sponsors. They, too, understand this allows us to support Federal agents without spending a dollar.

"Law enforcement officers are never 'off-duty.'" To expect them to stand by while a victim suffers violent acts in his presence is contrary to the oath they take to protect and renders their tax-funded training wasted as a citizen becomes a victim. Please join me in protecting those who protect us.

By Mr. DURBIN (for himself and Mr. HARKIN):

S. 2280. A bill to amend the Truth in Lending Act and the Higher Education Act of 1965 to require certain creditors to obtain certifications from institutions of higher education, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, last week, the Consumer Financial Protection Bureau reported that outstanding student loan debt in America has hit the \$1 trillion mark—student loans.

A CFPB official was cited by Bloomberg News saying that "excessive student debt could slow the recovery of the housing market, as young people repay money for their education rather than buying homes." Massive student debt is also affecting consumers' ability to purchase goods and services.

Yesterday, at the Subcommittee on Financial Services and General Government hearing focusing on student debt, Treasury Secretary Geithner came to talk about it. While the overall growth of student indebtedness is troubling, the most pressing concern is private student loans.

Secretary Geithner also recognized that private student loans do not come with any of the consumer protections that Federal loans do. Private student loans are far riskier. Federal student loans have fixed, affordable interest rates—3.4 percent. They also have a variety of consumer protections. The Federal loans have forbearance in times of economic hardship, and they offer manageable repayment options, such as the income-based repayment plan.

Private student loans, on the other hand, often have high variable interest rates—some have been quoted at 18 percent, the kind of rates you are careful about when it comes to your credit—and they have hefty origination fees and a lack of repayment options. Private lenders have targeted low-income borrowers with some of the riskiest, highest cost loans.

In many respects, private student loans are like credit cards—except unlike credit card debt, private student loan debt can never be discharged in bankruptcy. In 2005, Congress changed the bankruptcy laws. I want to make a point here: I voted against it. Congress changed the bankruptcy laws and included a provision making private student loan debts nondischargeable in bankruptcy, except in the rarest of circumstances. I have never found one that qualifies. That means students are stuck with their loans for life.

While the volume of private student loans is down from its peak a few years ago when it accounted for 26 percent of all student loans, private lending is still aggressively promoted by the for-profit college industry. The Project on Student Debt reports that 42 percent of for-profit college students had private loans in 2008, up from 12 percent 5 years earlier. For-profit college students also graduate with more debt than their peers who graduate from public or private and non-private colleges. Many for-profit colleges employ a business model that steers students into private student loans because of the 90/10 rule.

For the record, private for-profit schools can only receive 90 percent of their revenue from the Federal Government. They are the closest darn thing to a Federal agency you have ever seen, except they are making millions of dollars at the expense of the government and unsuspecting students and their families. So to find the 10 percent of nonfederal money, for-profit schools get the students to sign up to pay for 10 percent of their education in private student loans, even if they qualify for Federal loans, which are a much better deal.

The 90/10 rule that requires at least 10 percent of revenue from non-Federal



student aid sources makes this an imperative for many for-profit schools. As a result, many students are encouraged to take up private loans when they are still eligible for Federal loans—even when the lenders know the students are going to default—so schools can comply with the 90/10 rule.

Kari Schaab contacted my office seeking relief from her burdensome student debt. She received a bachelor of arts from the International Academy of Design and Technology, a for-profit college. When she spoke to an admissions representative, she was enrolled almost immediately. Looking back, she says of the school: “They take whoever is willing to pay.”

She was assured she would be able to obtain a position in her field that would help her pay off her student debt. Reflecting on her experience, she said: “I was young and didn’t understand how much I would owe or what the loans were. I trusted them.”

After completing her BA program, she decided that she would pursue a master’s in her field. What she found out shocked her. No schools would accept her degree. It was a worthless diploma. With no job, no future in her chosen field, and about \$58,000 in debt, she decided to switch careers entirely so that she would be able to pay off her student loans.

She currently attends Oaktown Community College for nursing. She is unable to get a mortgage because of her old student loan debt of \$58,000. Worse yet, her parents, trying to help her out, took out \$19,000 in loans to help pay her tuition. Her parents are currently in chapter 13 bankruptcy, but that loan won’t be discharged.

We need to begin now to address this looming student debt bomb crisis. We need to protect students and prevent more students from stepping into the same traps that have caught so many others.

Today, Senator TOM HARKIN and I are introducing the Know Before You Owe Private Student Loan Act of 2012. Here is what it says: It requires the prospective borrower’s school to confirm the student’s enrollment status, the cost of attendance, and the estimated Federal financial aid assistance before the private student loan is approved. Often, students haven’t applied for Federal student aid before they are asked to apply for private student loans, which are not nearly as generous or flexible.

Requiring school certifications also gives the school the opportunity to make students aware of Federal Government student aid options.

The bill requires schools to counsel the student about their options, tell them how the private student loan will affect those options, and what it will cost to repay the loans. Basics.

In addition, schools will be required to inform students about the differences between Federal and private student loans. And the differences are dramatic. This will give students time to weigh their options, make a choice, and be informed.

When students such as Kari contact my office about their student loans, they often don’t know the difference between the two types of loans. They said: “It was just a student loan, Senator.” Most go on to say that if they had known, they would have thought more carefully about a private student loan and the debt they were incurring.

For those students who do decide to take out a private student loan, the bill requires lenders to provide the borrower with quarterly up-to-date information about their balance and interest rate.

Finally, the bill requires lenders to report information to the Consumer Financial Protection Bureau about how many students are taking out loans and at what rates. There is very little information about private student loans currently available. More information will help Congress and the CFPB effectively inform consumers about these private student loans.

This legislation is supported by a huge coalition of education, student, and consumer organizations. I want to thank TOM HARKIN for his work on this bill, especially all of the hard work he has put in on these for-profit colleges.

Mr. President, it is finally dawning on a lot of Members of Congress as they see programs such as “Frontline” talking about the for-profit college industry, and as they meet these students who are going to these worthless for-profit colleges—students who are just stacking up debt for a worthless diploma—it is time for our Federal Government to step up. How can we blame a student or their family if they are going to a school where we, the Federal Government, are willing to offer Pell grants and Federal loans? What is a student to think? Well, if it is good enough for the Federal Government to loan money, it must be a good school.

In fact, in many instances—in most instances—these for-profit schools are not good schools. They are not offering a good education. There are exceptions, but too many of them are just bad operations. We subsidize them. Ninety to ninety-five percent of their revenue comes straight from the Federal Government. When they talk about freezing Federal employees’ salaries, we ought to freeze the employees at these for-profit schools. They are the closest thing to Federal employees we have—95 percent Federal. We don’t hear that from the other side of the aisle. But it is a fact.

I will tell you this: This student loan debt bomb we are facing, which I talked to Secretary of the Treasury Geithner about yesterday, is going to explode on us, just as the subprime market loans did. More and more students are going into default. They can’t pay back these student loans, and they are going to face life decisions that will change their futures and the future of the American economy.

We now have 40 percent of students who are making payments on their stu-

dent loans—40 percent. Sixty percent are not. Some are still in school, I will concede that point, but many of them just can’t do it. We pile this debt on, we give them preferred treatment in the Bankruptcy Court so the lenders can’t have the debt discharged, and we sit there and watch as the lives of these young people deteriorate.

As one young lady testified at my hearing that she borrowed \$37,625 from the Federal government, \$40,925 in private loans. She went to the Harrington College of Design in the suburbs of Chicago and ended up with a worthless diploma—worthless. Five years later, her debt is no longer \$78,000; it is \$98,000. It just keeps going up. She pays \$830 a month, and the private student loan debt is exploding right in front of her. She can’t pay it. She doesn’t know what she is going to do. She said she is going to have to give up the little home she and her husband just bought. It looks pretty desperate for her, and her desperate situation faces her at the age of 32—32.

How do we let this happen? Don’t we have an obligation as a government, as a people, to stop this exploitation of children and their families? That is what is going on.

This bill I have put in today will require these schools—all schools—to tell the students first that they have Federal loan eligibility left. It is 3.4 percent, not 18 percent. There is loan forgiveness if they become a nurse or a teacher. It is based on the amount of income they have later in life what their repayment is going to be. If they do get into trouble, they can have a delay in payment without watching their loan just stack up. These are basic things we build into the law to help students. Students and their families ought to know that, and that is what this bill is about.

I commend this bill to my colleagues. I hope they will join Senator HARKIN and me. I want to offer this on the Senate floor, and I want some colleagues to go home and face this student loan issue and listen to the families they represent. We are hearing from our Web site, and I invite students and families to come to my official Web site to tell their stories. As we learn what it is all about, we see the need to move on this, and move quickly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2280

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Know Before You Owe Private Student Loan Act of 2012”.

#### SEC. 2. AMENDMENTS TO THE TRUTH IN LENDING ACT.

(a) IN GENERAL.—Section 128(e) of the Truth in Lending Act (15 U.S.C. 1638(e)) is amended—

(1) by striking paragraph (3) and inserting the following:

“(3) INSTITUTIONAL CERTIFICATION REQUIRED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), before a creditor may issue any funds with respect to an extension of credit described in this subsection, the creditor shall obtain from the relevant institution of higher education where such loan is to be used for a student, such institution's certification of—

“(i) the enrollment status of the student;

“(ii) the student's cost of attendance at the institution as determined by the institution under part F of title IV of the Higher Education Act of 1965; and

“(iii) the difference between—

“(I) such cost of attendance; and

“(II) the student's estimated financial assistance, including such assistance received under title IV of the Higher Education Act of 1965 and other financial assistance known to the institution, as applicable.

“(B) EXCEPTION.—Notwithstanding subparagraph (A), a creditor may issue funds with respect to an extension of credit described in this subsection without obtaining from the relevant institution of higher education such institution's certification if such institution fails to provide within 15 business days of the creditor's request for such certification—

“(i) the requested certification; or

“(ii) notification that the institution has received the request for certification and will need additional time to comply with the certification request.

“(C) LOANS DISBURSED WITHOUT CERTIFICATION.—If a creditor issues funds without obtaining a certification, as described in subparagraph (B), such creditor shall report the issuance of such funds in a manner determined by the Director of the Consumer Financial Protection Bureau.”;

(2) by redesignating paragraphs (9), (10), and (11) as paragraphs (10), (11), and (12), respectively; and

(3) by inserting after paragraph (8) the following:

“(9) PROVISION OF INFORMATION.—

“(A) PROVISION OF INFORMATION TO STUDENTS.—

“(i) LOAN STATEMENT.—A creditor that issues any funds with respect to an extension of credit described in this subsection shall send loan statements, where such loan is to be used for a student, to borrowers of such funds not less than once every 3 months during the time that such student is enrolled at an institution of higher education.

“(ii) CONTENTS OF LOAN STATEMENT.—Each statement described in clause (i) shall—

“(I) report the borrower's total remaining debt to the creditor, including accrued but unpaid interest and capitalized interest;

“(II) report any debt increases since the last statement; and

“(III) list the current interest rate for each loan.

“(B) NOTIFICATION OF LOANS DISBURSED WITHOUT CERTIFICATION.—On or before the date a creditor issues any funds with respect to an extension of credit described in this subsection, the creditor shall notify the relevant institution of higher education, in writing, of the amount of the extension of credit and the student on whose behalf credit is extended. The form of such written notification shall be subject to the regulations of the Consumer Financial Protection Bureau.

“(C) ANNUAL REPORT.—A creditor that issues funds with respect to an extension of credit described in this subsection shall prepare and submit an annual report to the Consumer Financial Protection Bureau containing the required information about private student loans to be determined by the Consumer Financial Protection Bureau, in

consultation with the Secretary of Education.”.

(b) DEFINITION OF PRIVATE EDUCATION LOAN.—Section 140(a)(7)(A) of the Truth in Lending Act (15 U.S.C. 1650(a)(7)(A)) is amended—

(1) by redesignating clause (ii) as clause (iii);

(2) in clause (i), by striking “and” after the semicolon; and

(3) by adding after clause (i) the following:

“(ii) is not made, insured, or guaranteed under title VII or title VIII of the Public Health Service Act (42 U.S.C. 292 et seq. and 296 et seq.); and”.

(c) REGULATIONS.—Not later than 365 days after the date of enactment of this Act, the Consumer Financial Protection Bureau shall issue regulations in final form to implement paragraphs (3) and (9) of section 128(e) of the Truth in Lending Act (15 U.S.C. 1638(e)), as amended by subsection (a). Such regulations shall become effective not later than 6 months after their date of issuance.

#### SEC. 3. AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965.

(a) AMENDMENT TO THE HIGHER EDUCATION ACT OF 1965.—Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by striking paragraph (28) and inserting the following:

“(28)(A) The institution shall—

“(i) upon the request of a private educational lender, acting in connection with an application initiated by a borrower for a private education loan in accordance with section 128(e)(3) of the Truth in Lending Act, provide certification to such private educational lender—

“(I) that the student who initiated the application for the private education loan, or on whose behalf the application was initiated, is enrolled or is scheduled to enroll at the institution;

“(II) of such student's cost of attendance at the institution as determined under part F of this title; and

“(III) of the difference between—

“(aa) the cost of attendance at the institution; and

“(bb) the student's estimated financial assistance received under this title and other assistance known to the institution, as applicable; and

“(ii) provide the certification described in clause (i), or notify the creditor that the institution has received the request for certification and will need additional time to comply with the certification request—

“(I) within 15 business days of receipt of such certification request; and

“(II) only after the institution has completed the activities described in subparagraph (B).

“(B) The institution shall, upon receipt of a certification request described in subparagraph (A)(i), and prior to providing such certification—

“(i) determine whether the student who initiated the application for the private education loan, or on whose behalf the application was initiated, has applied for and exhausted the Federal financial assistance available to such student under this title and inform the student accordingly; and

“(ii) provide the borrower whose loan application has prompted the certification request by a private education lender, as described in subparagraph (A)(i), with the following information and disclosures:

“(I) The availability of, and the borrower's potential eligibility for, Federal financial assistance under this title, including disclosing the terms, conditions, interest rates, and repayment options and programs of Federal student loans.

“(II) The borrower's ability to select a private educational lender of the borrower's choice.

“(III) The impact of a proposed private education loan on the borrower's potential eligibility for other financial assistance, including Federal financial assistance under this title.

“(IV) The borrower's right to accept or reject a private education loan within the 30-day period following a private educational lender's approval of a borrower's application and about a borrower's 3-day right to cancel period.

“(C) For purposes of this paragraph, the terms ‘private educational lender’ and ‘private education loan’ have the meanings given such terms in section 140 of the Truth in Lending Act (15 U.S.C. 1650).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the effective date of the regulations described in section 2(c).

#### SEC. 4. REPORT.

Not later than 24 months after the issuance of regulations under section 2(c), the Director of the Consumer Financial Protection Bureau and the Secretary of Education shall jointly submit to Congress a report on the compliance of institutions of higher education and private educational lenders with section 128(e)(3) of the Truth in Lending Act (15 U.S.C. 1638(e)), as amended by section 2, and section 487(a)(28) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)), as amended by section 3. Such report shall include information about the degree to which specific institutions utilize certifications in effectively encouraging the exhaustion of Federal student loan eligibility and lowering student private education loan debt.

By Mr. INHOFE (for himself, Mrs. BOXER, Mr. VITTER, Ms. LANDRIEU, Mr. COCHRAN, Mr. JOHNSON of South Dakota, and Ms. KLOBUCHAR):

S. 2282. A bill to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I am pleased to introduce the reauthorization of the North American Wetlands Conservation Act, NAWCA. This bill has overwhelming bipartisan support, and I am pleased to have Senators BOXER, VITTER, LANDRIEU, COCHRAN, JOHNSON, and KLOBUCHAR as original cosponsors.

In fact, this is a conservation program that has long enjoyed support on both sides of the aisle. Back in 2006, I worked with my colleagues to pass the last reauthorization of this program by unanimous consent and was pleased that President Bush signed the bill into law.

This bill also has the support of many conservation and hunting groups including: Archery Trade Association, Association of Fish and Wildlife Agencies, Boone and Crockett Club, Bowhunting Preservation Alliance, Catch-A-Dream Foundation, Congressional Sportsmen's Foundation, Conservation Force, Dallas Safari Club, Delta Waterfowl, Ducks Unlimited, Izaak Walton League of America, Mule Deer Foundation, National Assembly of

Sportsmen's Caucuses, National Rifle Association, National Trappers Association, National Wild Turkey Foundation, North American Bear Foundation, North American Grouse Partnership, Orion-The Hunters' Institute, Pheasants Forever, Pope and Young Club, Public Lands Foundation, Quail Forever, Quality Deer Management Association, Rocky Mountain Elk Foundation, Ruffed Grouse Society, Safari Club International, Texas Wildlife Association, The Conservation Fund, Theodore Roosevelt Conservation Partnership, Whitetails Unlimited, Wildlife Forever, and Wildlife Management Institute

NAWCA was first enacted in 1989 and incentivizes non-federal contributions to maintain and restore wetland habitat throughout North America. Since its inception, each Federal dollar has been matched, on average, by \$3.20 in state and private funds. Not only do these funds help to support waterfowl populations that were once nearing all time lows, these voluntary projects also support nearly 7,500 new jobs annually.

The success of this program lies in the fact that these projects are not top down regulations coming from the Federal Government. These projects involve multiple partners from private organizations and the Federal Government who work together voluntarily to protect and restore millions of acres of wetlands.

In my home State of Oklahoma, NAWCA currently has 12 projects either completed or underway. These projects have conserved 26,869 acres of wildlife habitat and leveraged \$11.3 million in partner contributions. These projects benefit outdoor recreation, hunting and fishing, as well as boosting local economies.

NAWCA is a great example of how environmental conservation should be achieved. This program should put to rest the notion that voluntary efforts aren't successful. I would argue that these voluntary programs have been more successful and more cost effective than other mandatory Federal regulations.

I look forward to this reauthorization moving quickly through the Senate. Thank you.

#### SUBMITTED RESOLUTIONS

**SENATE RESOLUTION 411—CONGRATULATING THE PENNSYLVANIA STATE UNIVERSITY IFC/PANHELLENIC DANCE MARATHON ON ITS CONTINUED SUCCESS IN SUPPORT OF THE FOUR DIAMONDS FUND AT PENN STATE HERSHEY CHILDREN'S HOSPITAL**

Mr. CASEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 411

Whereas the Pennsylvania State University IFC/Panhellenic Dance Marathon (re-

ferred to in this preamble as "THON") is the largest student-run philanthropy in the world, with 700 dancers, more than 300 supporting organizations, and more than 15,000 volunteers involved in the annual event;

Whereas student volunteers at the Pennsylvania State University annually collect money and dance for 46 consecutive hours at the Bryce Jordan Center for THON, bringing energy and excitement to the Pennsylvania State University campus for the mission of conquering pediatric cancer and promoting awareness of the disease to thousands of individuals;

Whereas all THON activities support the mission of the Four Diamonds Fund at Penn State Hershey Children's Hospital, which provides financial and emotional support to pediatric cancer patients and their families and funds research on pediatric cancer;

Whereas, each year, THON is the largest donor to the Four Diamonds Fund at Penn State Hershey Children's Hospital, having raised more than \$88,000,000 since 1977, when the 2 organizations first became affiliated;

Whereas, in 2012, THON set a new fundraising record of \$10,686,924.83, surpassing the previous record of \$9,563,016.09, set in 2011;

Whereas THON—

(1) has helped more than 2,000 families through the Four Diamonds Fund;

(2) is helping to build a new Pediatric Cancer Pavilion at Penn State Hershey Children's Hospital; and

(3) has supported pediatric cancer research that has caused some pediatric cancer survival rates to increase to nearly 90 percent; and

Whereas THON has inspired similar events and organizations across the United States, including at high schools and institutions of higher education, and continues to encourage students across the United States to volunteer and stay involved in great charitable causes in their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Pennsylvania State University IFC/Panhellenic Dance Marathon (referred to in this resolution as "THON") on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; and

(2) commends the Pennsylvania State University students, volunteers, and supporting organizations who worked hard to put together another record-breaking THON.

**SENATE RESOLUTION 412—COMMENDING THE AFRICAN UNION FOR COMMITTING TO A COORDINATED MILITARY RESPONSE, COMPRISED OF 5,000 TROOPS FROM UGANDA, THE CENTRAL AFRICAN REPUBLIC, THE DEMOCRATIC REPUBLIC OF CONGO, AND SOUTH SUDAN, IN ORDER TO FORTIFY ONGOING EFFORTS TO ARREST JOSEPH KONY AND SENIOR COMMANDERS OF THE LORD'S RESISTANCE ARMY AND TO STOP THE CRIMES AGAINST HUMANITY AND MASS ATROCITIES COMMITTED BY THEM**

Ms. LANDRIEU (for herself and Mr. BROWN of Ohio) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 412

Whereas the Lord's Resistance Army (LRA) is one of Africa's oldest and most violent armed groups, responsible for commit-

ting crimes against humanity against civilian populations, including women and children, and believed to be operating since 2006 in the Central African Republic, the Democratic Republic of Congo, and what would become South Sudan;

Whereas the ongoing atrocities committed by LRA members target innocent civilians, including women and children, and include abduction, murder, mutilation, burning and looting of villages, and destruction of communities and livelihoods, causing the massive displacement of human populations and creating a humanitarian crisis;

Whereas the abduction of children and their forced conversion into LRA fighters is an LRA hallmark and involves initiating children into combat through brutal methods and brainwashing and subjects girls to forced sexual slavery and servitude;

Whereas the governments of those countries most affected by the LRA's reign of terror for over twenty years, including Uganda, the Central African Republic, the Democratic Republic of Congo, and what would become Southern Sudan, are leading efforts, with international support, to apprehend Kony and neutralize the LRA;

Whereas the African Union convened a regional ministerial meeting in October 2010 to bring together countries affected by the LRA, the United Nations, and international partners to address the LRA threat and promote humanitarian assistance and development aid to affected populations, and subsequently authorized, in November 2011, the Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army (RCI-LRA), with a mission to strengthen the operational capabilities of the affected countries and create an environment conducive to stabilizing those areas;

Whereas, on March 5, 2012, the nonprofit organization Invisible Children reinvigorated the national and global dialogue on the LRA and Kony by engaging millions of young citizens via creative social media and inspiring them to demand action and accountability of global leaders, which in turn has mobilized leaders within and outside of the United States Government in support of these concerns;

Whereas, on March 24, 2012, the African Union's Special Envoy for the LRA, Francisco Madeira, and Head of the United Nations' Regional Office for Central Africa, Abou Moussa, launched the operational phase of RCI-LRA by formally announcing the planned deployment of up to 5,000 soldiers to advance anti-LRA and anti-Kony efforts, and the next day formally inaugurated the Headquarters of the Regional Task Force in South Sudan to coordinate efforts to eliminate Kony and neutralize the LRA;

Whereas, in December 2008, Operation Lightning Thunder, a multinational effort, failed to capture and kill Kony in northern Congo, and escaping LRA fighters killed more than 800 civilians, abducted at least 160 children, and pillaged villages en route to the Central African Republic in an incident known as the Christmas Massacres, according to Human Rights Watch; and

Whereas enhanced international and regional cooperation and coordination are necessary to apprehend Kony and LRA leaders while protecting civilian populations against devastating retaliatory attacks: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the African Union for committing to enhanced troop deployments that will fortify the military response to the Lord's Resistance Army, in coordination with the Governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and the Republic of South Sudan, in order to strengthen ongoing efforts

to arrest Joseph Kony and senior commanders of the Lord's Resistance Army;

(2) supports increasing collaboration and coordination between the African Union and the Governments of Uganda, the Central African Republic, the Democratic Republic of Congo, and the Republic of South Sudan so that together they may swiftly and effectively implement RCI-LRA and bring Kony's criminal spree to an end;

(3) supports ongoing efforts by members of the United States Armed Forces currently deployed to serve as advisors to and partners of these national militaries and African Union forces; and

(4) supports continued efforts by the Secretary of State, the Secretary of Defense, and other representatives of the United States Government to work with partner nations and the international community to strengthen the operational capabilities of African Union and other regional military forces deployed as part of RCI-LRA to protect civilians and neutralize the leadership of the Lord's Resistance Army.

#### SENATE RESOLUTION 413—SUPPORTING THE DESIGNATION OF APRIL 2012 AS NATIONAL AUTISM AWARENESS MONTH

Mr. CASEY submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 413

Whereas autism is a general term used to describe a group of complex developmental brain disorders known as pervasive developmental disorders, commonly known as autism spectrum disorders;

Whereas autism is a neurodevelopmental disorder that results in difficulties with communication and social interaction, as well as repetitive behaviors;

Whereas autism affects individuals differently, mildly affecting some and significantly disabling others;

Whereas according to a 2012 report published by the Centers for Disease Control and Prevention, as of 2008, autism affects an estimated 1 in every 88 children in the United States, including 1 in 54 boys, which is a 23 percent increase from 2006;

Whereas autism is 4 times more likely to be diagnosed in boys than in girls;

Whereas autism can affect anyone regardless of race, ethnicity, or other factors;

Whereas the lifetime incremental cost of caring for a person with autism is \$3,200,000;

Whereas the cost nationally of caring for persons affected by autism is estimated to be at least \$90,000,000,000 per year;

Whereas the number of autistic adults grows daily and, absent fundamental breakthroughs, will continue to increase in the years and decades ahead;

Whereas it is both a moral and fiscal imperative that services be made available that maximize the potential of each unique adult living with autism to contribute to the greatest extent possible to the society and economy of the United States;

Whereas it is well established that early intervention can improve outcomes by significantly improving the cognitive, language, and adaptive skills of people with autism;

Whereas the promise of early intervention is not being realized as close to 80 percent of adults with autism, even those without an intellectual disability, are unemployed and living at home with relatives rather than independently;

Whereas a variety of physical, medical, and mental-health issues may accompany au-

tism, resulting in marked functional impairment in all activities of daily living;

Whereas these conditions may include epilepsy, Down syndrome, fragile X syndrome, gastrointestinal problems, immune-system disorders, sleep disturbance, sensory integration dysfunction, and metabolic disorders;

Whereas many individuals on the autism spectrum face co-occurring mental-health challenges, including anxiety, obsessive compulsions, and depression;

Whereas individuals living with autism are highly valued and deserve the highest level of dignity and acceptance by society; and

Whereas April 2012 would be an appropriate month to designate as National Autism Awareness Month to increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses support designating April 2012 as National Autism Awareness Month;

(2) recognizes and commends both individuals living with autism and the parents and relatives of those individuals for the sacrifice and dedication in providing for the special needs of autistic individuals and for absorbing financial costs for specialized education, medical clinical interventions, and support services;

(3) recognizes that—

(A) autism is a major public health crisis that is taking an enormous toll on millions of families who need answers that can come only through further research;

(B) meeting the education, employment, and service-provision needs of individuals on the autism spectrum is a clear and compelling public policy issue that requires a rapid national response; and

(C) individuals and families are desperate to access services that are, at this point, inadequate to meet the current and growing needs of individuals with autism;

(4) stresses the need to begin early intervention services soon after a child has been diagnosed with autism, noting that there is a strong consensus that intensive treatment as soon as possible following diagnosis can significantly improve cognitive functioning, language, and adaptive behavior, reduce the cost of lifetime care, and yield the most positive life outcomes for children with autism;

(5) recognizes—

(A) the importance of assistance in the areas of comprehensive early intervention, health, recreation, job training, employment, housing, transportation, and early, primary, and secondary education; and

(B) that with access to, and assistance with, this type of service and support, individuals with autism can live rich, full, and productive lives;

(6) recognizes that services for transitioning youth and adults with autism are an especially pressing need, as are services that enhance the safety of individuals with autism of any age; and

(7) recognizes that by providing adequate service and support at crucial points in life, adults with autism can become tax-paying citizens with productive and rewarding lives.

#### SENATE RESOLUTION 414—COMMEMORATING THE 125TH ANNIVERSARY OF THE UNIVERSITY OF NORTH CAROLINA AT PEMBROKE

Mr. BURR (for himself and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 414

Whereas the University of North Carolina at Pembroke (referred to in this preamble as "the University") was founded on March 7, 1887, in Robeson County, North Carolina by an act of the General Assembly of North Carolina;

Whereas the University, originally named the Croatian Normal School, was created in response to a petition from the Indian people of Robeson County;

Whereas the University was founded for the purpose of training American Indian school teachers;

Whereas the University opened in the fall of 1887 with 15 students and 1 teacher;

Whereas the University moved to its present location in Pembroke, North Carolina in 1909;

Whereas a 2-year program beyond high school was added to the University in 1926;

Whereas the length of the program of college studies at the University was extended to 4 years in 1939;

Whereas, in 1941, the General Assembly of North Carolina changed the name of the University to Pembroke State College for Indians;

Whereas, until 1953, the University was the only State-supported 4-year college for Indians in the United States;

Whereas, in 1969, the General Assembly of North Carolina changed the name of the University to Pembroke State University and made the University a regional State university that provided instruction at both the undergraduate level and the graduate level;

Whereas, in 1972, the General Assembly of North Carolina established the 17-campus University of North Carolina system and made Pembroke State University 1 of the constituent institutions of the system;

Whereas, on July 1, 1996, Pembroke State University became the University of North Carolina at Pembroke;

Whereas, today, approximately 6,000 students from diverse backgrounds are enrolled in 41 undergraduate programs and 17 graduate programs at the University of North Carolina at Pembroke; and

Whereas March 7, 2012, marks the 125th anniversary of the founding of the University of North Carolina at Pembroke: Now, therefore, be it

*Resolved*, That the Senate commemorates the 125th anniversary of the University of North Carolina at Pembroke.

#### SENATE RESOLUTION 415—DESIGNATING APRIL 4, 2012, AS "NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY"

Mr. WICKER (for himself and Mr. PRYOR) submitted the following resolution; which was considered and agreed to:

S. RES. 415

Whereas the National Association of Junior Auxiliaries and the members of the National Association of Junior Auxiliaries provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that—

(1) are beneficial to the general public; and

(2) place a particular emphasis on providing for the needs of children; and

Whereas since the founding of the National Association of Junior Auxiliaries in 1941, the

organization has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 4, 2012, as “National Association of Junior Auxiliaries Day”;

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

#### SENATE RESOLUTION 416—SUPPORTING THE DESIGNATION OF APRIL AS PARKINSON’S AWARENESS MONTH

Ms. STABENOW (for herself, Mr. UDALL of Colorado, Mr. JOHANNES, Mr. ISAKSON, Mr. BROWN of Ohio, Ms. LANDRIEU, and Mrs. HUTCHISON) submitted the following resolution; which was considered and agreed to:

S. RES. 416

Whereas Parkinson’s disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer’s disease;

Whereas there is inadequate comprehensive data on the incidence and prevalence of Parkinson’s disease, as of 2011, it is estimated that the disease affects from 500,000 to 1,500,000 people in the United States;

Whereas although research suggests the cause of Parkinson’s disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson’s disease, and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson’s disease vary from person to person and include tremors, slowness, difficulty with balance, swallowing, chewing, speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson’s disease for a limited amount of time each day, often with dose-limiting side effects;

Whereas ultimately the medications and treatments lose their effectiveness, generally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson’s disease; and

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson’s disease: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of April as Parkinson’s Awareness Month;

(2) supports the goals and ideals of Parkinson’s Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson’s disease;

(4) recognizes the people living with Parkinson’s who participate in vital clinical trials to advance knowledge of the disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson’s disease and their families.

#### SENATE RESOLUTION 417—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC HEALTH WEEK

Mr. MERKLEY (for himself, Mrs. FEINSTEIN, Mr. UDALL of New Mexico, Mr. AKAKA, Mr. COONS, Mr. TESTER, Mr. WYDEN, Mr. BEGICH, Mr. BROWN of Ohio, and Mr. JOHNSON of South Dakota) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 417

Whereas the week of April 2, 2012, through April 8, 2012, is National Public Health Week;

Whereas the theme for National Public Health Week in 2012 is “A Healthier America Begins Today: Join the Movement”;

Whereas since 1995, public health organizations have used National Public Health Week to educate the public, policymakers, and public health professionals about issues that are important to improving the health of people in the United States;

Whereas preventing diseases and injuries is critical to helping people live longer, healthier lives while managing health-related costs;

Whereas chronic diseases, such as heart disease, cancer, and diabetes are responsible for millions of premature deaths and cause the people in the United States to miss 2,500,000,000 days of work each year, resulting in lost productivity totaling more than \$1,000,000,000,000;

Whereas in 2012, people in the United States are living 78 years on average, but only 69 of these years are spent in good health;

Whereas despite providing some of the best health care in the world, the United States still ranks below many countries in life expectancy, infant mortality, and many other indicators of healthy life;

Whereas studies have shown that small strategic investments in prevention could result in significant savings in health-care costs; and

Whereas in communities across the United States, more people are changing the way they care for their health by avoiding tobacco use, eating healthier, becoming more physically active, and preventing unintentional injuries at home and in the workplace: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Public Health Week;

(2) recognizes the efforts of public-health professionals, the Federal Government, States, municipalities, local communities, and every person in the United States in preventing disease and injury;

(3) recognizes the role of public health in improving the health of people in the United States;

(4) encourages increased efforts and resources to improve the health of people in the United States through—

(A) strategies to promote community health and prevent disease and injury; and

(B) strengthening of the public health system of the United States; and

(5) encourages the people of the United States to learn about the role of the public health system in improving health in the United States.

#### SENATE CONCURRENT RESOLUTION 37—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2013, AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2014 THROUGH 2022

Mr. TOOMEY (for himself, Mr. VITTER, Mr. LEE, Mr. DEMINT, Mr. COBURN, Mr. BURR, Mr. KYL, and Mr. RISCH) submitted the following concurrent resolution; which was referred to the Committee on the Budget:

S. CON. RES. 37

*Resolved by the Senate (the House of Representatives concurring),*

#### SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013.

(a) DECLARATION.—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2013 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2014 through 2022.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2013.

#### TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.

Sec. 102. Social Security.

Sec. 103. Postal Service discretionary administrative expenses.

Sec. 104. Major functional categories.

#### TITLE II—RESERVE FUNDS

Sec. 201. Deficit-reduction reserve fund for improper payments.

#### TITLE III—BUDGET PROCESS

##### Subtitle A—Budget Enforcement

Sec. 301. Discretionary spending limits for fiscal years 2013 through 2022.

Sec. 302. Point of order against advance appropriations.

Sec. 303. Emergency legislation.

Sec. 304. Adjustments for the extension of certain current policies.

Sec. 305. Budgetary treatment of certain discretionary administrative expenses.

Sec. 306. Application and effect of changes in allocations and aggregates.

Sec. 307. Adjustments to reflect changes in concepts and definitions.

Sec. 308. Exercise of rulemaking powers.

#### TITLE I—RECOMMENDED LEVELS AND AMOUNTS

##### SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2013 through 2022:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2013: \$2,060,819,000,000.

Fiscal year 2014: \$2,222,217,000,000.

Fiscal year 2015: \$2,462,866,000,000.

Fiscal year 2016: \$2,651,643,000,000.

Fiscal year 2017: \$2,812,231,000,000.

Fiscal year 2018: \$2,947,218,000,000.

Fiscal year 2019: \$3,089,164,000,000.

Fiscal year 2020: \$3,244,913,000,000.

Fiscal year 2021: \$3,407,296,000,000.

Fiscal year 2022: \$3,575,255,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013: -\$232,519,000,000.  
 Fiscal year 2014: -\$328,967,000,000.  
 Fiscal year 2015: -\$353,418,000,000.  
 Fiscal year 2016: -\$364,462,000,000.  
 Fiscal year 2017: -\$382,107,000,000.  
 Fiscal year 2018: -\$405,071,000,000.  
 Fiscal year 2019: -\$429,409,000,000.  
 Fiscal year 2020: -\$463,107,000,000.  
 Fiscal year 2021: -\$499,656,000,000.  
 Fiscal year 2022: -\$540,226,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2013: \$2,843,410,000,000.  
 Fiscal year 2014: \$2,740,320,000,000.  
 Fiscal year 2015: \$2,759,701,000,000.  
 Fiscal year 2016: \$2,864,230,000,000.  
 Fiscal year 2017: \$2,939,983,000,000.  
 Fiscal year 2018: \$3,016,732,000,000.  
 Fiscal year 2019: \$3,164,003,000,000.  
 Fiscal year 2020: \$3,285,545,000,000.  
 Fiscal year 2021: \$3,393,042,000,000.  
 Fiscal year 2022: \$3,561,218,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013: \$2,883,512,000,000.  
 Fiscal year 2014: \$2,759,155,000,000.  
 Fiscal year 2015: \$2,755,846,000,000.  
 Fiscal year 2016: \$2,860,688,000,000.  
 Fiscal year 2017: \$2,920,044,000,000.  
 Fiscal year 2018: \$2,995,110,000,000.  
 Fiscal year 2019: \$3,133,308,000,000.  
 Fiscal year 2020: \$3,240,510,000,000.  
 Fiscal year 2021: \$3,361,584,000,000.  
 Fiscal year 2022: \$3,529,438,000,000.

(4) DEFICITS(ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2013: \$822,692,000,000.  
 Fiscal year 2014: \$536,938,000,000.  
 Fiscal year 2015: \$292,980,000,000.  
 Fiscal year 2016: \$209,045,000,000.  
 Fiscal year 2017: \$107,812,000,000.  
 Fiscal year 2018: \$47,892,000,000.  
 Fiscal year 2019: \$44,144,000,000.  
 Fiscal year 2020: -\$4,403,000,000.  
 Fiscal year 2021: -\$45,712,000,000.  
 Fiscal year 2022: -\$45,817,000,000.

(5) PUBLIC DEBT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2013: \$16,899,735,000,000.  
 Fiscal year 2014: \$17,623,701,000,000.  
 Fiscal year 2015: \$18,107,497,000,000.  
 Fiscal year 2016: \$18,496,863,000,000.  
 Fiscal year 2017: \$18,791,789,000,000.  
 Fiscal year 2018: \$19,055,263,000,000.  
 Fiscal year 2019: \$19,364,135,000,000.  
 Fiscal year 2020: \$19,655,060,000,000.  
 Fiscal year 2021: \$19,829,669,000,000.  
 Fiscal year 2022: \$20,012,601,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013: \$12,263,719,000,000.  
 Fiscal year 2014: \$12,888,838,000,000.  
 Fiscal year 2015: \$13,276,755,000,000.  
 Fiscal year 2016: \$13,567,838,000,000.  
 Fiscal year 2017: \$13,754,302,000,000.  
 Fiscal year 2018: \$13,878,371,000,000.  
 Fiscal year 2019: \$14,000,008,000,000.  
 Fiscal year 2020: \$14,081,861,000,000.  
 Fiscal year 2021: \$14,055,939,000,000.  
 Fiscal year 2022: \$14,049,329,000,000.

#### SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2013: \$675,120,000,000.

Fiscal year 2014: \$731,427,000,000.  
 Fiscal year 2015: \$772,640,000,000.  
 Fiscal year 2016: \$821,698,000,000.  
 Fiscal year 2017: \$872,014,000,000.  
 Fiscal year 2018: \$919,303,000,000.  
 Fiscal year 2019: \$965,008,000,000.  
 Fiscal year 2020: \$1,010,593,000,000.  
 Fiscal year 2021: \$1,055,547,000,000.  
 Fiscal year 2022: \$1,102,093,000,000.

(b) SOCIAL SECURITY OUTLAYS.—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2013: \$759,733,000,000.  
 Fiscal year 2014: \$824,066,000,000.  
 Fiscal year 2015: \$865,245,000,000.  
 Fiscal year 2016: \$909,347,000,000.  
 Fiscal year 2017: \$959,079,000,000.  
 Fiscal year 2018: \$1,013,231,000,000.  
 Fiscal year 2019: \$1,072,290,000,000.  
 Fiscal year 2020: \$1,136,188,000,000.  
 Fiscal year 2021: \$1,202,306,000,000.  
 Fiscal year 2022: \$1,271,585,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2013:  
 (A) New budget authority, \$5,767,000,000.  
 (B) Outlays, \$5,879,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$6,005,000,000.  
 (B) Outlays, \$6,010,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$6,075,000,000.  
 (B) Outlays, \$6,060,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$6,100,000,000.  
 (B) Outlays, \$6,120,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$6,120,000,000.  
 (B) Outlays, \$6,110,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$6,140,000,000.  
 (B) Outlays, \$6,130,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$6,150,000,000.  
 (B) Outlays, \$6,120,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$6,170,000,000.  
 (B) Outlays, \$6,150,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$6,190,000,000.  
 (B) Outlays, \$6,170,000,000.  
 Fiscal year 2022:  
 (A) New budget authority, \$6,230,000,000.  
 (B) Outlays, \$6,220,000,000.

#### SEC. 103. POSTAL SERVICE DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, the amounts of new budget authority and budget outlays of the Postal Service for discretionary administrative expenses are as follows:

Fiscal year 2013:  
 (A) New budget authority, \$260,000,000.  
 (B) Outlays, \$260,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$260,000,000.  
 (B) Outlays, \$260,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$260,000,000.  
 (B) Outlays, \$260,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$260,000,000.  
 (B) Outlays, \$260,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$260,000,000.  
 (B) Outlays, \$260,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$270,000,000.  
 (B) Outlays, \$270,000,000.  
 Fiscal year 2019:

(A) New budget authority, \$270,000,000.  
 (B) Outlays, \$270,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$280,000,000.  
 (B) Outlays, \$280,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$290,000,000.  
 (B) Outlays, \$290,000,000.  
 Fiscal year 2022:  
 (A) New budget authority, \$290,000,000.  
 (B) Outlays, \$290,000,000.

#### SEC. 104. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2013 through 2022 for each major functional category are:

(1) National Defense (050):  
 Fiscal year 2013:  
 (A) New budget authority, \$553,906,000,000.  
 (B) Outlays, \$587,915,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$564,056,000,000.  
 (B) Outlays, \$577,237,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$574,318,000,000.  
 (B) Outlays, \$573,792,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$585,563,000,000.  
 (B) Outlays, \$584,659,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$598,824,000,000.  
 (B) Outlays, \$590,418,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$612,080,000,000.  
 (B) Outlays, \$605,148,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$625,346,000,000.  
 (B) Outlays, \$618,413,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$639,645,000,000.  
 (B) Outlays, \$629,709,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$653,946,000,000.  
 (B) Outlays, \$641,009,000,000.  
 Fiscal year 2022:  
 (A) New budget authority, \$664,275,000,000.  
 (B) Outlays, \$653,333,000,000.  
 (2) International Affairs (150):  
 Fiscal year 2013:  
 (A) New budget authority, \$26,373,000,000.  
 (B) Outlays, \$36,907,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$24,356,000,000.  
 (B) Outlays, \$26,031,000,000.  
 Fiscal year 2015:  
 (A) New budget authority, \$20,850,000,000.  
 (B) Outlays, \$21,977,000,000.  
 Fiscal year 2016:  
 (A) New budget authority, \$18,951,000,000.  
 (B) Outlays, \$21,968,000,000.  
 Fiscal year 2017:  
 (A) New budget authority, \$20,534,000,000.  
 (B) Outlays, \$22,351,000,000.  
 Fiscal year 2018:  
 (A) New budget authority, \$21,570,000,000.  
 (B) Outlays, \$22,387,000,000.  
 Fiscal year 2019:  
 (A) New budget authority, \$21,587,000,000.  
 (B) Outlays, \$20,726,000,000.  
 Fiscal year 2020:  
 (A) New budget authority, \$21,571,000,000.  
 (B) Outlays, \$19,641,000,000.  
 Fiscal year 2021:  
 (A) New budget authority, \$21,726,000,000.  
 (B) Outlays, \$19,594,000,000.  
 Fiscal year 2022:  
 (A) New budget authority, \$22,150,000,000.  
 (B) Outlays, \$19,958,000,000.  
 (3) General Science, Space, and Technology (250):  
 Fiscal year 2013:  
 (A) New budget authority, \$25,020,000,000.  
 (B) Outlays, \$27,356,000,000.  
 Fiscal year 2014:  
 (A) New budget authority, \$25,200,000,000.  
 (B) Outlays, \$26,215,000,000.  
 Fiscal year 2015:



(A) New budget authority, \$25,150,000,000.	(A) New budget authority, \$20,359,000,000.	Fiscal year 2022:
(B) Outlays, \$25,420,000,000.	(B) Outlays, \$23,551,000,000.	(A) New budget authority, \$77,753,000,000.
Fiscal year 2016:	Fiscal year 2014:	(B) Outlays, \$77,753,000,000.
(A) New budget authority, \$25,210,000,000.	(A) New budget authority, \$19,737,000,000.	(9) Community and Regional Development
(B) Outlays, \$25,310,000,000.	(B) Outlays, \$19,688,000,000.	(450):
Fiscal year 2017:	Fiscal year 2015:	Fiscal year 2013:
(A) New budget authority, \$25,180,000,000.	(A) New budget authority, \$18,606,000,000.	(A) New budget authority, \$10,910,000,000.
(B) Outlays, \$25,160,000,000.	(B) Outlays, \$18,202,000,000.	(B) Outlays, \$18,067,000,000.
Fiscal year 2018:	Fiscal year 2016:	Fiscal year 2014:
(A) New budget authority, \$25,130,000,000.	(A) New budget authority, \$17,235,000,000.	(A) New budget authority, \$11,070,000,000.
(B) Outlays, \$25,150,000,000.	(B) Outlays, \$17,184,000,000.	(B) Outlays, \$14,760,000,000.
Fiscal year 2019:	Fiscal year 2017:	Fiscal year 2015:
(A) New budget authority, \$25,250,000,000.	(A) New budget authority, \$17,264,000,000.	(A) New budget authority, \$11,156,000,000.
(B) Outlays, \$25,120,000,000.	(B) Outlays, \$17,104,000,000.	(B) Outlays, \$13,652,000,000.
Fiscal year 2020:	Fiscal year 2018:	Fiscal year 2016:
(A) New budget authority, \$25,120,000,000.	(A) New budget authority, \$17,647,000,000.	(A) New budget authority, \$11,180,000,000.
(B) Outlays, \$25,110,000,000.	(B) Outlays, \$17,201,000,000.	(B) Outlays, \$12,140,000,000.
Fiscal year 2021:	Fiscal year 2019:	Fiscal year 2017:
(A) New budget authority, \$25,110,000,000.	(A) New budget authority, \$17,565,000,000.	(A) New budget authority, \$11,469,000,000.
(B) Outlays, \$25,140,000,000.	(B) Outlays, \$17,106,000,000.	(B) Outlays, \$11,305,000,000.
Fiscal year 2022:	Fiscal year 2020:	Fiscal year 2018:
(A) New budget authority, \$25,120,000,000.	(A) New budget authority, \$17,771,000,000.	(A) New budget authority, \$11,373,000,000.
(B) Outlays, \$25,110,000,000.	(B) Outlays, \$17,436,000,000.	(B) Outlays, \$11,151,000,000.
(4) Energy (270):	Fiscal year 2021:	Fiscal year 2019:
Fiscal year 2013:	(A) New budget authority, \$16,799,000,000.	(A) New budget authority, \$11,328,000,000.
(A) New budget authority, \$4,073,000,000.	(B) Outlays, \$16,405,000,000.	(B) Outlays, \$11,120,000,000.
(B) Outlays, \$9,874,000,000.	Fiscal year 2022:	Fiscal year 2020:
Fiscal year 2014:	(A) New budget authority, \$14,776,000,000.	(A) New budget authority, \$11,213,000,000.
(A) New budget authority, \$2,354,000,000.	(B) Outlays, \$14,386,000,000.	(B) Outlays, \$11,088,000,000.
(B) Outlays, \$4,854,000,000.	(7) Commerce and Housing Credit (370):	Fiscal year 2021:
Fiscal year 2015:	Fiscal year 2013:	(A) New budget authority, \$11,209,000,000.
(A) New budget authority, \$1,389,000,000.	(A) New budget authority, \$3,014,000,000.	(B) Outlays, \$11,083,000,000.
(B) Outlays, \$2,272,000,000.	(B) Outlays, \$6,719,000,000.	Fiscal year 2022:
Fiscal year 2016:	Fiscal year 2014:	(A) New budget authority, \$11,094,000,000.
(A) New budget authority, \$1,272,000,000.	(A) New budget authority, \$7,953,000,000.	(B) Outlays, \$11,020,000,000.
(B) Outlays, \$1,582,000,000.	(B) Outlays, -\$1,763,000,000.	(10) Education, Training, Employment, and
Fiscal year 2017:	Fiscal year 2015:	Social Services (500):
(A) New budget authority, \$893,000,000.	(A) New budget authority, \$5,163,000,000.	Fiscal year 2013:
(B) Outlays, \$1,269,000,000.	(B) Outlays, -\$5,843,000,000.	(A) New budget authority, \$62,036,000,000.
Fiscal year 2018:	Fiscal year 2016:	(B) Outlays, \$73,744,000,000.
(A) New budget authority, \$598,000,000.	(A) New budget authority, \$3,169,000,000.	Fiscal year 2014:
(B) Outlays, \$454,000,000.	(B) Outlays, -\$11,077,000,000.	(A) New budget authority, \$54,249,000,000.
Fiscal year 2019:	Fiscal year 2017:	(B) Outlays, \$63,575,000,000.
(A) New budget authority, \$448,000,000.	(A) New budget authority, \$3,191,000,000.	Fiscal year 2015:
(B) Outlays, \$424,000,000.	(B) Outlays, -\$12,668,000,000.	(A) New budget authority, \$58,206,000,000.
Fiscal year 2020:	Fiscal year 2018:	(B) Outlays, \$60,760,000,000.
(A) New budget authority, \$297,000,000.	(A) New budget authority, \$3,069,000,000.	Fiscal year 2016:
(B) Outlays, \$166,000,000.	(B) Outlays, -\$13,522,000,000.	(A) New budget authority, \$64,259,000,000.
Fiscal year 2021:	Fiscal year 2019:	(B) Outlays, \$64,638,000,000.
(A) New budget authority, \$139,000,000.	(A) New budget authority, \$2,633,000,000.	Fiscal year 2017:
(B) Outlays, -\$37,000,000.	(B) Outlays, -\$19,742,000,000.	(A) New budget authority, \$72,102,000,000.
Fiscal year 2022:	Fiscal year 2020:	(B) Outlays, \$70,124,000,000.
(A) New budget authority, \$115,000,000.	(A) New budget authority, \$2,416,000,000.	Fiscal year 2018:
(B) Outlays, -\$90,000,000.	(B) Outlays, -\$20,586,000,000.	(A) New budget authority, \$74,092,000,000.
(5) Natural Resources and Environment	Fiscal year 2021:	(B) Outlays, \$74,522,000,000.
(300):	(A) New budget authority, \$1,191,000,000.	Fiscal year 2019:
Fiscal year 2013:	(B) Outlays, -\$14,782,000,000.	(A) New budget authority, \$75,745,000,000.
(A) New budget authority, \$29,491,000,000.	Fiscal year 2022:	(B) Outlays, \$76,082,000,000.
(B) Outlays, \$33,124,000,000.	(A) New budget authority, \$3,373,000,000.	Fiscal year 2020:
Fiscal year 2014:	(B) Outlays, -\$13,896,000,000.	(A) New budget authority, \$73,441,000,000.
(A) New budget authority, \$27,246,000,000.	(8) Transportation (400):	(B) Outlays, \$75,069,000,000.
(B) Outlays, \$30,762,000,000.	Fiscal year 2013:	Fiscal year 2021:
Fiscal year 2015:	(A) New budget authority, \$83,447,000,000.	(A) New budget authority, \$84,685,000,000.
(A) New budget authority, \$27,288,000,000.	(B) Outlays, \$83,477,000,000.	(B) Outlays, \$86,222,000,000.
(B) Outlays, \$29,079,000,000.	Fiscal year 2014:	Fiscal year 2022:
Fiscal year 2016:	(A) New budget authority, \$83,714,000,000.	(A) New budget authority, \$85,935,000,000.
(A) New budget authority, \$26,336,000,000.	(B) Outlays, \$83,714,000,000.	(B) Outlays, \$87,210,000,000.
(B) Outlays, \$27,547,000,000.	Fiscal year 2015:	(11) Health (550):
Fiscal year 2017:	(A) New budget authority, \$73,132,000,000.	Fiscal year 2013:
(A) New budget authority, \$26,614,000,000.	(B) Outlays, \$73,132,000,000.	(A) New budget authority, \$351,276,000,000.
(B) Outlays, \$27,433,000,000.	Fiscal year 2016:	(B) Outlays, \$348,874,000,000.
Fiscal year 2018:	(A) New budget authority, \$74,224,000,000.	Fiscal year 2014:
(A) New budget authority, \$27,123,000,000.	(B) Outlays, \$74,224,000,000.	(A) New budget authority, \$359,806,000,000.
(B) Outlays, \$27,235,000,000.	Fiscal year 2017:	(B) Outlays, \$350,469,000,000.
Fiscal year 2019:	(A) New budget authority, \$75,369,000,000.	Fiscal year 2015:
(A) New budget authority, \$27,100,000,000.	(B) Outlays, \$75,369,000,000.	(A) New budget authority, \$355,012,000,000.
(B) Outlays, \$26,990,000,000.	Fiscal year 2018:	(B) Outlays, \$351,167,000,000.
Fiscal year 2020:	(A) New budget authority, \$75,471,000,000.	Fiscal year 2016:
(A) New budget authority, \$27,091,000,000.	(B) Outlays, \$75,471,000,000.	(A) New budget authority, \$337,600,000,000.
(B) Outlays, \$26,965,000,000.	Fiscal year 2019:	(B) Outlays, \$341,489,000,000.
Fiscal year 2021:	(A) New budget authority, \$75,491,000,000.	Fiscal year 2017:
(A) New budget authority, \$26,233,000,000.	(B) Outlays, \$75,491,000,000.	(A) New budget authority, \$340,444,000,000.
(B) Outlays, \$26,415,000,000.	Fiscal year 2020:	(B) Outlays, \$343,524,000,000.
Fiscal year 2022:	(A) New budget authority, \$76,594,000,000.	Fiscal year 2018:
(A) New budget authority, \$25,101,000,000.	(B) Outlays, \$76,594,000,000.	(A) New budget authority, \$349,829,000,000.
(B) Outlays, \$24,779,000,000.	Fiscal year 2021:	(B) Outlays, \$350,156,000,000.
(6) Agriculture (350):	(A) New budget authority, \$76,679,000,000.	Fiscal year 2019:
Fiscal year 2013:	(B) Outlays, \$76,679,000,000.	(A) New budget authority, \$356,785,000,000.

(B) Outlays, \$357,360,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$374,642,000,000.  
(B) Outlays, \$364,901,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$372,368,000,000.  
(B) Outlays, \$372,596,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$381,779,000,000.  
(B) Outlays, \$381,829,000,000.  
(12) Medicare (570):  
Fiscal year 2013:  
(A) New budget authority, \$522,984,000,000.  
(B) Outlays, \$522,403,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$548,036,000,000.  
(B) Outlays, \$547,168,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$572,325,000,000.  
(B) Outlays, \$571,965,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$621,067,000,000.  
(B) Outlays, \$620,947,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$639,206,000,000.  
(B) Outlays, \$638,574,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$662,055,000,000.  
(B) Outlays, \$661,696,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$724,868,000,000.  
(B) Outlays, \$724,716,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$777,760,000,000.  
(B) Outlays, \$777,070,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$830,549,000,000.  
(B) Outlays, \$830,135,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$917,881,000,000.  
(B) Outlays, \$917,837,000,000.  
(13) Income Security (600):  
Fiscal year 2013:  
(A) New budget authority, \$513,373,000,000.  
(B) Outlays, \$515,821,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$461,277,000,000.  
(B) Outlays, \$463,340,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$451,283,000,000.  
(B) Outlays, \$453,210,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$446,514,000,000.  
(B) Outlays, \$447,559,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$432,177,000,000.  
(B) Outlays, \$432,813,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$423,429,000,000.  
(B) Outlays, \$424,396,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$433,742,000,000.  
(B) Outlays, \$434,038,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$433,849,000,000.  
(B) Outlays, \$434,361,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$438,811,000,000.  
(B) Outlays, \$438,911,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$458,886,000,000.  
(B) Outlays, \$459,223,000,000.  
(14) Social Security (650):  
Fiscal year 2013:  
(A) New budget authority, \$53,216,000,000.  
(B) Outlays, \$53,216,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$31,892,000,000.  
(B) Outlays, \$31,892,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$35,135,000,000.  
(B) Outlays, \$35,135,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$38,953,000,000.  
(B) Outlays, \$38,953,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$43,140,000,000.  
(B) Outlays, \$43,140,000,000.

Fiscal year 2018:  
(A) New budget authority, \$47,590,000,000.  
(B) Outlays, \$47,590,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$52,429,000,000.  
(B) Outlays, \$52,429,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$57,425,000,000.  
(B) Outlays, \$57,425,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$62,604,000,000.  
(B) Outlays, \$62,604,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$68,079,000,000.  
(B) Outlays, \$68,079,000,000.  
(15) Veterans Benefits and Services (700):  
Fiscal year 2013:  
(A) New budget authority, \$134,495,000,000.  
(B) Outlays, \$133,755,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$136,990,000,000.  
(B) Outlays, \$136,084,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$139,829,000,000.  
(B) Outlays, \$139,039,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$148,058,000,000.  
(B) Outlays, \$147,074,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$146,491,000,000.  
(B) Outlays, \$145,327,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$144,633,000,000.  
(B) Outlays, \$143,406,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$153,640,000,000.  
(B) Outlays, \$152,378,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$157,369,000,000.  
(B) Outlays, \$156,086,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$161,120,000,000.  
(B) Outlays, \$159,802,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$171,001,000,000.  
(B) Outlays, \$169,302,000,000.  
(16) Administration of Justice (750):  
Fiscal year 2013:  
(A) New budget authority, \$57,081,000,000.  
(B) Outlays, \$54,641,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$47,580,000,000.  
(B) Outlays, \$50,298,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$47,260,000,000.  
(B) Outlays, \$49,154,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$48,935,000,000.  
(B) Outlays, \$50,540,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$47,052,000,000.  
(B) Outlays, \$48,728,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$46,895,000,000.  
(B) Outlays, \$48,529,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$46,775,000,000.  
(B) Outlays, \$47,360,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$46,691,000,000.  
(B) Outlays, \$46,705,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$46,934,000,000.  
(B) Outlays, \$46,896,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$51,782,000,000.  
(B) Outlays, \$51,510,000,000.  
(17) General Government (800):  
Fiscal year 2013:  
(A) New budget authority, \$22,220,000,000.  
(B) Outlays, \$22,962,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$21,995,000,000.  
(B) Outlays, \$22,022,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$21,710,000,000.  
(B) Outlays, \$21,844,000,000.  
Fiscal year 2016:

(A) New budget authority, \$21,490,000,000.  
(B) Outlays, \$21,737,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$21,037,000,000.  
(B) Outlays, \$21,077,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$21,163,000,000.  
(B) Outlays, \$21,155,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$21,284,000,000.  
(B) Outlays, \$21,310,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$21,297,000,000.  
(B) Outlays, \$21,417,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$21,403,000,000.  
(B) Outlays, \$21,376,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$21,500,000,000.  
(B) Outlays, \$21,477,000,000.  
(18) Net Interest (900):  
Fiscal year 2013:  
(A) New budget authority, \$356,871,000,000.  
(B) Outlays, \$356,871,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$372,006,000,000.  
(B) Outlays, \$372,006,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$406,919,000,000.  
(B) Outlays, \$406,919,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$460,941,000,000.  
(B) Outlays, \$460,941,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$515,503,000,000.  
(B) Outlays, \$515,503,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$553,551,000,000.  
(B) Outlays, \$553,551,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$599,832,000,000.  
(B) Outlays, \$599,832,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$636,232,000,000.  
(B) Outlays, \$636,232,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$658,704,000,000.  
(B) Outlays, \$658,704,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$680,273,000,000.  
(B) Outlays, \$680,273,000,000.  
(19) Allowances (920):  
Fiscal year 2013:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2014:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2015:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2016:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2017:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2018:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2019:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2020:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2021:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2022:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
(20) Undistributed Offsetting Receipts (950):  
Fiscal year 2013:  
(A) New budget authority, -\$76,736,000,000.  
(B) Outlays, -\$76,736,000,000.  
Fiscal year 2014:  
(A) New budget authority, -\$79,197,000,000.

(B) Outlays, —\$79,197,000,000.  
Fiscal year 2015:  
(A) New budget authority, —\$85,031,000,000.  
(B) Outlays, —\$85,031,000,000.  
Fiscal year 2016:  
(A) New budget authority, —\$86,726,000,000.  
(B) Outlays, —\$86,726,000,000.  
Fiscal year 2017:  
(A) New budget authority, —\$96,507,000,000.  
(B) Outlays, —\$96,507,000,000.  
Fiscal year 2018:  
(A) New budget authority, —\$100,566,000,000.  
(B) Outlays, —\$100,566,000,000.  
Fiscal year 2019:  
(A) New budget authority, —\$107,845,000,000.  
(B) Outlays, —\$107,845,000,000.  
Fiscal year 2020:  
(A) New budget authority, —\$114,878,000,000.  
(B) Outlays, —\$114,878,000,000.  
Fiscal year 2021:  
(A) New budget authority, —\$117,168,000,000.  
(B) Outlays, —\$117,168,000,000.  
Fiscal year 2022:  
(A) New budget authority, —\$119,655,000,000.  
(B) Outlays, —\$119,655,000,000.  
(21) Global War on Terror and Related Activities (970):  
Fiscal year 2013:  
(A) New budget authority, \$90,000,000,000.  
(B) Outlays, \$51,000,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$20,000,000,000.  
(B) Outlays, \$20,000,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2016:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2017:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2018:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2019:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2020:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2021:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2022:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.

## TITLE II—RESERVE FUNDS

### SEC. 201. DEFICIT-REDUCTION RESERVE FUND FOR IMPROPER PAYMENTS.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by eliminating or reducing improper payments and use such savings to reduce the deficit. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 6 and 11 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

## TITLE III—BUDGET PROCESS

### Subtitle A—Budget Enforcement

#### SEC. 301. DISCRETIONARY SPENDING LIMITS FOR FISCAL YEARS 2013 THROUGH 2022.

(a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits other than those allocated to function 970 for war efforts overseas in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2013, \$985,469,000,000 in new budget authority and \$1,118,113,000,000 in outlays;

(2) for fiscal year 2014, \$995,547,000,000 in new budget authority and \$1,079,448,000,000 in outlays;

(3) for fiscal year 2015, \$1,004,921,000,000 in new budget authority and \$1,053,804,000,000 in outlays;

(4) for fiscal year 2016, \$1,015,924,000,000 in new budget authority and \$1,060,609,000,000 in outlays;

(5) for fiscal year 2017, \$1,030,766,000,000 in new budget authority and \$1,066,221,000,000 in outlays;

(6) for fiscal year 2018, \$1,043,364,000,000 in new budget authority and \$1,080,039,000,000 in outlays;

(7) for fiscal year 2019, \$1,056,286,000,000 in new budget authority and \$1,091,895,000,000 in outlays;

(8) for fiscal year 2020, \$1,069,722,000,000 in new budget authority and \$1,104,053,000,000 in outlays;

(9) for fiscal year 2021, \$1,085,565,000,000 in new budget authority and \$1,115,780,000,000 in outlays; and

(10) for fiscal year 2022, \$1,103,426,000,000 in new budget authority and \$1,134,954,000,000 in outlays.

#### SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2012 that first becomes available for any fiscal year after 2012, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2013, that first becomes available for any fiscal year after 2013.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2013 and 2014 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate

amount not to exceed \$28,500,000,000 in new budget authority in each year; and

(2) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 402 of S. Con. Res. 13 (111th Congress) shall no longer apply.

#### SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits), and section 301 of this resolution (relating to discretionary spending). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) **DEFINITIONS.**—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) **POINT OF ORDER.**—

(1) **IN GENERAL.**—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

(A) **WAIVER.**—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **CRITERIA.**—

(1) **IN GENERAL.**—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) **UNFORESEEN.**—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) **INAPPLICABILITY.**—In the Senate, section 403 of S. Con. Res. 13 (111th Congress),

the concurrent resolution on the budget for fiscal year 2010, shall no longer apply.

#### **SEC. 304. ADJUSTMENTS FOR THE EXTENSION OF CERTAIN CURRENT POLICIES.**

(a) **ADJUSTMENT.**—For the purposes of determining points of order specified in subsection (b), the Chairman of the Committee on the Budget of the Senate may adjust the estimate of the budgetary effects of a bill, joint resolution, amendment, motion, or conference report that contains one or more provisions meeting the criteria of subsection (c) to exclude the amounts of qualifying budgetary effects.

(b) **COVERED POINTS OF ORDER.**—The Chairman of the Committee on the Budget of the Senate may make adjustments pursuant to this section for the following points of order only:

(1) Section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go).

(2) Section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

(3) Section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits).

(c) **QUALIFYING LEGISLATION.**—The Chairman of the Committee on the Budget of the Senate may make adjustments authorized under subsection (a) for legislation containing provisions that—

(1) amend or supersede the system for updating payments made under subsections 1848 (d) and (f) of the Social Security Act, consistent with section 7(c) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139);

(2) amend the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986, consistent with section 7(d) of the Statutory Pay-As-You-Go Act of 2010;

(3) extend relief from the Alternative Minimum Tax for individuals under sections 55-59 of the Internal Revenue Code of 1986, consistent with section 7(e) of the Statutory Pay-As-You-Go Act of 2010; and

(4) extend middle-class tax cuts made in the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16) and the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108-27), consistent with section 7(f) of the Statutory Pay-As-You-Go Act of 2010.

(d) **LIMITATION.**—The Chairman shall make any adjustments pursuant to this section in a manner consistent with the limitations described in sections 4(c) and 7(h) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139).

(e) **DEFINITION.**—For the purposes of this section, the terms “budgetary effects” or “effects” mean the amount by which a provision changes direct spending or revenues relative to the baseline.

(f) **SUNSET.**—This section shall expire on December 31, 2011.

#### **SEC. 305. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.**

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

#### **SEC. 306. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.**

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

#### **SEC. 307. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.**

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

#### **SEC. 308. EXERCISE OF RULEMAKING POWERS.**

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

#### **SENATE CONCURRENT RESOLUTION 38—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES**

Mr. REID (for himself and Mr. McCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 38

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, March 29, 2012, through Sunday, April 1, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, April 16, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day through Friday, April 13, 2012, on a motion offered pursuant to this concurrent resolution by its majority leader or his designee, it stand adjourned until 2 p.m. on Monday, April 16, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

**SEC. 2.** The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at

such place and time as they may designate if, in their opinion, the public interest shall warrant it.

**SENATE CONCURRENT RESOLUTION 39—SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2013, REVISING THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEAR 2012, AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2013 THROUGH 2022**

Mr. PAUL (for himself, Mr. DEMINT, and Mr. LEE) submitted the following concurrent resolution; which was referred to the Committee on the Budget:  
S. CON. RES. 39

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013.**

(a) **DECLARATION.**—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2013 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2013 through 2022.

(b) **TABLE OF CONTENTS.**—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2013.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

Sec. 101. Recommended levels and amounts.  
Sec. 102. Social Security.  
Sec. 103. Major functional categories.

**TITLE II—RESERVE FUNDS**

Sec. 201. Deficit-reduction reserve fund for the sale of unused or vacant Federal properties.  
Sec. 202. Deficit-reduction reserve fund for selling excess Federal land.  
Sec. 203. Deficit-reduction reserve fund for the repeal of Davis-Bacon prevailing wage laws.  
Sec. 204. Deficit-reduction reserve fund for the reduction of purchasing and maintaining Federal vehicles.  
Sec. 205. Deficit-reduction reserve fund for the sale of financial assets purchased through the Troubled Asset Relief Program.

**TITLE III—BUDGET PROCESS**

**Subtitle A—Budget Enforcement**

Sec. 301. Discretionary spending limits for fiscal years 2012 through 2022, program integrity initiatives, and other adjustments.  
Sec. 302. Point of order against advance appropriations.  
Sec. 303. Emergency legislation.  
Sec. 304. Adjustments for the extension of certain current policies.  
Sec. 305. Point of order against any budget resolution without the passage of a balance budget amendment.

**Subtitle B—Other Provisions**

Sec. 311. Oversight of Government performance.  
Sec. 312. Application and effect of changes in allocations and aggregates.  
Sec. 313. Adjustments to reflect changes in concepts and definitions.  
Sec. 314. Rescind unspent or unobligated balances after 36 months.

**TITLE IV—RECONCILIATION**

Sec. 401. Reconciliation in the Senate.

Sec. 402. Directive to the Committee on the Budget of the Senate to replace the sequester established by the Budget Control Act of 2011.

**TITLE V—CONGRESSIONAL POLICY CHANGES**

Sec. 501. Policy statement on social security.  
Sec. 502. Policy statement on medicare.  
Sec. 503. Policy statement on tax reform.

**TITLE VI—SENSE OF CONGRESS**

Sec. 601. Regulatory reform.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

**SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for each of fiscal years 2012 through 2022:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2012: \$1,896,000,000,000.  
Fiscal year 2013: \$1,615,000,000,000.  
Fiscal year 2014: \$1,740,000,000,000.  
Fiscal year 2015: \$2,261,000,000,000.  
Fiscal year 2016: \$2,406,000,000,000.  
Fiscal year 2017: \$2,651,000,000,000.  
Fiscal year 2018: \$2,965,000,000,000.  
Fiscal year 2019: \$3,186,000,000,000.  
Fiscal year 2020: \$3,419,000,000,000.  
Fiscal year 2021: \$3,663,000,000,000.  
Fiscal year 2022: \$3,822,000,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2012: –\$23,000,000,000.  
Fiscal year 2013: –\$675,000,000,000.  
Fiscal year 2014: –\$845,000,000,000.  
Fiscal year 2015: –\$537,000,000,000.  
Fiscal year 2016: –\$559,000,000,000.  
Fiscal year 2017: –\$521,000,000,000.  
Fiscal year 2018: –\$365,000,000,000.  
Fiscal year 2019: –\$312,000,000,000.  
Fiscal year 2020: –\$257,000,000,000.  
Fiscal year 2021: –\$214,000,000,000.  
Fiscal year 2022: –\$263,000,000,000.

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2012: \$3,519,858,000,000.  
Fiscal year 2013: \$3,084,004,000,000.  
Fiscal year 2014: \$3,106,658,000,000.  
Fiscal year 2015: \$3,117,000,000,000.  
Fiscal year 2016: \$3,283,243,000,000.  
Fiscal year 2017: \$3,458,011,000,000.  
Fiscal year 2018: \$3,659,956,000,000.  
Fiscal year 2019: \$3,893,357,000,000.  
Fiscal year 2020: \$4,090,845,000,000.  
Fiscal year 2021: \$4,262,660,000,000.  
Fiscal year 2022: \$4,464,458,000,000.

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2012: \$3,565,725,000,000.  
Fiscal year 2013: \$3,109,085,000,000.  
Fiscal year 2014: \$3,098,368,000,000.  
Fiscal year 2015: \$3,092,240,000,000.  
Fiscal year 2016: \$3,256,795,000,000.  
Fiscal year 2017: \$3,408,942,000,000.  
Fiscal year 2018: \$3,594,222,000,000.  
Fiscal year 2019: \$3,842,333,000,000.  
Fiscal year 2020: \$4,027,530,000,000.  
Fiscal year 2021: \$4,208,224,000,000.  
Fiscal year 2022: \$4,417,978,000,000.

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2012: \$1,043,000,000,000.  
Fiscal year 2013: \$795,000,000,000.  
Fiscal year 2014: \$631,000,000,000.  
Fiscal year 2015: \$62,000,000,000.  
Fiscal year 2016: \$31,000,000,000.

Fiscal year 2017: –\$111,000,000,000.  
Fiscal year 2018: –\$285,000,000,000.  
Fiscal year 2019: –\$302,000,000,000.  
Fiscal year 2020: –\$395,000,000,000.  
Fiscal year 2021: –\$504,000,000,000.  
Fiscal year 2022: –\$501,000,000,000.

(5) **PUBLIC DEBT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2012: \$11,368,000,000,000.  
Fiscal year 2013: \$12,197,000,000,000.  
Fiscal year 2014: \$12,912,000,000,000.  
Fiscal year 2015: \$13,084,000,000,000.  
Fiscal year 2016: \$13,230,000,000,000.  
Fiscal year 2017: \$13,147,000,000,000.  
Fiscal year 2018: \$12,912,000,000,000.  
Fiscal year 2019: \$12,631,000,000,000.  
Fiscal year 2020: \$12,261,000,000,000.  
Fiscal year 2021: \$11,787,000,000,000.  
Fiscal year 2022: \$11,328,000,000,000.

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2012: \$11,242,000,000,000.  
Fiscal year 2013: \$12,089,000,000,000.  
Fiscal year 2014: \$12,812,000,000,000.  
Fiscal year 2015: \$12,966,000,000,000.  
Fiscal year 2016: \$13,076,000,000,000.  
Fiscal year 2017: \$13,017,000,000,000.  
Fiscal year 2018: \$12,784,000,000,000.  
Fiscal year 2019: \$12,534,000,000,000.  
Fiscal year 2020: \$12,191,000,000,000.  
Fiscal year 2021: \$11,739,000,000,000.  
Fiscal year 2022: \$11,290,000,000,000.

**SEC. 102. SOCIAL SECURITY.**

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: \$627,000,000,000.  
Fiscal year 2013: \$698,000,000,000.  
Fiscal year 2014: \$728,000,000,000.  
Fiscal year 2015: \$770,000,000,000.  
Fiscal year 2016: \$819,000,000,000.  
Fiscal year 2017: \$868,000,000,000.  
Fiscal year 2018: \$914,000,000,000.  
Fiscal year 2019: \$958,000,000,000.  
Fiscal year 2020: \$1,004,000,000,000.  
Fiscal year 2021: \$1,049,000,000,000.  
Fiscal year 2022: \$1,096,000,000,000.

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2012: \$770,420,000,000.  
Fiscal year 2013: \$813,569,000,000.  
Fiscal year 2014: \$857,048,000,000.  
Fiscal year 2015: \$901,705,000,000.  
Fiscal year 2016: \$950,000,000,000.  
Fiscal year 2017: \$1,004,219,000,000.  
Fiscal year 2018: \$1,063,321,000,000.  
Fiscal year 2019: \$1,127,719,000,000.  
Fiscal year 2020: \$1,197,313,000,000.  
Fiscal year 2021: \$1,269,310,000,000.  
Fiscal year 2022: \$1,345,264,000,000.

(c) **SOCIAL SECURITY ADMINISTRATIVE EXPENSES.**—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2012:  
(A) New budget authority, \$5,822,000,000.  
(B) Outlays, \$5,793,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$5,868,000,000.  
(B) Outlays, \$6,108,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$6,043,000,000.

(B) Outlays, \$6,269,000,000.

Fiscal year 2015:

(A) New budget authority, \$6,223,000,000.

(B) Outlays, \$6,386,000,000.

Fiscal year 2016:

(A) New budget authority, \$6,418,000,000.

(B) Outlays, \$6,379,000,000.

Fiscal year 2017:

(A) New budget authority, \$6,616,000,000.

(B) Outlays, \$6,379,000,000.

Fiscal year 2018:

(A) New budget authority, \$6,838,000,000.

(B) Outlays, \$6,794,000,000.

Fiscal year 2019:

(A) New budget authority, \$7,071,000,000.

(B) Outlays, \$7,024,000,000.

Fiscal year 2020:

(A) New budget authority, \$7,304,000,000.

(B) Outlays, \$7,257,000,000.

Fiscal year 2021:

(A) New budget authority, \$7,543,000,000.

(B) Outlays, \$7,494,000,000.

Fiscal year 2022:

(A) New budget authority, \$7,796,000,000.

(B) Outlays, \$7,745,000,000.

#### SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2011 through 2021 for each major functional category are:

(1) National Defense (050):

Fiscal year 2012:

(A) New budget authority, \$549,397,000,000.

(B) Outlays, \$559,626,000,000.

Fiscal year 2013:

(A) New budget authority, \$562,462,000,000.

(B) Outlays, \$587,049,000,000.

Fiscal year 2014:

(A) New budget authority, \$562,462,000,000.

(B) Outlays, \$587,807,000,000.

Fiscal year 2015:

(A) New budget authority, \$570,643,000,000.

(B) Outlays, \$574,208,000,000.

Fiscal year 2016:

(A) New budget authority, \$579,797,000,000.

(B) Outlays, \$580,181,000,000.

Fiscal year 2017:

(A) New budget authority, \$591,058,000,000.

(B) Outlays, \$583,077,000,000.

Fiscal year 2018:

(A) New budget authority, \$602,310,000,000.

(B) Outlays, \$587,825,000,000.

Fiscal year 2019:

(A) New budget authority, \$613,550,000,000.

(B) Outlays, \$603,494,000,000.

Fiscal year 2020:

(A) New budget authority, \$625,785,000,000.

(B) Outlays, \$615,208,000,000.

Fiscal year 2021:

(A) New budget authority, \$638,070,000,000.

(B) Outlays, \$627,214,000,000.

Fiscal year 2022:

(A) New budget authority, \$651,718,000,000.

(B) Outlays, \$645,558,000,000.

(2) International Affairs (150):

Fiscal year 2012:

(A) New budget authority, \$57,684,000,000.

(B) Outlays, \$50,501,000,000.

Fiscal year 2013:

(A) New budget authority, \$14,024,000,000.

(B) Outlays, \$20,680,000,000.

Fiscal year 2014:

(A) New budget authority, \$20,680,000,000.

(B) Outlays, \$15,069,000,000.

Fiscal year 2015:

(A) New budget authority, \$11,666,000,000.

(B) Outlays, \$11,423,000,000.

Fiscal year 2016:

(A) New budget authority, \$11,423,000,000.

(B) Outlays, \$12,347,000,000.

Fiscal year 2017:

(A) New budget authority, \$12,746,000,000.

(B) Outlays, \$13,359,000,000.

Fiscal year 2018:

(A) New budget authority, \$13,359,000,000.

(B) Outlays, \$13,471,000,000.

Fiscal year 2019:

(A) New budget authority, \$14,318,000,000.

(B) Outlays, \$14,318,000,000.

Fiscal year 2020:

(A) New budget authority, \$14,619,000,000.

(B) Outlays, \$11,335,000,000.

Fiscal year 2021:

(A) New budget authority, \$14,921,000,000.

(B) Outlays, \$11,541,000,000.

Fiscal year 2022:

(A) New budget authority, \$15,217,000,000.

(B) Outlays, \$11,742,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2012:

(A) New budget authority, \$29,836,000,000.

(B) Outlays, \$31,175,000,000.

Fiscal year 2013:

(A) New budget authority, \$19,605,000,000.

(B) Outlays, \$18,914,000,000.

Fiscal year 2014:

(A) New budget authority, \$19,962,000,000.

(B) Outlays, \$19,222,000,000.

Fiscal year 2015:

(A) New budget authority, \$20,319,000,000.

(B) Outlays, \$18,518,000,000.

Fiscal year 2016:

(A) New budget authority, \$20,682,000,000.

(B) Outlays, \$18,849,000,000.

Fiscal year 2017:

(A) New budget authority, \$21,052,000,000.

(B) Outlays, \$19,186,000,000.

Fiscal year 2018:

(A) New budget authority, \$21,249,000,000.

(B) Outlays, \$19,529,000,000.

Fiscal year 2019:

(A) New budget authority, \$21,812,000,000.

(B) Outlays, \$19,878,000,000.

Fiscal year 2020:

(A) New budget authority, \$22,203,000,000.

(B) Outlays, \$20,234,000,000.

Fiscal year 2021:

(A) New budget authority, \$22,600,000,000.

(B) Outlays, \$20,596,000,000.

Fiscal year 2022:

(A) New budget authority, \$23,005,000,000.

(B) Outlays, \$20,964,000,000.

(4) Energy (270):

Fiscal year 2012:

(A) New budget authority, \$9,886,000,000.

(B) Outlays, \$18,342,000,000.

Fiscal year 2013:

(A) New budget authority, \$923,000,000.

(B) Outlays, \$2,882,000,000.

Fiscal year 2014:

(A) New budget authority, \$976,000,000.

(B) Outlays, \$2,349,000,000.

Fiscal year 2015:

(A) New budget authority, \$1,003,000,000.

(B) Outlays, \$1,649,000,000.

Fiscal year 2016:

(A) New budget authority, \$857,000,000.

(B) Outlays, \$801,000,000.

Fiscal year 2017:

(A) New budget authority, \$886,000,000.

(B) Outlays, \$829,000,000.

Fiscal year 2018:

(A) New budget authority, \$914,000,000.

(B) Outlays, \$856,000,000.

Fiscal year 2019:

(A) New budget authority, \$944,000,000.

(B) Outlays, \$885,000,000.

Fiscal year 2020:

(A) New budget authority, \$973,000,000.

(B) Outlays, \$912,000,000.

Fiscal year 2021:

(A) New budget authority, \$1,003,000,000.

(B) Outlays, \$940,000,000.

Fiscal year 2022:

(A) New budget authority, \$1,021,000,000.

(B) Outlays, \$955,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2012:

(A) New budget authority, \$37,109,000,000.

(B) Outlays, \$42,242,000,000.

Fiscal year 2013:

(A) New budget authority, \$24,206,000,000.

(B) Outlays, \$23,864,000,000.

Fiscal year 2014:

(A) New budget authority, \$23,864,000,000.

(B) Outlays, \$23,928,000,000.

Fiscal year 2015:

(A) New budget authority, \$24,441,000,000.

(B) Outlays, \$22,864,000,000.

Fiscal year 2016:

(A) New budget authority, \$24,912,000,000.

(B) Outlays, \$23,178,000,000.

Fiscal year 2017:

(A) New budget authority, \$25,401,000,000.

(B) Outlays, \$23,571,000,000.

Fiscal year 2018:

(A) New budget authority, \$26,392,000,000.

(B) Outlays, \$24,430,000,000.

Fiscal year 2019:

(A) New budget authority, \$26,745,000,000.

(B) Outlays, \$24,747,000,000.

Fiscal year 2020:

(A) New budget authority, \$27,636,000,000.

(B) Outlays, \$25,441,000,000.

Fiscal year 2021:

(A) New budget authority, \$27,558,000,000.

(B) Outlays, \$25,561,000,000.

Fiscal year 2022:

(A) New budget authority, \$27,904,000,000.

(B) Outlays, \$25,787,000,000.

(6) Agriculture (350):

Fiscal year 2012:

(A) New budget authority, \$22,686,000,000.

(B) Outlays, \$19,646,000,000.

Fiscal year 2013:

(A) New budget authority, \$20,143,000,000.

(B) Outlays, \$22,255,000,000.

Fiscal year 2014:

(A) New budget authority, \$20,600,000,000.

(B) Outlays, \$19,523,000,000.

Fiscal year 2015:

(A) New budget authority, \$20,545,000,000.

(B) Outlays, \$20,545,000,000.

Fiscal year 2016:

(A) New budget authority, \$20,567,000,000.

(B) Outlays, \$19,628,000,000.

Fiscal year 2017:

(A) New budget authority, \$20,518,000,000.

(B) Outlays, \$19,549,000,000.

Fiscal year 2018:

(A) New budget authority, \$20,811,000,000.

(B) Outlays, \$19,765,000,000.

Fiscal year 2019:

(A) New budget authority, \$21,010,000,000.

(B) Outlays, \$19,990,000,000.

Fiscal year 2020:

(A) New budget authority, \$21,275,000,000.

(B) Outlays, \$20,266,000,000.

Fiscal year 2021:

(A) New budget authority, \$21,560,000,000.

(B) Outlays, \$20,514,000,000.

Fiscal year 2022:

(A) New budget authority, \$21,631,000,000.

(B) Outlays, \$20,583,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2012:

(A) New budget authority, \$42,288,000,000.

(B) Outlays, \$42,685,000,000.



(B) Outlays, \$2,174,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$17,448,000,000.  
(B) Outlays, \$1,283,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$17,820,000,000.  
(B) Outlays, \$230,000,000.  
(8) Transportation (400):  
Fiscal year 2012:  
(A) New budget authority, \$88,325,000,000.  
(B) Outlays, \$91,171,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$77,499,000,000.  
(B) Outlays, \$80,200,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$76,644,000,000.  
(B) Outlays, \$80,149,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$77,240,000,000.  
(B) Outlays, \$81,869,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$78,217,000,000.  
(B) Outlays, \$83,149,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$79,069,000,000.  
(B) Outlays, \$84,439,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$79,014,000,000.  
(B) Outlays, \$83,270,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$80,669,000,000.  
(B) Outlays, \$84,969,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$81,266,000,000.  
(B) Outlays, \$85,940,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$81,783,000,000.  
(B) Outlays, \$87,078,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$82,635,000,000.  
(B) Outlays, \$88,495,000,000.  
(9) Community and Regional Development (450):  
Fiscal year 2012:  
(A) New budget authority, \$18,783,000,000.  
(B) Outlays, \$24,628,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$11,998,000,000.  
(B) Outlays, \$13,439,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$12,036,000,000.  
(B) Outlays, \$13,336,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$12,256,000,000.  
(B) Outlays, \$12,761,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$12,478,000,000.  
(B) Outlays, \$12,725,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$12,701,000,000.  
(B) Outlays, \$11,854,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$12,932,000,000.  
(B) Outlays, \$11,621,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$13,163,000,000.  
(B) Outlays, \$11,835,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$13,401,000,000.  
(B) Outlays, \$12,073,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$13,645,000,000.  
(B) Outlays, \$12,325,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$13,890,000,000.  
(B) Outlays, \$12,647,000,000.  
(10) Education, Training, Employment, and Social Services (500):  
Fiscal year 2012:  
(A) New budget authority, \$88,578,000,000.  
(B) Outlays, \$105,484,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$33,898,000,000.  
(B) Outlays, \$42,292,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$30,868,000,000.  
(B) Outlays, \$32,933,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$32,868,000,000.  
(B) Outlays, \$29,490,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$33,437,000,000.  
(B) Outlays, \$29,870,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$42,660,000,000.  
(B) Outlays, \$37,022,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$46,337,000,000.  
(B) Outlays, \$43,104,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$49,313,000,000.  
(B) Outlays, \$45,960,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$49,859,000,000.  
(B) Outlays, \$47,385,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$50,122,000,000.  
(B) Outlays, \$50,122,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$50,554,000,000.  
(B) Outlays, \$47,920,000,000.  
(11) Health (550):  
Fiscal year 2012:  
(A) New budget authority, \$357,821,000,000.  
(B) Outlays, \$358,737,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$338,159,000,000.  
(B) Outlays, \$334,163,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$348,397,000,000.  
(B) Outlays, \$338,935,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$359,620,000,000.  
(B) Outlays, \$357,023,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$365,157,000,000.  
(B) Outlays, \$364,094,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$374,943,000,000.  
(B) Outlays, \$373,308,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$385,894,000,000.  
(B) Outlays, \$381,726,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$397,015,000,000.  
(B) Outlays, \$392,850,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$417,710,000,000.  
(B) Outlays, \$403,283,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$419,586,000,000.  
(B) Outlays, \$415,086,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$431,913,000,000.  
(B) Outlays, \$427,453,000,000.  
(12) Medicare (570):  
Fiscal year 2012:  
(A) New budget authority, \$487,762,000,000.  
(B) Outlays, \$487,661,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$509,976,000,000.  
(B) Outlays, \$510,212,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2015:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2016:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2017:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2018:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2019:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2020:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2021:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2022:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
(13) Income Security (600):  
Fiscal year 2012:  
(A) New budget authority, \$534,107,000,000.  
(B) Outlays, \$533,175,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$355,125,000,000.  
(B) Outlays, \$347,966,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$362,716,000,000.  
(B) Outlays, \$355,966,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$362,163,000,000.  
(B) Outlays, \$357,163,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$369,163,000,000.  
(B) Outlays, \$369,695,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$368,254,000,000.  
(B) Outlays, \$364,817,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$371,087,000,000.  
(B) Outlays, \$636,453,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$385,838,000,000.  
(B) Outlays, \$383,743,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$396,715,000,000.  
(B) Outlays, \$395,180,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$408,219,000,000.  
(B) Outlays, \$407,134,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$422,855,000,000.  
(B) Outlays, \$427,176,000,000.  
(14) Social Security (650):  
Fiscal year 2012:  
(A) New budget authority, \$779,797,000,000.  
(B) Outlays, \$776,213,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$823,017,000,000.  
(B) Outlays, \$819,677,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$866,901,000,000.  
(B) Outlays, \$863,317,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$912,103,000,000.  
(B) Outlays, \$908,091,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$960,918,000,000.  
(B) Outlays, \$956,379,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$1,075,559,000,000.  
(B) Outlays, \$1,010,794,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$1,075,559,000,000.  
(B) Outlays, \$1,070,115,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$1,140,590,000,000.  
(B) Outlays, \$1,134,743,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$1,210,617,000,000.  
(B) Outlays, \$1,204,570,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$1,283,153,000,000.  
(B) Outlays, \$1,276,804,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$1,360,160,000,000.  
(B) Outlays, \$1,353,009,000,000.  
(15) Veterans Benefits and Services (700):  
Fiscal year 2012:  
(A) New budget authority, \$126,263,000,000.  
(B) Outlays, \$126,262,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$132,924,000,000.  
(B) Outlays, \$133,660,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$135,032,000,000.  
(B) Outlays, \$135,471,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$138,369,000,000.  
(B) Outlays, \$138,367,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$147,201,000,000.  
(B) Outlays, \$146,698,000,000.  
Fiscal year 2017:

(A) New budget authority, \$146,175,000,000.  
(B) Outlays, \$145,526,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$145,004,000,000.  
(B) Outlays, \$144,303,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$154,685,000,000.  
(B) Outlays, \$153,943,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$159,160,000,000.  
(B) Outlays, \$158,409,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$163,701,000,000.  
(B) Outlays, \$163,701,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$173,802,000,000.  
(B) Outlays, \$172,995,000,000.  
(16) Administration of Justice (750):  
Fiscal year 2012:  
(A) New budget authority, \$51,700,000,000.  
(B) Outlays, \$54,471,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$50,998,000,000.  
(B) Outlays, \$38,113,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$41,766,000,000.  
(B) Outlays, \$40,926,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$42,296,000,000.  
(B) Outlays, \$40,215,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$45,028,000,000.  
(B) Outlays, \$42,812,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$43,922,000,000.  
(B) Outlays, \$41,759,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$44,527,000,000.  
(B) Outlays, \$42,294,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$45,216,000,000.  
(B) Outlays, \$41,863,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$45,915,000,000.  
(B) Outlays, \$41,951,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$46,787,000,000.  
(B) Outlays, \$42,718,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$51,306,000,000.  
(B) Outlays, \$47,151,000,000.  
(17) General Government (800):  
Fiscal year 2012:  
(A) New budget authority, \$24,163,000,000,000.  
(B) Outlays, \$30,033,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$21,262,000,000.  
(B) Outlays, \$18,354,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$21,414,000,000.  
(B) Outlays, \$19,949,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$21,586,000,000.  
(B) Outlays, \$20,149,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$21,762,000,000.  
(B) Outlays, \$20,373,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$22,114,000,000.  
(B) Outlays, \$20,531,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$22,470,000,000.  
(B) Outlays, \$20,836,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$22,893,000,000.  
(B) Outlays, \$21,252,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$23,227,000,000.  
(B) Outlays, \$21,614,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$23,622,000,000.  
(B) Outlays, \$21,904,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$23,933,000,000.  
(B) Outlays, \$22,217,000,000.  
(18) Net Interest (900):  
Fiscal year 2012:  
(A) New budget authority, \$224,064,000,000.  
(B) Outlays, \$224,064,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$183,281,000,000.  
(B) Outlays, \$183,281,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$184,653,000,000.  
(B) Outlays, \$184,653,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$211,497,000,000.  
(B) Outlays, \$211,497,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$293,109,000,000.  
(B) Outlays, \$293,109,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$361,394,000,000.  
(B) Outlays, \$361,394,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$440,040,000,000.  
(B) Outlays, \$440,040,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$501,224,000,000.  
(B) Outlays, \$501,224,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$536,534,000,000.  
(B) Outlays, \$536,534,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$565,473,000,000.  
(B) Outlays, \$565,473,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$588,933,000,000.  
(B) Outlays, \$588,933,000,000.  
(19) Allowances (920):  
Fiscal year 2012:  
(A) New budget authority, \$45,400,000,000.  
(B) Outlays, \$45,400,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$57,358,000,000.  
(B) Outlays, \$57,358,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$71,118,000,000.  
(B) Outlays, \$71,118,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$79,148,000,000.  
(B) Outlays, \$79,148,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$92,742,000,000.  
(B) Outlays, \$92,742,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$91,236,000,000.  
(B) Outlays, \$91,236,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$86,010,000,000.  
(B) Outlays, \$86,010,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$56,114,000,000.  
(B) Outlays, \$56,114,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$58,063,000,000.  
(B) Outlays, \$58,063,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$58,990,000,000.  
(B) Outlays, \$58,990,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$55,589,000,000.  
(B) Outlays, \$55,589,000,000.  
(20) Undistributed Offsetting Receipts (950):  
Fiscal year 2012:  
(A) New budget authority, \$91,535,000,000.  
(B) Outlays, \$91,535,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$95,678,000,000.  
(B) Outlays, \$95,678,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$96,030,000,000.  
(B) Outlays, \$96,030,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$101,010,000,000.  
(B) Outlays, \$101,010,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$104,680,000,000.  
(B) Outlays, \$104,680,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$117,921,000,000.  
(B) Outlays, \$117,921,000,000.  
(B) Outlays, \$117,921,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$123,045,000,000.  
(B) Outlays, \$123,045,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$133,352,000,000.  
(B) Outlays, \$133,352,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$138,451,000,000.  
(B) Outlays, \$138,451,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$144,197,000,000.  
(B) Outlays, \$144,197,000,000.  
Fiscal year 2022:  
(A) New budget authority, \$150,911,000,000.  
(B) Outlays, \$150,911,000,000.  
(21) Global War on Terrorism (970):  
Fiscal year 2012:  
(A) New budget authority, \$126,544,000,000.  
(B) Outlays, \$126,544,000,000.  
Fiscal year 2013:  
(A) New budget authority, \$50,000,000,000.  
(B) Outlays, \$50,000,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2015:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2016:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2017:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2018:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2019:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2020:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2021:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2022:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
(22) Congressional Health Insurance for Seniors (990):  
Fiscal year 2012:  
(A) New budget authority, \$0.  
(B) Outlays, \$0.  
Fiscal year 2013:  
(A) New budget authority, \$3,125,000,000.  
(B) Outlays, \$3,125,000,000.  
Fiscal year 2014:  
(A) New budget authority, \$539,435,000,000.  
(B) Outlays, \$532,135,000,000.  
Fiscal year 2015:  
(A) New budget authority, \$466,210,000,000.  
(B) Outlays, \$468,810,000,000.  
Fiscal year 2016:  
(A) New budget authority, \$494,278,000,000.  
(B) Outlays, \$494,278,000,000.  
Fiscal year 2017:  
(A) New budget authority, \$513,342,000,000.  
(B) Outlays, \$511,342,000,000.  
Fiscal year 2018:  
(A) New budget authority, \$544,406,000,000.  
(B) Outlays, \$542,406,000,000.  
Fiscal year 2019:  
(A) New budget authority, \$577,470,000,000.  
(B) Outlays, \$575,470,000,000.  
Fiscal year 2020:  
(A) New budget authority, \$623,534,000,000.  
(B) Outlays, \$623,534,000,000.  
Fiscal year 2021:  
(A) New budget authority, \$666,598,000,000.  
(B) Outlays, \$664,598,000,000.  
Fiscal year 2022:

- (A) New budget authority, \$712,662,000,000.  
 (B) Outlays, \$710,662,000,000.

## TITLE II—RESERVE FUNDS

### SEC. 201. DEFICIT-REDUCTION RESERVE FUND FOR THE SALE OF UNUSED OR VACANT FEDERAL PROPERTIES.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling any unused or vacant Federal properties. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 202. DEFICIT-REDUCTION RESERVE FUND FOR SELLING EXCESS FEDERAL LAND.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling any excess Federal land. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 203. DEFICIT-REDUCTION RESERVE FUND FOR THE REPEAL OF DAVIS-BACON PREVAILING WAGE LAWS.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports from savings achieved by repealing the Davis-Bacon prevailing wage laws. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 204. DEFICIT-REDUCTION RESERVE FUND FOR THE REDUCTION OF PURCHASING AND MAINTAINING FEDERAL VEHICLES.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by reducing the federal vehicles fleet. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

### SEC. 205. DEFICIT-REDUCTION RESERVE FUND FOR THE SALE OF FINANCIAL ASSETS PURCHASED THROUGH THE TROUBLED ASSET RELIEF PROGRAM.

The Chairman of the Committee on the Budget of the Senate may reduce the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by selling financial instruments and equity accumulated through the Troubled Asset Relief

Program. The Chairman may also make adjustments to the Senate's pay-as-you-go ledger over 10 years to ensure that the deficit reduction achieved is used for deficit reduction only. The adjustments authorized under this section shall be of the amount of deficit reduction achieved.

## TITLE III—BUDGET PROCESS

### Subtitle A—Budget Enforcement

#### SEC. 301. DISCRETIONARY SPENDING LIMITS FOR FISCAL YEARS 2012 THROUGH 2022, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.

##### (a) SENATE POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

##### (2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) SENATE DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) for fiscal year 2012, \$1,201,863,000,000 in new budget authority and \$1,308,512,000,000 in outlays;

(2) for fiscal year 2013, \$934,104,000,000 in new budget authority and \$1,023,435,000,000 in outlays;

(3) for fiscal year 2014, \$891,861,000,000 in new budget authority and \$965,519,000,000 in outlays;

(4) for fiscal year 2015, \$906,188,000,000 in new budget authority and \$943,141,000,000 in outlays;

(5) for fiscal year 2016 \$921,824,000,000 in new budget authority and \$955,362,000,000 in outlays;

(6) for fiscal year 2017, \$939,918,000,000 in new budget authority and \$964,874,000,000 in outlays;

(7) for fiscal year 2018, \$958,654,000,000 in new budget authority and \$974,728,000,000 in outlays;

(8) for fiscal year 2019, \$977,693,000,000 in new budget authority and \$998,696,000,000 in outlays;

(9) for fiscal year 2020, \$997,939,000,000 in new budget authority and \$1,018,172,000,000 in outlays;

(10) for fiscal year 2021, \$1,018,340,000,000 in new budget authority and \$1,038,189,000,000 in outlays; and

(11) for fiscal year 2022, \$1,040,081,000,000 in new budget authority and \$1,064,838,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

##### (c) ADJUSTMENTS IN THE SENATE.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment or motion thereto or the submission of a conference report thereon—

(A) the Chairman of the Committee on the Budget of the Senate may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section

302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Committee on Appropriations of the Senate may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—

(A) ADJUSTMENTS.—The Chairman of the Committee on the Budget of the Senate may adjust the discretionary spending limits, allocations to the Committee on Appropriations of the Senate, and aggregates for one or more—

(i) bills reported by the Committee on Appropriations of the Senate or passed by the House of Representatives;

(ii) joint resolutions or amendments reported by the Committee on Appropriations of the Senate;

(iii) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Committee on Appropriations of the Senate; or

(iv) conference reports;

making appropriations for overseas deployments and other activities in the amounts specified in subparagraph (B).

(B) AMOUNTS SPECIFIED.—The amounts specified are—

(i) for fiscal year 2012, \$126,544,000,000 in new budget authority and the outlays flowing therefrom;

(ii) for fiscal year 2013, \$50,000,000,000 in new budget authority and the outlays flowing therefrom;

(iii) for fiscal year 2014, \$0 in new budget authority and the outlays flowing therefrom;

(iv) for fiscal year 2015, \$0 in new budget authority and the outlays flowing therefrom;

(v) for fiscal year 2016, \$0 in new budget authority and the outlays flowing therefrom;

(vi) for fiscal year 2017, \$0 in new budget authority and the outlays flowing therefrom;

(vii) for fiscal year 2018, \$0 in new budget authority and the outlays flowing therefrom;

(viii) for fiscal year 2019, \$0 in new budget authority and the outlays flowing therefrom;

(ix) for fiscal year 2020, \$0 in new budget authority and the outlays flowing therefrom;

(x) for fiscal year 2021, \$0 in new budget authority and the outlays flowing therefrom; and

(xi) for fiscal year 2022, \$0 in new budget authority and the outlays flowing therefrom.

#### SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(b) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2013 that first becomes available for any fiscal year after 2012, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2013, that first becomes available for any fiscal year after 2013.

#### SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all

fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) **EXEMPTION OF EMERGENCY PROVISIONS.**—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits), and section 301 of this resolution (relating to discretionary spending). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) **DESIGNATIONS.**—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) **DEFINITIONS.**—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) **POINT OF ORDER.**—

(1) **IN GENERAL.**—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

(A) **WAIVER.**—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) **DEFINITION OF AN EMERGENCY DESIGNATION.**—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) **FORM OF THE POINT OF ORDER.**—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) **CONFERENCE REPORTS.**—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its

amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) **CRITERIA.**—

(1) **IN GENERAL.**—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) **UNFORESEEN.**—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) **INAPPLICABILITY.**—In the Senate, section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010, shall no longer apply.

#### **SEC. 304. ADJUSTMENTS FOR THE EXTENSION OF CERTAIN CURRENT POLICIES.**

(a) **ADJUSTMENT.**—For the purposes of determining points of order specified in subsection (b), the Chairman of the Committee on the Budget of the Senate may adjust the estimate of the budgetary effects of a bill, joint resolution, amendment, motion, or conference report that contains one or more provisions meeting the criteria of subsection (c) to exclude the amounts of qualifying budgetary effects.

(b) **COVERED POINTS OF ORDER.**—The Chairman of the Committee on the Budget of the Senate may make adjustments pursuant to this section for the following points of order only:

(1) Section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go).

(2) Section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits).

(3) Section 404 of S. Con. Res. 13 (111th Congress) (relating to short-term deficits).

(c) **QUALIFYING LEGISLATION.**—The Chairman of the Committee on the Budget of the Senate may make adjustments authorized under subsection (a) for legislation containing provisions that—

(1) amend or supersede the system for updating payments made under subsections 1848 (d) and (f) of the Social Security Act, consistent with section 7(c) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139);

(2) amend the Internal Revenue Code of 1986, in order to establish a single, flat tax rate of 17 percent consistent with section 7(d) of the Statutory Pay-As-You-Go Act of 2010; and

(3) extend relief from the Alternative Minimum Tax for individuals under sections 55-59 of the Internal Revenue Code of 1986, consistent with section 7(e) of the Statutory Pay-As-You-Go Act of 2010.

(d) **DEFINITION.**—For the purposes of this section, the terms “budgetary effects” or “effects” mean the amount by which a provision changes direct spending or revenues relative to the baseline.

(e) **SUNSET.**—This section shall expire on December 31, 2012.

#### **SEC. 305. POINT OF ORDER AGAINST ANY BUDGET RESOLUTION WITHOUT THE PASSAGE OF A BALANCE BUDGET AMENDMENT.**

(a) **POINT OF ORDER.**—It shall not be in order in the Senate to consider any budget resolution following the enactment of this resolution until a balance budget amendment to the Constitution has been adopted.

(b) **SUPERMAJORITY WAIVER AND APPEALS IN THE SENATE.**—

(1) **WAIVER.**—This section may be waived or suspended only by an affirmative vote of two-thirds of the Members, duly chosen and sworn.

(2) **APPEALS.**—An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) **SUNSET.**—This section shall expire after the ratification of an amendment to the Constitution requiring a balanced budget.

#### **Subtitle B—Other Provisions**

#### **SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.**

In the Senate, all committees are directed to review programs and tax expenditures within their jurisdiction to identify waste, fraud, abuse or duplication, and increase the use of performance data to inform committee work. Committees are also directed to review the matters for congressional consideration identified on the Government Accountability Office's High Risk list reports. Based on these oversight efforts and performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

#### **SEC. 312. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.**

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) **EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.**—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) **BUDGET COMMITTEE DETERMINATIONS.**—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

#### **SEC. 313. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.**

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Committee on the Budget of the Senate may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

#### **SEC. 314. RESCIND UNSPENT OR UNOBLIGATED BALANCES AFTER 36 MONTHS.**

(a) **APPLICATION.**—Any adjustments of allocations and aggregates made pursuant to this resolution shall require that any unobligated or unspent allocations be rescinded after 36 months.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments resulting from the required rescissions shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget of the Senate.

#### TITLE IV—RECONCILIATION

##### SEC. 401. RECONCILIATION IN THE SENATE.

(a) SUBMISSION TO PROVIDE FOR THE REFORM OF MANDATORY SPENDING.—

(1) IN GENERAL.—Not later than September 1, 2012, the Senate committees named in paragraph (2) shall submit their recommendations to the Committee on the Budget of the United States Senate. After receiving those recommendations from the applicable committees of the Senate, the Committee on the Budget shall report to the Senate a reconciliation bill carrying out all such recommendations without substantive revision.

(2) INSTRUCTIONS.—

(A) COMMITTEE ON FOREIGN RELATIONS.—The Committee on Foreign Relations shall report changes in law within its jurisdiction sufficient to reduce direct spending by \$2,864,000,000 for the period of fiscal years 2013 through 2022.

(B) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION.—The Committee on Commerce, Science, and Transportation shall report changes in law within its jurisdiction sufficient to reduce direct spending outlays by \$2,432,000,000 for the period of fiscal years 2013 through 2022.

(C) COMMITTEE ON AGRICULTURE, NUTRITION, AND ENERGY.—The Committee on Agriculture, Nutrition, and Energy shall report changes in law within its jurisdiction sufficient to reduce direct spending outlays by \$6,100,000,000 for the period of fiscal years 2013 through 2022.

(D) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.—The Committee on Environment and Public Works shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$3,422,000,000 for the period of fiscal years 2013 through 2022.

(E) COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS.—The Committee on Health, Education, Labor, and Pensions shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$1,584,000,000,000 for the period of fiscal years 2013 through 2022.

(F) COMMITTEE ON FINANCE.—The Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$3,473,634,000,000 for the period of fiscal years 2013 through 2022.

(G) COMMITTEE ON ENERGY AND NATURAL RESOURCES.—The Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by \$7,818,000,000 for the period of fiscal years 2013 through 2022.

(b) SUBMISSION OF REVISED ALLOCATIONS.—Upon the submission to the Committee on the Budget of the Senate of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(c) of the Congressional Budget Act of 1974, the chairman of that committee may file with the Senate revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

##### SEC. 402. DIRECTIVE TO THE COMMITTEE ON THE BUDGET OF THE SENATE TO REPLACE THE SEQUESTER ESTABLISHED BY THE BUDGET CONTROL ACT OF 2011.

(a) SUBMISSION.—In the Senate, the Committee on the Budget shall report to the Senate a bill carrying out the directions set forth in subsection (b).

(b) DIRECTIONS.—The bill referred to in subsection (a) shall include the following provisions:

(1) REPLACING THE SEQUESTER ESTABLISHED BY THE BUDGET CONTROL ACT OF 2011.—The language shall amend section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 to replace the sequester established under that section consistent with this concurrent resolution.

(2) APPLICATION OF PROVISIONS.—The bill referred to in subsection (a) shall include language making it application contingent upon the enactment of the reconciliation bill referred to in section 401.

#### TITLE V—CONGRESSIONAL POLICY CHANGES

##### SEC. 501. POLICY STATEMENT ON SOCIAL SECURITY.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure the Social Security System achieves solvency over the 75 year window as follows:

(1) The legislation must modify the Primary Insurance Amount formula between 2018 and 2055 to gradually reduce benefits on a progressive basis for works with career-average earnings above the 40th percentile of new retired workers.

(2) The normal retirement age will increase by 3 months each year starting with individuals reaching age 62 in 2017 and stopping with the normal retirement age reaches the age of 70 for individuals reaching the age of 62 in 2032.

(3) The earliest eligibility age will be increased by 3 months per year starting with individuals reaching age 62 in 2021 and will stop with the reaches age 64 for individuals reaching the age 62 in 2028 or later.

##### SEC. 502. POLICY STATEMENT ON MEDICARE.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a reduction in the unfunded liabilities of Medicare as follows:

(1) Enrolls seniors in the same health care plan as Federal employees and Members of Congress, similar to the Federal Employee Health Benefits Plan (FEHBP).

(2) Beginning on January 1, 2014, the Director of the Office of Personnel Management shall ensure seniors currently enrolled or eligible for Medicare will have access to Congressional Health Care for Seniors Act.

(3) Prevents the Office of Personnel and Management from placing onerous new mandates on health insurance plans, but allows the agency to continue to enforce reasonable minimal standards for plans, ensure the plans are fiscally solvent, and enforces rules for consumer protections.

(4) The legislation must create a new "high-risk pool" for the highest cost patients, providing a direct reimbursement to health care plans that enroll the costliest 5 percent of patients.

(5) Ensures that every senior can afford the high-quality insurance offered by FEHBP, providing support for 75 percent of the total costs, providing additional premium assistance to those who cannot afford the remaining share.

(6) The legislation must increase the age of eligibility gradually over 20 years, increasing the age from 65 to 70, resulting in a 3-month increase per year.

(7) High-income seniors will be provided less premium support than low-income seniors.

##### SEC. 503. POLICY STATEMENT ON TAX REFORM.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a tax reform that broadens the tax base, reduces tax complexity, includes a consumption-based income tax, and a globally competitive flat tax as follows:

(1) This concurrent resolution shall eliminate all tax brackets and have one standard flat tax rate of 17 percent on adjusted gross income. The individual tax code shall remove all credits and deductions, with exception to the mortgage interest deduction, offsetting these with a substantially higher standard deduction and personal exemption. The standard deduction for joint filers is \$30,320, \$19,350 for head of household, and \$15,160 for single filers. The personal exemption amount is \$6,530. This proposal eliminates the individual alternative minimum tax (AMT). The tax reform would repeal all tax on savings and investments, including capital gains, qualified and ordinary dividends, estate, gift, and interest saving taxes.

(2) This concurrent resolution shall eliminate all tax brackets and have one standard flat tax of 17 percent on adjusted gross income. The business tax code shall remove all credits and deductions, offsetting these with a lower tax rate and immediate expensing of all business inputs. Such inputs shall be determined by total revenue from the sale of good and services less purchases of inputs from other firms less wages, salaries, and pensions paid to workers less purchases of plant and equipment.

(3) The individuals and businesses would be subject to taxation on only those incomes that are produced or derived, as a territorial system in the United States. The aggregate taxes paid should provide the ability to fill out a tax return no larger than a postcard.

#### TITLE VI—SENSE OF CONGRESS

##### SEC. 601. REGULATORY REFORM.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure a regulatory reform as follows:

(1) APPLY REGULATORY ANALYSIS REQUIREMENTS TO INDEPENDENT AGENCIES.—It shall be the policy of Congress to pass into law a requirement for independent agencies to abide by the same regulatory analysis requirement as those required by executive branch agencies.

(2) ADOPT THE REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT (REINS).—It shall be the of Congress to vote on the Executive In Need of Scrutiny Act, legislation that would require all regulations that impose a burden greater than \$100 million in economic aggregate may not be implement as law unless Congress gives their consent by voting on the rule.

(3) SUNSET ALL REGULATIONS.—It shall be the policy of Congress that regulations imposed by the Federal Government shall automatically sunset every 2 years unless re-promulgated by Congress.

(4) PROCESS REFORM.—It shall be the policy of Congress to implement regulatory process reform by instituting statutorily require regulatory impact analysis for all agencies, require the publication of regulatory impact analysis before the regulation is finalized, and ensure that not only are regulatory impact analysis conducted, but applied to the issued regulation or rulemaking.

(5) INCORPORATION OF FORMAL RULEMAKING FOR MAJOR RULES.—It shall be the policy of Congress to apply formal rulemaking procedures to all major regulations or those regulations that exceed \$100,000,000 in aggregate economic costs.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1998. Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2297, to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

SA 1999. Mr. REID (for Mr. PAUL) proposed an amendment to the resolution S. Res. 80, 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.

## TEXT OF AMENDMENTS

**SA 1998.** Mr. REID (for Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2297, to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes; as follows:

On page 5, after line 6, add the following:

**SEC. 4. PROJECT FOR NAVIGATION, WASHINGTON CHANNEL, DISTRICT OF COLUMBIA.**

(a) IN GENERAL.—The portion of the project for navigation of the Corps of Engineers at Potomac River, Washington Channel, District of Columbia, as authorized by the Act of August 30, 1935 (chapter 831; 49 Stat. 1028), and described in subsection (b), is deauthorized.

(b) DESCRIPTION OF PROJECT.—The deauthorized portion of the project for navigation is as follows: Beginning at Washington Harbor Channel Geometry Centerline of the 400-foot-wide main navigational ship channel, Centerline Station No. 103+73.12, coordinates North 441948.20, East 1303969.30, as stated and depicted on the Condition Survey Anacostia, Virginia, Washington and Magazine Bar Shoal Channels, Washington, D.C., Sheet 6 of 6, prepared by the United States Army Corps of Engineers, Baltimore district, July 2007; thence departing the aforementioned centerline traveling the following courses and distances: N. 40 degrees 10 minutes 45 seconds E., 200.00 feet to a point, on the outline of said 400-foot-wide channel thence binding on said outline the following 3 courses and distances: S. 49 degrees 49 minutes 15 seconds E., 1,507.86 feet to a point, thence; S. 29 degrees 44 minutes 42 seconds E., 2,083.17 feet to a point, thence; S. 11 degrees 27 minutes 04 seconds E., 363.00 feet to a point, thence; S. 78 degrees 32 minutes 56 seconds W., 200.00 feet to a point binding on the centerline of the 400-foot-wide main navigational channel at computed Centerline Station No. 65+54.31, coordinates North 438923.9874, East 1306159.9738, thence; continuing with the aforementioned centerline the following courses and distances: N. 11 degrees 27 minutes 04 seconds W., 330.80 feet to a point, Centerline Station No. 68+85.10, thence; N. 29 degrees 44 minutes 42 seconds W., 2,015.56 feet to a point, Centerline Station No. 89+00.67, thence; N. 49 degrees 49 minutes 15 seconds W., 1,472.26 feet to the point of beginning, the area in total containing a computed area of 777,284 square feet or 17.84399 acres of riparian water way.

**SA 1999.** Mr. REID (for Mr. PAUL) proposed an amendment to the resolution S. Res. 80, 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; as follows:

On page 5, line 4, strike the words "all available".

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 29, 2012, at 9:30 a.m.

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

## COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DURBIN. 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 March 29, 2012, at 10 a.m.

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

## COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. 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 March 29, 2012, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

## COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 29, 2012, at 2:15 p.m., to hold a African Affairs Subcommittee hearing entitled, "A Closer Look at Nigeria: Security, Governance, and Trade."

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

## COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of Senate, in order to conduct a hearing entitled, "FDA User Fee Agreements: Strengthening FDA and the Medical Products Industry for the Benefit of Patients" on March 29, 2012, at 10 a.m., in room 216 of the Hart Senate Office Building.

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

## COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 29, 2012, at 9:30 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

## COMMITTEE ON RULES AND ADMINISTRATION

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on March 29, 2012, at 10 a.m., to conduct a hearing entitled "S. 2219, the "Democracy Is Strengthened

by Casting Light on Spending in Elections Act of 2012 (DISCLOSE Act of 2012)."

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

## COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March 29, 2012, at 10 a.m. in room 432 of the Russell Senate Office building to conduct a hearing entitled "The FY 2013 Budget Request for the Small Business Administration."

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

## AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mr. DURBIN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 29, 2012, at 10 a.m. to conduct a hearing entitled "Contracts: How Much Are They Costing the Government?"

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

## SELECT COMMITTEE ON INTELLIGENCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 29, 2012, at 2:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Mr. ISAKSON. Mr. President, I ask unanimous consent that Cate Cravath, Katie Hoppe, and Michael Finn, interns with the Budget Committee, be granted the privilege of the floor during the remainder of today's session.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Lucy Stein and Sarah Newman of my staff be granted floor privileges for the duration of today's session.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 344, 346, 422, 493, 494, 495, 496, 499, 500, 504, 505, 506, 507, 511, 514, 515, 516, 517, 520, 521, 522, 523, 524, 525, 526, 541, 543, 544, 546, 547, 548, 549, 550, 551, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 608, 614, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 641, 642, 643, 648, 649, and all nominations placed on the Secretary's desk in the Foreign Service; that the nominations be confirmed



en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, I will not be objecting, but I do want to briefly make a comment. This is the result of a successful discussion among the majority leader, the White House, and myself. Based on the White House assurance that there will be no recess appointments during the upcoming adjournment, I will not be objecting.

I wish to say to my friend, the majority leader, this is the way we ought to be conducting business. I think it was a successful negotiation, and I certainly do not object.

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

Mr. REID. Mr. President, very quickly—I know the Republican leader is in a hurry—I agree. This is the way we should legislate. I hope—maybe not in the 2-week period we come back, but after that—we start doing appropriations bills. We are both committed—the Republican leader and I—we are committed to doing appropriations bills this year, and we have to do that. We cannot let other things stand in the way of getting them done. I appreciate the cooperation of the White House and my friend the Republican leader.

The nominations considered and confirmed are as follows:

#### FEDERAL DEPOSIT INSURANCE CORPORATION

Martin J. Gruenberg, of Maryland, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term expiring December 27, 2018.

#### DEPARTMENT OF THE TREASURY

Thomas J. Curry, of Massachusetts, to be Comptroller of the Currency for a term of five years.

#### DEPARTMENT OF STATE

Michael A. Hammer, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor to be an Assistant Secretary of State (Public Affairs).

#### DEPARTMENT OF ENERGY

Charles DeWitt McConnell, of Ohio, to be an Assistant Secretary of Energy (Fossil Energy).

David T. Danielson, of California, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

LaDoris Guess Harris, of Georgia, to be Director of the Office of Minority Economic Impact, Department of Energy.

Gregory Howard Woods, of New York, to be General Counsel of the Department of Energy.

#### STATE JUSTICE INSTITUTE

James R. Hannah, of Arkansas, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2013.

Daniel J. Becker, of Utah, to be a Member of the Board of Directors of the State Justice Institute for a term expiring September 17, 2013.

#### DEPARTMENT OF STATE

Roberta S. Jacobson, of Maryland, a Career Member of the Senior Executive Service, to be an Assistant Secretary of State (Western Hemisphere Affairs).

Elizabeth M. Cousens, of Washington, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

Elizabeth M. Cousens, of Washington, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

#### DEPARTMENT OF JUSTICE

Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice.

#### DEPARTMENT OF COMMERCE

Rebecca M. Blank, of Maryland, to be Deputy Secretary of Commerce.

#### FEDERAL TRADE COMMISSION

Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2010.

Maureen K. Ohlhausen, of Virginia, to be a Federal Trade Commissioner for a term of seven years from September 26, 2011.

#### DEPARTMENT OF JUSTICE

Kathryn Keneally, of New York, to be an Assistant Attorney General.

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Maurice A. Jones, of Virginia, to be Deputy Secretary of Housing and Urban Development.

#### FEDERAL DEPOSIT INSURANCE CORPORATION

Thomas Hoenig, of Missouri, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Deepa Gupta, of Illinois, to be a Member of the National Council on the Arts for a term expiring September 3, 2016.

Christopher Merrill, of Iowa, to be a Member of the National Council on the Humanities for a term expiring January 26, 2016.

#### NATIONAL COUNCIL ON DISABILITY

Stephanie Orlando, of New York, to be a Member of the National Council on Disability for the remainder of the term expiring September 17, 2011.

Stephanie Orlando, of New York, to be a Member of the National Council on Disability for a term expiring September 17, 2014.

Gary Blumenthal, of Massachusetts, to be a Member of the National Council on Disability for a term expiring September 17, 2013.

#### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Wendy M. Spencer, of Florida, to be Chief Executive Officer of the Corporation for National and Community Service.

#### DEPARTMENT OF THE TREASURY

Mary John Miller, of Maryland, to be an Under Secretary of the Treasury.

#### UNITED STATES TAX COURT

Kathleen Kerrigan, of Massachusetts, to be a Judge of the United States Tax Court for the term of fifteen years.

#### DEPARTMENT OF THE TREASURY

Alastair M. Fitzpayne, of Maryland, to be a Deputy Under Secretary of the Treasury.

#### DEPARTMENT OF HOMELAND SECURITY

Margaret Ann Sherry, of Virginia, to be Chief Financial Officer, Department of Homeland Security.

#### INTER-AMERICAN FOUNDATION

Eduardo Arriola, of Florida, to be a Member of the Board of Directors of the Inter-American Foundation for a term expiring October 6, 2016.

J. Kelly Ryan, of Maryland, to be a Member of the Board of Directors of the Inter-American Foundation for the remainder of the term expiring September 20, 2012.

#### OVERSEAS PRIVATE INVESTMENT CORPORATION

Michael James Warren, of the District of Columbia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 2014.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

David J. McMillan, of Minnesota, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, vice Scott Kevin Walker.

Wenona Singel, of Michigan, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation.

#### DEPARTMENT OF JUSTICE

Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2011.

Anuj Chang Desai, of Wisconsin, to be a Member of the Foreign Claims Settlement Commission of the United States for the term expiring September 30, 2014.

Dennis J. Erby, of Mississippi, to be United States Marshal for the Northern District of Mississippi for the term of four years.

#### UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Earl W. Gast, of California, to be an Assistant Administrator of the United States Agency for International Development.

#### DEPARTMENT OF STATE

Anne Claire Richard, of New York, to be an Assistant Secretary of State (Population, Refugees, and Migration).

Tara D. Sonenshine, of Maryland, to be Under Secretary of State for Public Diplomacy.

Robert E. Whitehead, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic.

Larry Leon Palmer, of Georgia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Barbados, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines.

Jonathan Don Farrar, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

Phyllis Marie Powers, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

#### FARM CREDIT ADMINISTRATION

Bruce J. Sherrick, of Illinois, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

Chester John Culver, of Iowa, to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation.

JAMES MADISON MEMORIAL FELLOWSHIP  
FOUNDATION

Catherine Allgor, of California, to be a Member of the Board of Trustees of the James Madison Memorial Fellowship Foundation for a term expiring September 27, 2014.

DEPARTMENT OF JUSTICE

Thomas M. Harrigan, of New York, to be Deputy Administrator of Drug Enforcement.

DEPARTMENT OF STATE

Gina K. Abercrombie-Winstanley, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

Julissa Reynoso, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

William E. Todd, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Cambodia.

Jacob Waller, of Delaware, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Tunisian Republic.

Pamela A. White, of Maine, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Haiti.

John Christopher Stevens, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Libya.

Tracey Ann Jacobson, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

Kenneth Merten, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Croatia.

Mark A. Pekala, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

Richard B. Norland, of Iowa, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

Jeffrey D. Levine, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia.

DEPARTMENT OF STATE

Frederick D. Barton, of Maine, to be an Assistant Secretary of State (Conflict and Stabilization Operations).

Frederick D. Barton, of Maine, to be Coordinator for Reconstruction and Stabilization.

Linda Thomas-Greenfield, of Louisiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director General of the Foreign Service.

FEDERAL DEPOSIT INSURANCE CORPORATION

Jeremiah O'Hear Norton, of Virginia, to be a Member of the Board of Directors of the

Federal Deposit Insurance Corporation for the remainder of the term expiring July 15, 2013.

DEPARTMENT OF JUSTICE

Gregory K. Kavis, of Mississippi, to be United States Attorney for the Southern District of Mississippi for the term of four years.

NOMINATIONS PLACED ON THE SECRETARY'S  
DESK

IN THE FOREIGN SERVICE

PN1345 FOREIGN SERVICE nominations (4) beginning Olga Ford, and ending Margaret Shu Teasdale, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2012.

PN1347 FOREIGN SERVICE nominations (65) beginning Terry L. Murphree, and ending Andrew J. Wylie, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2012.

PN1408 FOREIGN SERVICE nominations (2) beginning Morgan D. Haas, and ending Stephen L. Wixom, which nominations were received by the Senate and appeared in the Congressional Record of February 29, 2012.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of and the Senate proceed to the consideration of Presidential nominations 1134, 1135, 1136, 1137, and 1312; that the nominations be confirmed, the motions to reconsider be considered made and laid upon the table, there be no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

IN THE COAST GUARD

The following named officer for appointment as Vice Commandant of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 47:

*To be vice admiral*

Vice Adm. John P. Currier, 0852

The following named officer for appointment to a position of importance and responsibility in the U.S. Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

*To be vice admiral*

Rear Adm. Paul F. Zukunft, 7122

The following named officer for appointment to a position of importance and responsibility in the U.S. Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

*To be vice admiral*

Vice Adm. Manson K. Brown, 6734

The following named officer for appointment to a position of importance and responsibility in the U.S. Coast Guard and to the grade indicated under Title 14, U.S.C., Section 50:

*To be vice admiral*

Rear Adm. Peter V. Neffenger, 7652

The following named officers for appointment to the grade indicated in the United States Coast Guard Reserve under Title 10, U.S.C., Section 12203(A):

*To be captain*

Patrick K. Aboagye, 6749

David R. Allen, 2274

William F. Csisar, 6055

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nominations: Calendar Nos. 258, 259, 262, and 264; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, there be no intervening action or debate; that no motions be in order to any of the nominations; that any related statements be printed in the RECORD and President Obama be immediately notified of the Senate's action.

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

The nominations considered and confirmed are as follows:

CORPORATION FOR NATIONAL AND COMMUNITY  
SERVICE

Phyllis Nichamoff Segal, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2013.

Lisa M. Quiroz, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring February 8, 2014.

Marguerite W. Kondracke, of Tennessee, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2014.

Richard Christman, of Kentucky, to be a Member of the Board of Directors of the Corporation for National and Community Service for the remainder of the term expiring October 6, 2012.

Mr. REID. I know there is one Senator very happy about that. That is Senator MIKULSKI. I am glad we were able to get this done.

NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of and the Senate proceed to the consideration of Presidential nomination 1311, Christy L. Romero, of Virginia, to be special inspector general for the Troubled Asset Relief Program, which was reported out by the Banking Committee today; that the nomination be confirmed, the motion to reconsider be considered made and laid upon the table, there be no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF THE TREASURY

Christy L. Romero, of Virginia, to be Special Inspector General for the Troubled Asset Relief Program.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREE-  
MENT—EXECUTIVE CALENDAR  
NO. 460

Mr. REID. Mr. President, I ask unanimous consent that on Monday, April 16, 2012, at 4:30 p.m., the Senate proceed to executive session to consider Calendar No. 460; that there be 60 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote with no intervening action or debate on Calendar No. 460; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

PROVIDING FOR A CONDITIONAL  
ADJOURNMENT OR RECESS OF  
THE SENATE AND ADJOURN-  
MENT OF THE HOUSE OF REP-  
RESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 38, the adjournment resolution, which was submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 38) to provide for the conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (S. Con. Res. 38) was agreed to, as follows:

S. CON. RES. 38

*Resolved by the Senate (the House of Representatives concurring).* That when the Senate recesses or adjourns on any day from Thursday, March 29, 2012, through Sunday, April 1, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, April 16, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent reso-

lution, whichever occurs first; and that when the House adjourns on any legislative day through Friday, April 13, 2012, on a motion offered pursuant to this concurrent resolution by its majority leader or his designee, it stand adjourned until 2 p.m. on Monday, April 16, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

PROMOTING THE DEVELOPMENT  
OF THE SOUTHWEST WATER-  
FRONT IN THE DISTRICT OF CO-  
LUMBIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 352, H.R. 2297.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2297) to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the Lieberman amendment, which is at the desk, be agreed to, the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD as if read.

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

The amendment (No. 1998) was agreed to, as follows:

(Purpose: To deauthorize a portion of the project for navigation of the Corps of Engineers at Potomac River, Washington Channel, District of Columbia)

On page 5, after line 6, add the following:

SEC. 4. PROJECT FOR NAVIGATION, WASHINGTON  
CHANNEL, DISTRICT OF COLUMBIA.

(a) IN GENERAL.—The portion of the project for navigation of the Corps of Engineers at Potomac River, Washington Channel, District of Columbia, as authorized by the Act of August 30, 1935 (chapter 831; 49 Stat. 1028), and described in subsection (b), is deauthorized.

(b) DESCRIPTION OF PROJECT.—The deauthorized portion of the project for navigation is as follows: Beginning at Washington Harbor Channel Geometry Centerline of the 400-foot-wide main navigational ship channel, Centerline Station No. 103+73.12, coordinates North 441948.20, East 1303969.30, as stated and depicted on the Condition Survey Anacostia, Virginia, Washington and Magazine Bar Shoal Channels, Washington, D.C., Sheet 6 of 6, prepared by the United States Army Corps of Engineers, Baltimore district, July 2007; thence departing the aforementioned centerline traveling the following courses and distances: N. 40 degrees 10 minutes 45 seconds E., 200.00 feet to a point, on the outline of said 400-foot-wide channel thence binding on said outline the following

3 courses and distances: S. 49 degrees 49 minutes 15 seconds E., 1,507.86 feet to a point, thence; S. 29 degrees 44 minutes 42 seconds E., 2,083.17 feet to a point, thence; S. 11 degrees 27 minutes 04 seconds E., 363.00 feet to a point, thence; S. 78 degrees 32 minutes 56 seconds W., 200.00 feet to a point binding on the centerline of the 400-foot-wide main navigational channel at computed Centerline Station No. 65+54.31, coordinates North 438923.9874, East 1306159.9738, thence; continuing with the aforementioned centerline the following courses and distances: N. 11 degrees 27 minutes 04 seconds W., 330.80 feet to a point, Centerline Station No. 68+85.10, thence; N. 29 degrees 44 minutes 42 seconds W., 2,015.56 feet to a point, Centerline Station No. 89+00.67, thence; N. 49 degrees 49 minutes 15 seconds W., 1,472.26 feet to the point of beginning, the area in total containing a computed area of 777,284 square feet or 17.84399 acres of riparian water way.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2297), as amended, was read the third time and passed, as follows:

H.R. 2297

*Resolved,* That the bill from the House of Representatives (H.R. 2297) entitled "An Act to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes," do pass with the following amendment:

On page 5, after line 10, add the following:

SEC. 4. PROJECT FOR NAVIGATION, WASHINGTON  
CHANNEL, DISTRICT OF COLUMBIA.

(a) IN GENERAL.—The portion of the project for navigation of the Corps of Engineers at Potomac River, Washington Channel, District of Columbia, as authorized by the Act of August 30, 1935 (chapter 831; 49 Stat. 1028), and described in subsection (b), is deauthorized.

(b) DESCRIPTION OF PROJECT.—The deauthorized portion of the project for navigation is as follows: Beginning at Washington Harbor Channel Geometry Centerline of the 400-foot-wide main navigational ship channel, Centerline Station No. 103+73.12, coordinates North 441948.20, East 1303969.30, as stated and depicted on the Condition Survey Anacostia, Virginia, Washington and Magazine Bar Shoal Channels, Washington, D.C., Sheet 6 of 6, prepared by the United States Army Corps of Engineers, Baltimore district, July 2007; thence departing the aforementioned centerline traveling the following courses and distances: N. 40 degrees 10 minutes 45 seconds E., 200.00 feet to a point, on the outline of said 400-foot-wide channel thence binding on said outline the following 3 courses and distances: S. 49 degrees 49 minutes 15 seconds E., 1,507.86 feet to a point, thence; S. 29 degrees 44 minutes 42 seconds E., 2,083.17 feet to a point, thence; S. 11 degrees 27 minutes 04 seconds E., 363.00 feet to a point, thence; S. 78 degrees 32 minutes 56 seconds W., 200.00 feet to a point binding on the centerline of the 400-foot-wide main navigational channel at computed Centerline Station No. 65+54.31, coordinates North 438923.9874, East 1306159.9738, thence; continuing with the aforementioned centerline the following courses and distances: N. 11 degrees 27 minutes 04 seconds W., 330.80 feet to a point, Centerline Station No. 68+85.10, thence; N. 29 degrees 44 minutes 42 seconds W., 2,015.56 feet to a point, Centerline Station No. 89+00.67, thence; N. 49 degrees 49 minutes 15 seconds W., 1,472.26 feet to the point of beginning, the area in total containing a computed area of 777,284 square feet or 17.84399 acres of riparian water way.

# CONDEMNING THE GOVERNMENT OF IRAN FOR HUMAN RIGHTS VIOLATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 345, S. Res. 80.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 80) condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority and its continued violation of the International Covenants on Human Rights.

There being no objection, the Senate proceeded to consider the resolution.

AMENDMENT NO. 1999

Mr. REID. Mr. President, I ask unanimous consent that the Paul amendment, which is at the desk, be agreed to and that the Senate proceed immediately to a voice vote on adoption of the resolution, as amended.

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

The amendment (No. 1999) was agreed to, as follows:

On page 5, line 4, strike the words "all available".

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (S. Res. 80), as amended, was agreed to.

Mr. REID. Mr. President, I further ask unanimous consent that the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any related statements be printed in the RECORD.

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

The preamble was agreed to.

The resolution, as amended, with its preamble reads as follows:

S. RES. 80

Whereas, in 1982, 1984, 1988, 1990, 1992, 1994, 1996, 2000, 2006, 2008, and 2009, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i faith;

Whereas the 2010 Department of State International Religious Freedom Report stated, "Since the 1979 Islamic Revolution, more than 200 Baha'is have been killed, and many have faced regular raids and confiscation of property.";

Whereas the 2009 Department of State Human Rights Report stated, "The government [of Iran] continued to repress Baha'is and prevent them from meeting in homes to worship. It banned them from government and military leadership posts, the social pension system, and public schools and universities unless they concealed their faith.";

Whereas, on October 15, 2010, the United Nations Secretary-General issued a special report on human rights in Iran, stating that "the Baha'i, who comprise the country's largest non-Muslim religious minority, face multiple forms of discrimination and harassment, including denial of employment, Government benefits and access to higher education";

Whereas, on December 21, 2010, the United Nations General Assembly adopted a resolution (A/RES/65/226) noting "serious ongoing and recurring human rights violations" in Iran, including against the Baha'i community;

Whereas, in November 2007, the Ministry of Information of Iran in Shiraz jailed Baha'is Ms. Raha Sabet, 33, Mr. Sasan Taqva, 32, and Ms. Haleh Roohi, 29, for educating underprivileged children, and gave them 4-year prison terms;

Whereas Ms. Sabet remains imprisoned in Iran;

Whereas Ms. Sabet, Mr. Taqva, and Ms. Roohi were targeted solely on the basis of their religion;

Whereas, in March and May of 2008, intelligence officials of the Government of Iran in Mashhad and Tehran arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm, the members of the coordinating group for the Baha'i community in Iran;

Whereas, in August 2010, the Revolutionary Court in Tehran sentenced the 7 Baha'i leaders to 20-year prison terms on charges of "spying for Israel, insulting religious sanctities, propaganda against the regime and spreading corruption on earth";

Whereas the lawyer for these 7 leaders, Mrs. Shirin Ebadi, the Nobel Laureate, has been denied all access to the prisoners and their files;

Whereas these 7 Baha'i leaders were targeted solely on the basis of their religion;

Whereas, in February 2011, the Revolutionary Court in Tehran sentenced human rights activist and follower of the Baha'i faith, Navid Khanjani, to a 12-year prison term on charges of "propaganda against the regime by publishing news, reports, and interviews with foreign TV and radio," among others;

Whereas the Government of Iran is party to the International Covenants on Human Rights; and

Whereas the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111-195) authorizes the President and the Secretary of State to impose sanctions on "the officials of the Government of Iran and other individuals who are responsible for continuing and severe violations of human rights and religious freedom in Iran": Now, therefore, be it

*Resolved*, That the Senate—

(1) condemns 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;

(2) calls on the Government of Iran to immediately release the seven leaders and all other prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, and Mr. Navid Khanjani;

(3) calls on the President and Secretary of State, in cooperation with the international community, to immediately condemn the Government of Iran's continued violation of human rights and demand the immediate release of prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, and Mr. Navid Khanjani; and

(4) urges the President and Secretary of State to utilize measures, such as those available under the Comprehensive Iran Sanctions, Accountability, and Divestment

Act of 2010 and Executive Order 13553, to sanction officials of the Government of Iran and other individuals directly responsible for egregious human rights violations in Iran, including against the Baha'i community.

## EXPRESSING SUPPORT FOR THE PEOPLE OF TIBET

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of Calendar No. 347, S. Res. 356.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 356) expressing support for the people of Tibet.

There being no objection, the Senate proceeded to consider the resolution, which had been reported by the Committee on Foreign Relations without amendment and an amendment to the preamble, as follows:

[Omit the part printed in boldface brackets and insert the part printed in Italic.]

S. RES. 356

Whereas Tibet is the center of Tibetan Buddhism, and His Holiness the Dalai Lama, Tenzin Gyatso, is the most revered figure in Tibetan Buddhism;

Whereas the Government of the People's Republic of China continues to enforce policies that infringe on fundamental freedoms of Tibetans, including punitive security measures against monasteries, mass arrests, and restrictions on freedom to practice religion;

Whereas both the Dalai Lama and the Kalon Tripa, Dr. Lobsang Sangay, the prime minister democratically elected by the Tibetan exile community, have specifically stated that they do not seek independence for Tibet from China;

Whereas, in his inaugural address on August 8, 2011, Kalon Tripa Sangay stated that he will "continue the Middle-Way policy, which seeks genuine autonomy for Tibet within the People's Republic of China";

Whereas, according to the Department of State's 2011 Report on Tibet Negotiations, since 2002, nine rounds of talks between the Government of the People's Republic of China and envoys of the Dalai Lama "have not borne concrete results";

Whereas, despite persistent efforts by the Dalai Lama and his representatives, the Government of the People's Republic of China and envoys of the Dalai Lama have not held any formal dialogue since January 2010;

[Whereas, since March 2011, at least 16 Tibetans have set themselves on fire, and at least 12 have died;]

Whereas, since March 2011, more than two dozen Tibetans have set themselves on fire, and at least 19 have died;

Whereas the repressive policies of the Government of the People's Republic of China have created an environment of despair, hopelessness, and frustration among many Tibetans;

Whereas, on November 1, 2011, the United Nations Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, expressed concern over "restrictive measures" implemented by the Government of the People's Republic of China in Tibetan monasteries, stating that such measures "not only curtail the right to freedom of religion or belief, but further exacerbate the existing tensions, and are counterproductive" and affirming that "the right of members of the

monastic community, and the wider community to freely practice their religion, should be fully respected and guaranteed by the Chinese Government”;

Whereas, on January 24, 2012, Maria Otero, Under Secretary for Civilian Security, Democracy and Human Rights, and United States Special Coordinator for Tibetan Issues, issued a statement expressing concern about “reports of violence and continuing heightened tensions in Tibetan areas of China, including reports of security forces in Sichuan province opening fire on protesters, killing some and injuring others”;

Whereas the Constitution of the People's Republic of China guarantees freedom of religious belief for all citizens, but the July-December 2010 International Religious Freedom Report of the Department of State states that “the [Chinese] government's repression of religious freedom remained severe in the Tibet Autonomous Region and other Tibetan areas”;

Whereas, on March 10, 2011, His Holiness the Dalai Lama announced that he would relinquish his last remaining governmental duties in the Central Tibetan Administration, and would turn over political authority to the leadership democratically elected by Tibetans in exile;

Whereas, on March 20, 2011, the Tibetan government in exile conducted competitive democratic elections that were monitored by international observers and deemed free, fair, and consistent with international standards;

Whereas nearly 50,000 people in over 30 countries, more than half of all the eligible Tibetan exiles voters, participated in the March 20, 2011, elections;

Whereas Dr. Lobsang Sangay was elected Kalon Tripa, or prime minister, of the Central Tibetan Administration after receiving 55 percent of votes in the March 20, 2011, election and was inaugurated on August 8, 2011;

Whereas Kalon Tripa Sangay was selected to study in the United States under the Department of State's Tibetan Scholarship Program, earning a doctorate in law from Harvard University, and served as a Senior Fellow at the East Asian Legal Studies Program at Harvard Law School;

Whereas Kalon Tripa Sangay, while at Harvard University, promoted dialogue among Tibetan exiles and Chinese students and visiting Chinese scholars to enhance mutual understanding and advance the prospects for reconciliation; and

Whereas it is the objective of the United States Government, consistent across administrations of different political parties and as articulated in the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107-228; 22 U.S.C. 6901 note) to promote a substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives in order to secure genuine autonomy for the Tibetan people within China:

Mr. REID. I ask unanimous consent that the Senate proceed to a vote on this matter.

The PRESIDING OFFICER. Without objection, the question is on agreeing to the resolution.

The resolution (No. 356) was agreed to.

Mr. REID. I ask unanimous consent that the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements relating

to the resolution be printed in the RECORD.

The committee-reported amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 356

Whereas Tibet is the center of Tibetan Buddhism, and His Holiness the Dalai Lama, Tenzin Gyatso, is the most revered figure in Tibetan Buddhism;

Whereas the Government of the People's Republic of China continues to enforce policies that infringe on fundamental freedoms of Tibetans, including punitive security measures against monasteries, mass arrests, and restrictions on freedom to practice religion;

Whereas both the Dalai Lama and the Kalon Tripa, Dr. Lobsang Sangay, the prime minister democratically elected by the Tibetan exile community, have specifically stated that they do not seek independence for Tibet from China;

Whereas, in his inaugural address on August 8, 2011, Kalon Tripa Sangay stated that he will “continue the Middle-Way policy, which seeks genuine autonomy for Tibet within the People's Republic of China”;

Whereas according to the Department of State's 2011 Report on Tibet Negotiations, since 2002, nine rounds of talks between the Government of the People's Republic of China and envoys of the Dalai Lama “have not borne concrete results”;

Whereas despite persistent efforts by the Dalai Lama and his representatives, the Government of the People's Republic of China and envoys of the Dalai Lama have not held any formal dialogue since January 2010;

Whereas, since March 2011, more than two dozen Tibetans have set themselves on fire, and at least 19 have died;

Whereas the repressive policies of the Government of the People's Republic of China have created an environment of despair, hopelessness, and frustration among many Tibetans;

Whereas, on November 1, 2011, the United Nations Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, expressed concern over “restrictive measures” implemented by the Government of the People's Republic of China in Tibetan monasteries, stating that such measures “not only curtail the right to freedom of religion or belief, but further exacerbate the existing tensions, and are counterproductive” and affirming that “the right of members of the monastic community, and the wider community to freely practice their religion, should be fully respected and guaranteed by the Chinese Government”;

Whereas, on January 24, 2012, Maria Otero, Under Secretary for Civilian Security, Democracy and Human Rights, and United States Special Coordinator for Tibetan Issues, issued a statement expressing concern about “reports of violence and continuing heightened tensions in Tibetan areas of China, including reports of security forces in Sichuan province opening fire on protesters, killing some and injuring others”;

Whereas the Constitution of the People's Republic of China guarantees freedom of religious belief for all citizens, but the July-December 2010 International Religious Freedom Report of the Department of State states that “the [Chinese] government's repression of religious freedom remained severe in the Tibet Autonomous Region and other Tibetan areas”;

Whereas, on March 10, 2011, His Holiness the Dalai Lama announced that he would re-

linquish his last remaining governmental duties in the Central Tibetan Administration, and would turn over political authority to the leadership democratically elected by Tibetans in exile;

Whereas, on March 20, 2011, the Tibetan government in exile conducted competitive democratic elections that were monitored by international observers and deemed free, fair, and consistent with international standards;

Whereas nearly 50,000 people in over 30 countries, more than half of all the eligible Tibetan exiles voters, participated in the March 20, 2011, elections;

Whereas Dr. Lobsang Sangay was elected Kalon Tripa, or prime minister, of the Central Tibetan Administration after receiving 55 percent of votes in the March 20, 2011, election and was inaugurated on August 8, 2011;

Whereas Kalon Tripa Sangay was selected to study in the United States under the Department of State's Tibetan Scholarship Program, earning a doctorate in law from Harvard University, and served as a Senior Fellow at the East Asian Legal Studies Program at Harvard Law School;

Whereas Kalon Tripa Sangay, while at Harvard University, promoted dialogue among Tibetan exiles and Chinese students and visiting Chinese scholars to enhance mutual understanding and advance the prospects for reconciliation; and

Whereas it is the objective of the United States Government, consistent across administrations of different political parties and as articulated in the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107-228; 22 U.S.C. 6901 note) to promote a substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives in order to secure genuine autonomy for the Tibetan people within China: Now, therefore, be it

*Resolved*, That the Senate—

(1) mourns the death of Tibetans who have self-immolated and deplores the repressive policies targeting Tibetans;

(2) calls on the Government of the People's Republic of China to suspend implementation of religious control regulations, reassess religious and security policies implemented since 2008 in Tibet, and resume a dialogue with Tibetan Buddhist leaders, including the Dalai Lama or his representatives, to resolve underlying grievances;

(3) calls on the Government of the People's Republic of China to release all persons that have been arbitrarily detained; to cease the intimidation, harassment and detention of peaceful protestors; and to allow unrestricted access to journalists, foreign diplomats, and international organizations to Tibet;

(4) calls on the Secretary of State to seek from the Government of the People's Republic of China a full accounting of the forcible removal of monks from Kirti Monastery, including an explanation of the pretext or conditions under which monks were removed and their current whereabouts;

(5) commends His Holiness the Dalai Lama for his decision to devolve his political power in favor of a democratic system;

(6) congratulates Tibetans living in exile for holding, on March 20, 2011, a competitive, multi-candidate election that was free, fair, and met international electoral standards;

(7) reaffirms the unwavering friendship between the people of the United States and the people of Tibet; and

(8) both—

(A) calls on the Department of State to fully implement the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107-228; 22 U.S.C. 6901 note), including the stipulation that the Secretary of State seek “to

establish an office in Lhasa, Tibet, to monitor political, economic, and cultural developments in Tibet", and also to provide consular protection and citizen services in emergencies; and

(B) urges that the agreement to permit China to open further diplomatic missions in the United States should be contingent upon the establishment of a United States Government consulate in Lhasa, Tibet.

# CONDEMNING VIOLENCE BY SYRIA AGAINST JOURNALISTS AND EXPRESSING SENSE OF THE SENATE FOR FREEDOM OF THE PRESS IN SYRIA

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 348, S. Res. 391.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 391) condemning violence by the Government of Syria against journalists, and expressing the sense of the Senate on freedom of the press in Syria.

There being no objection, the Senate proceeded to consider the resolution which had been reported by the Committee on Foreign Relations without amendment and an amendment to the preamble, as follows:

[Omit the part printed in boldface brackets and insert the part printed in italic.]

## S. RES. 391

[Whereas United Nations Security Council Resolution 1738 (2006) obliges states to ensure the safety of journalists in war zones;]

*Whereas United Nations Security Council Resolution 1738 (2006) stresses the obligations of states under international law to ensure the safety of journalists in war zones;*

Whereas, since the uprisings in Syria began in January 2011, the Government of Syria has denied entry to foreign journalists and arrested, abducted, beaten, tortured, and killed journalists, photographers, and bloggers to prevent the free flow of accurate information to the outside world;

Whereas restrictions imposed by the Government of Syria on media have made it extraordinarily difficult to verify death tolls and the exact nature and course of events within the country;

Whereas Syrian state media reports differ significantly from the few independent reports that make their way out of Syria;

Whereas Reporters Without Borders, an international nongovernmental organization that advocates freedom of the press and freedom of information, has listed Bashar al-Assad as a Predator of Freedom of the Press;

Whereas the League of Arab States called for the media to be allowed into Syria during its monitoring mission that was suspended indefinitely on January 28, 2012, due to the "critical deterioration of the situation" in Syria;

Whereas freelance journalist Ferzat Jarban was tortured and killed on November 19 or 20, 2011, after filming protests in Al-Qassir, Syria;

Whereas videographer Basil al-Sayed died on December 27, 2011, from a gunshot wound he suffered 5 days earlier at a checkpoint in the Baba Amr neighborhood in the city of Homs, Syria;

Whereas Shukri Abu al-Burghul of the state-owned daily Al Thawra and Radio Da-

mascus died on January 3, 2012, in Damascus, Syria from a gunshot wound to the head he suffered four days earlier;

Whereas Gilles Jacquier, a correspondent with France 2 television, was killed in a grenade explosion on January 11, 2012, while covering demonstrations in the city of Homs;

Whereas freelance journalist Mazhar Tayyara, a videographer and photojournalist who contributed to Agence France-Presse and other international outlets, was killed by government forces' fire in the city of Homs on February 4, 2012;

Whereas New York Times correspondent Anthony Shadid died of an asthma attack on February 16, 2012, while attempting to leave Syria after reporting inside the country for a week, gathering information on the Free Syrian Army and other armed elements of the resistance to the government of President Bashar al-Assad;

Whereas freelance journalist Rami al-Sayed, who filmed videos of Syrian security forces' repressive acts, was killed on February 21, 2012, while covering the bombardment of the city of Homs by Government of Syria forces;

Whereas journalist Marie Colvin of the Sunday Times, a United States citizen, and freelance photojournalist Remi Ochlik were killed on February 22, 2012, after their makeshift press center in Homs was struck by rockets fired by Government of Syria forces;

Whereas, on February 22, 2012, Department of State Spokesman Mark Toner stated, "[T]oday, we're also clearly deeply troubled and saddened by reports that American journalist Marie Colvin and French journalist Remi Ochlik were killed today in Homs as a result of the intense shelling, the ongoing intense shelling by the Syrian regime. . . . We, of course, extend our deepest condolences to their families and loved ones and just note that their sacrifice in chronicling the daily suffering of the people of Homs stands as a testament to journalism's highest standards.";

Whereas 13 opposition activists in Syria were killed during a weeklong attempt to rescue 4 foreign journalists, 2 of whom were injured, who were trapped in Homs as a result of the bombardment by the Government of Syria that killed Marie Colvin and Remi Ochlik;

Whereas videographer Anas al-Tarsha, who documented unrest in the besieged city of Homs, was killed by a mortar round while filming the bombardment of the city's Qarabees district on February 24, 2012;

Whereas, from 1992 through 2010, zero journalists were killed in Syria according to the Committee to Protect Journalists; and

Whereas the Government of Syria has continued to arbitrarily arrest and detain prominent Syrian journalists and bloggers;

Mr. REID. I ask that the Senate now vote on this matter.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 391) was agreed to.

Mr. REID. I ask unanimous consent that the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to the resolution be printed in the RECORD.

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

The committee-reported amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

## S. RES. 391

Whereas United Nations Security Council Resolution 1738 (2006) stresses the obligations of states under international law to ensure the safety of journalists in war zones;

Whereas, since the uprisings in Syria began in January 2011, the Government of Syria has denied entry to foreign journalists and arrested, abducted, beaten, tortured, and killed journalists, photographers, and bloggers to prevent the free flow of accurate information to the outside world;

Whereas restrictions imposed by the Government of Syria on media have made it extraordinarily difficult to verify death tolls and the exact nature and course of events within the country;

Whereas Syrian state media reports differ significantly from the few independent reports that make their way out of Syria;

Whereas Reporters Without Borders, an international nongovernmental organization that advocates freedom of the press and freedom of information, has listed Bashar al-Assad as a Predator of Freedom of the Press;

Whereas the League of Arab States called for the media to be allowed into Syria during its monitoring mission that was suspended indefinitely on January 28, 2012, due to the "critical deterioration of the situation" in Syria;

Whereas freelance journalist Ferzat Jarban was tortured and killed on November 19 or 20, 2011, after filming protests in Al-Qassir, Syria;

Whereas videographer Basil al-Sayed died on December 27, 2011, from a gunshot wound he suffered 5 days earlier at a checkpoint in the Baba Amr neighborhood in the city of Homs, Syria;

Whereas Shukri Abu al-Burghul of the state-owned daily Al Thawra and Radio Damascus died on January 3, 2012, in Damascus, Syria from a gunshot wound to the head he suffered four days earlier;

Whereas Gilles Jacquier, a correspondent with France 2 television, was killed in a grenade explosion on January 11, 2012, while covering demonstrations in the city of Homs;

Whereas freelance journalist Mazhar Tayyara, a videographer and photojournalist who contributed to Agence France-Presse and other international outlets, was killed by government forces' fire in the city of Homs on February 4, 2012;

Whereas New York Times correspondent Anthony Shadid died of an asthma attack on February 16, 2012, while attempting to leave Syria after reporting inside the country for a week, gathering information on the Free Syrian Army and other armed elements of the resistance to the government of President Bashar al-Assad;

Whereas freelance journalist Rami al-Sayed, who filmed videos of Syrian security forces' repressive acts, was killed on February 21, 2012, while covering the bombardment of the city of Homs by Government of Syria forces;

Whereas journalist Marie Colvin of the Sunday Times, a United States citizen, and freelance photojournalist Remi Ochlik were killed on February 22, 2012, after their makeshift press center in Homs was struck by rockets fired by Government of Syria forces;

Whereas, on February 22, 2012, Department of State Spokesman Mark Toner stated, "[T]oday, we're also clearly deeply troubled and saddened by reports that American journalist Marie Colvin and French journalist Remi Ochlik were killed today in Homs as a result of the intense shelling, the ongoing intense shelling by the Syrian regime. . . . We,



of course, extend our deepest condolences to their families and loved ones and just note that their sacrifice in chronicling the daily suffering of the people of Homs stands as a testament to journalism's highest standards.”;

Whereas 13 opposition activists in Syria were killed during a weeklong attempt to rescue 4 foreign journalists, 2 of whom were injured, who were trapped in Homs as a result of the bombardment by the Government of Syria that killed Marie Colvin and Remi Ochlik;

Whereas videographer Anas al-Tarsha, who documented unrest in the besieged city of Homs, was killed by a mortar round while filming the bombardment of the city's Qarabees district on February 24, 2012;

Whereas, from 1992 through 2010, zero journalists were killed in Syria according to the Committee to Protect Journalists; and

Whereas the Government of Syria has continued to arbitrarily arrest and detain prominent Syrian journalists and bloggers: Now, therefore, be it

*Resolved*, That the Senate—

(1) calls on the Government of Syria to immediately open the country up to independent and foreign journalists and immediately end its media blackout;

(2) condemns in the strongest possible terms the Government of Syria's abuse, intimidation, and violence towards journalists, videographers, and bloggers;

(3) calls on the Government of Syria to immediately release all journalists, videographers, and bloggers who have been detained, arrested, or imprisoned;

(4) pays tribute to the journalists who have lost their lives while reporting on the conflict in Syria;

(5) commends the bravery and courage of journalists who continue to operate in harm's way;

(6) supports the people of Syria seeking access to a free flow of accurate news and other forms of information;

(7) recognizes the critical role that technology plays in helping independent journalists report the facts on the ground;

(8) condemns all acts of censorship and other restrictions on freedom of the press, freedom of speech, and freedom of expression in Syria;

(9) strongly condemns all nations that assist or enable the Government of Syria's ongoing repression of the media; and

(10) reaffirms the centrality of press freedom to efforts by the United States Government to support democracy and promote good governance around the world.

#### EXPRESSING SENSE OF SENATE IN SUPPORT OF NATO AND NATO SUMMIT BEING HELD MAY 20 THROUGH 21, 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 349, S. Res. 395.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 395) expressing the sense of the Senate in support of the North Atlantic Treaty Organization and the NATO summit to be held in Chicago, Illinois, from May 20 through 21, 2012.

There being no objection, the Senate proceeded to consider the resolution which had been reported by the Committee on Foreign Relations without

amendment and an amendment to the preamble, as follows:

[Omit the part printed in boldface brackets and insert the part printed in italic.]

#### S. RES. 395

Whereas the North Atlantic Treaty, signed April 4, 1949, in Washington, District of Columbia, which created the North Atlantic Treaty Organization (referred to in this preamble as “NATO”), proclaims: “[Members] are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security.”;

Whereas NATO has been the cornerstone of transatlantic security cooperation and an enduring instrument for promoting stability in Europe and throughout the world for over 60 years;

Whereas the NATO summit in Chicago, Illinois, is an opportunity to enhance and more deeply entrench those principles, which continue to bind the alliance together and guide our efforts today;

Whereas the new Strategic Concept, approved in Lisbon, [Spain] *Portugal* in November 2010, affirms that all NATO members “are determined that NATO will continue to play its unique and essential role in ensuring our common defence and security” and that NATO “continues to be effective in a changing world, against new threats, with new capabilities and new partners”;

Whereas the Chicago Summit will mark a critical turning point for NATO and a chance to focus on current operations, future capabilities, and the relationship between NATO and partners around the world;

Whereas the Chicago Summit will be the first NATO summit held in the United States since the 50th anniversary summit was held in Washington, District of Columbia, in 1999 and the first NATO summit held outside of Washington, District of Columbia;

Whereas NATO Secretary General Anders Fogh Rasmussen said, “Chicago is a city built upon diversity, and on determination. Those are values that underpin NATO too.”;

Whereas the Chicago Summit presents an opportunity to show to the world the Heartland of the United States—the site of the first elevated railway, the first skyscraper in the world, the busiest futures exchange in the world, and the starting point for historic Route 66;

Whereas the thousands of visitors to the Chicago Summit will have the opportunity to enjoy the hospitality of the city of Chicago, the 77 distinct neighborhoods in Chicago, and the State of Illinois; and

Whereas the contributions of generations of immigrants have made the city of Chicago and the State of Illinois what they are today and the ancestral homelands of the immigrants now contribute to making NATO the organization it is today;

Mr. REID. I ask that we now have a vote on this matter, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (No. 395) was agreed to.

Mr. REID. I ask unanimous consent that the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action

or debate; and any statements relating to the resolution be printed in the RECORD.

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

The committee-reported amendment was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

#### S. RES. 395

Whereas the North Atlantic Treaty, signed April 4, 1949, in Washington, District of Columbia, which created the North Atlantic Treaty Organization (referred to in this preamble as “NATO”), proclaims: “[Members] are determined to safeguard the freedom, common heritage and civilisation of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic area. They are resolved to unite their efforts for collective defence and for the preservation of peace and security.”;

Whereas NATO has been the cornerstone of transatlantic security cooperation and an enduring instrument for promoting stability in Europe and throughout the world for over 60 years;

Whereas the NATO summit in Chicago, Illinois, is an opportunity to enhance and more deeply entrench those principles, which continue to bind the alliance together and guide our efforts today;

Whereas the new Strategic Concept, approved in Lisbon, Portugal in November 2010, affirms that all NATO members “are determined that NATO will continue to play its unique and essential role in ensuring our common defence and security” and that NATO “continues to be effective in a changing world, against new threats, with new capabilities and new partners”;

Whereas the Chicago Summit will mark a critical turning point for NATO and a chance to focus on current operations, future capabilities, and the relationship between NATO and partners around the world;

Whereas the Chicago Summit will be the first NATO summit held in the United States since the 50th anniversary summit was held in Washington, District of Columbia, in 1999 and the first NATO summit held outside of Washington, District of Columbia;

Whereas NATO Secretary General Anders Fogh Rasmussen said, “Chicago is a city built upon diversity, and on determination. Those are values that underpin NATO too.”;

Whereas the Chicago Summit presents an opportunity to show to the world the Heartland of the United States—the site of the first elevated railway, the first skyscraper in the world, the busiest futures exchange in the world, and the starting point for historic Route 66;

Whereas the thousands of visitors to the Chicago Summit will have the opportunity to enjoy the hospitality of the city of Chicago, the 77 distinct neighborhoods in Chicago, and the State of Illinois; and

Whereas the contributions of generations of immigrants have made the city of Chicago and the State of Illinois what they are today and the ancestral homelands of the immigrants now contribute to making NATO the organization it is today: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the service of the brave men and women who have served to safeguard the freedom and security of the United States and the whole of the transatlantic alliance;

(2) honors the sacrifices of United States personnel, allies of the North American

Treaty Organization (referred to in this resolution as “NATO”), and partners in Afghanistan;

(3) remembers the 63 years NATO has served to ensure peace, security, and stability in Europe and throughout the world;

(4) reaffirms that NATO, through the new Strategic Concept, is oriented for the changing international security environment and the challenges of the future;

(5) urges all NATO members to take concrete steps to implement the Strategic Concept and to utilize the NATO summit in Chicago, Illinois, to address current NATO operations, future capabilities and burden-sharing issues, and the relationship between NATO and partners around the world;

(6) conveys appreciation for the steadfast partnership between NATO and the United States; and

(7) expresses support for the 2012 NATO summit in Chicago.

### PROMOTING PEACE AND STABILITY IN SUDAN

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 350, S. Res. 397.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 397) promoting peace and stability in Sudan, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution which had been reported by the Committee on Foreign Relations with an amendment and an amendment to the preamble, as follows:

[Strike all after the enacting clause and the preamble (the part in boldface brackets) and insert the part printed in italic.]

#### S. RES. 397

[Whereas conflict between the Government of Sudan and the Sudan People's Liberation Movement-North (SPLM-N) has been ongoing since June 2011 in Sudan's border state of South Kordofan and since September 2011 in the border state of Blue Nile, resulting in a humanitarian crisis;

[Whereas the Government of Sudan has refused repeated requests by the United States Government, the United Nations, the African Union, the League of Arab States, nongovernmental organizations, and others to allow humanitarian access to the conflict areas;

[Whereas the Governments of Sudan and South Sudan signed a memorandum of understanding on non-aggression and cooperation in Addis Ababa on February 12, 2012, agreeing to respect each other's sovereignty and refrain from launching any attack against the other, including bombardment;

[Whereas the United Nations estimates that more than 130,000 refugees have fled South Kordofan and Blue Nile for South Sudan, Ethiopia, and elsewhere since June 2011, and hundreds of thousands more have been internally displaced or severely affected by conflict;

[Whereas the Government of Sudan bombed the Yida refugee camp in South Sudan on November 10, 2011;

[Whereas both the Government of Sudan and the Sudan People's Liberation Movement-North have reportedly prevented civilians from leaving Blue Nile and Southern Kordofan;

[Whereas the Famine Early Warning Systems Network (FEWSNET), funded by the United States Agency for International Development, estimated in March 2012 that conflict-affected areas of South Kordofan would deteriorate further in coming weeks to Phase 4 emergency levels of food insecurity (one step before being classified as a famine), due mainly to conflict and government policies that have limited cultivation, displaced the population, restricted trade, and refused access for international humanitarian assistance;

[Whereas the United Nations Security Council issued a statement on February 14, 2012, expressing deep and growing alarm with the rising levels of malnutrition and food insecurity in some areas of Southern Kordofan and Blue Nile, calling on the Government of Sudan to allow immediate access to United Nations personnel, and urging the Government of Sudan and the Sudan People's Liberation Movement-North to agree to an immediate cessation of hostilities and return to talks to address the issues that have fueled the current conflict;

[Whereas the United Nations High Commissioner for Refugees appealed urgently to donors in February 2012 for \$145,000,000 to assist refugees from South Kordofan and Blue Nile;

[Whereas President Barack Obama released a statement in June 2011 calling on the Government of Sudan and the Sudan People's Liberation Movement-North to agree immediately to a ceasefire, end restrictions on humanitarian access and United Nations movements, and agree on security arrangements for Southern Kordofan and Blue Nile States through direct, high-level negotiations as opposed to the use of force;

[Whereas President Obama released a statement on February 2, 2012, strongly condemning the bombing by the Armed Forces of Sudan of civilian populations in Southern Kordofan and Blue Nile States in Sudan, which stated that aerial attacks on civilian targets are unjustified, unacceptable, and a violation of international law and compound the ongoing crisis in these areas;

[Whereas neither South Kordofan nor Blue Nile were able to complete the popular consultation process with the Government of Sudan as stipulated in the Comprehensive Peace Agreement (CPA) before violence broke out;

[Whereas, despite the independence of South Sudan on July 9, 2011, many key issues between Sudan and South Sudan remain unresolved, including transit fees for oil pipeline use, citizenship, the status of Abyei, and border demarcation;

[Whereas the goal of democratic governance reform in Sudan as envisioned in the CPA has not been met;

[Whereas, in addition to the growing conflict-induced humanitarian and human rights crisis in Sudan's southern border states, the humanitarian crisis and ongoing insecurity in Darfur continues; and

[Whereas the United Nations High Commissioner for Refugees estimates that more than 4,000,000 people in Sudan remain internally displaced, and in 2011, though for the first time since the Darfur conflict began, more Darfuris voluntarily returned to their homes (87,000) than were newly displaced (70,000), and additional tens of thousands are being displaced in southern Sudan:] Now, therefore, be it

*Whereas conflict between the Government of Sudan and the Sudan People's Liberation Movement-North (SPLM-N) has been ongoing since June 2011 in Sudan's border state of Southern Kordofan and since September 2011 in the border state of Blue Nile, resulting in a humanitarian crisis;*

*Whereas the Government of Sudan has refused repeated requests by the United States Government, the United Nations, the African Union, the League of Arab States, nongovernmental organizations, and others to allow humanitarian access to the conflict areas;*

*Whereas the Governments of Sudan and South Sudan signed a memorandum of understanding on non-aggression and cooperation in Addis Ababa on February 12, 2012, agreeing to respect each other's sovereignty and refrain from launching any attack against the other, including bombardment;*

*Whereas the United Nations estimates that more than 130,000 refugees have fled Southern Kordofan and Blue Nile for South Sudan, Ethiopia, and elsewhere since June 2011, and hundreds of thousands more have been internally displaced or severely affected by conflict;*

*Whereas the Government of Sudan bombed the Yida refugee camp in South Sudan on November 10, 2011;*

*Whereas both the Government of Sudan and the Sudan People's Liberation Movement-North have reportedly prevented civilians from leaving Blue Nile and Southern Kordofan;*

*Whereas the Famine Early Warning Systems Network (FEWSNET), funded by the United States Agency for International Development, estimated in March 2012 that conflict-affected areas of Southern Kordofan would deteriorate further in coming weeks to Phase 4 emergency levels of food insecurity (one step before being classified as a famine), due mainly to conflict and government policies that have limited cultivation, displaced the population, restricted trade, and refused access for international humanitarian assistance;*

*Whereas the United Nations Security Council issued a statement on February 14, 2012, expressing deep and growing alarm with the rising levels of malnutrition and food insecurity in some areas of Southern Kordofan and Blue Nile, calling on the Government of Sudan to allow immediate access to United Nations personnel, and urging the Government of Sudan and the Sudan People's Liberation Movement-North to agree to an immediate cessation of hostilities and return to talks to address the issues that have fueled the current conflict;*

*Whereas the United Nations High Commissioner for Refugees appealed urgently to donors in February 2012 for \$145,000,000 to assist refugees from Southern Kordofan and Blue Nile;*

*Whereas President Barack Obama released a statement in June 2011 calling on the Government of Sudan and the Sudan People's Liberation Movement-North to agree immediately to a ceasefire, end restrictions on humanitarian access and United Nations movements, and agree on security arrangements for Southern Kordofan and Blue Nile States through direct, high-level negotiations as opposed to the use of force;*

*Whereas President Obama released a statement on February 2, 2012, strongly condemning the bombing by the Armed Forces of Sudan of civilian populations in Southern Kordofan and Blue Nile States in Sudan, which stated that aerial attacks on civilian targets are unjustified, unacceptable, and a violation of international law and compound the ongoing crisis in these areas;*

*Whereas neither Southern Kordofan nor Blue Nile were able to complete the popular consultation process with the Government of Sudan as stipulated in the Comprehensive Peace Agreement (CPA) before violence broke out;*

*Whereas, despite the independence of South Sudan on July 9, 2011, many key issues between Sudan and South Sudan remain unresolved, including transit fees for oil pipeline use, citizenship, the status of Abyei, and border demarcation;*

*Whereas the goal of democratic governance reform in Sudan as envisioned in the CPA has not been met;*

Whereas, in addition to the growing conflict-induced humanitarian and human rights crisis in Sudan's southern border states, the humanitarian crisis and ongoing insecurity in Darfur continues; and

Whereas the United Nations High Commissioner for Refugees estimates that, although for the first time since the Darfur conflict began, more Darfuris (87,000) voluntarily returned to their homes than were newly displaced (70,000), tens of thousands of additional people are still being displaced in southern Sudan and more than 4,000,000 people in Sudan remain internally displaced in total: Now, therefore, be it

*Resolved, That the Senate—*

[(1) welcomes the memorandum of understanding on non-aggression and cooperation signed between the Governments of Sudan and South Sudan in Addis Ababa on February 12, 2012;

[(2) calls on the Government of Sudan and the Sudan People's Liberation Movement-North to reach a mutually beneficial political agreement;

[(3) urges the Government of Sudan to allow immediate and unrestricted humanitarian access to South Kordofan, Blue Nile, and all other conflict-affected areas of Sudan;

[(4) encourages the Government of Sudan and the Sudan People's Liberation Movement-North to declare a cessation of hostilities to allow food and essential supplies to reach affected civilians;

[(5) implores the Governments of Sudan and South Sudan to refrain from any support of proxy forces;

[(6) urges the Government of Sudan and the Sudan People's Liberation Movement-North to allow civilians to leave the two states voluntarily and seek refuge in more secure areas; and

[(7) supports the current efforts of the Obama Administration, working with partners in the international community, to facilitate humanitarian access to affected areas, to encourage all relevant parties to return to the negotiation table to reach agreements associated with the conclusion of the Comprehensive Peace Agreement, to mitigate violence in the interim, and to allow full humanitarian access.]]

*That the Senate—*

(1) welcomes the memorandum of understanding on non-aggression and cooperation signed between the Governments of Sudan and South Sudan in Addis Ababa on February 12, 2012;

(2) calls on the Government of Sudan and the Sudan People's Liberation Movement-North to reach a mutually beneficial political agreement;

(3) urges the Government of Sudan to allow immediate and unrestricted humanitarian access to Southern Kordofan, Blue Nile, and all other conflict-affected areas of Sudan;

(4) encourages the Government of Sudan and the Sudan People's Liberation Movement-North to declare a cessation of hostilities to allow food and essential supplies to reach affected civilians;

(5) implores the Governments of Sudan and South Sudan to refrain from any support of proxy forces;

(6) urges the Government of Sudan and the Sudan People's Liberation Movement-North to allow civilians to leave Southern Kordofan and Blue Nile voluntarily and seek refuge in more secure areas; and

(7) supports the current efforts of the Obama Administration, working with partners in the international community, to facilitate humanitarian access to affected areas, to encourage all relevant parties to return to the negotiation table to reach agreements associated with the conclusion of the Comprehensive Peace Agreement, to mitigate violence in the interim, and to allow full humanitarian access.

Mr. REID. I ask unanimous consent that the committee-reported substitute be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

Mr. REID. I ask the Senate now vote on adoption of the resolution, as amended.

The PRESIDING OFFICER. The question is on agreeing to the resolution, as amended.

The resolution (No. 397), as amended, was agreed to.

Mr. REID. I further ask unanimous consent that the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to the resolution be printed in the RECORD.

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

The committee-reported amendment was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 397

Whereas conflict between the Government of Sudan and the Sudan People's Liberation Movement-North (SPLM-N) has been ongoing since June 2011 in Sudan's border state of Southern Kordofan and since September 2011 in the border state of Blue Nile, resulting in a humanitarian crisis;

Whereas the Government of Sudan has refused repeated requests by the United States Government, the United Nations, the African Union, the League of Arab States, nongovernmental organizations, and others to allow humanitarian access to the conflict areas;

Whereas the Governments of Sudan and South Sudan signed a memorandum of understanding on non-aggression and cooperation in Addis Ababa on February 12, 2012, agreeing to respect each other's sovereignty and refrain from launching any attack against the other, including bombardment;

Whereas the United Nations estimates that more than 130,000 refugees have fled Southern Kordofan and Blue Nile for South Sudan, Ethiopia, and elsewhere since June 2011, and hundreds of thousands more have been internally displaced or severely affected by conflict;

Whereas the Government of Sudan bombed the Yida refugee camp in South Sudan on November 10, 2011;

Whereas both the Government of Sudan and the Sudan People's Liberation Movement-North have reportedly prevented civilians from leaving Blue Nile and Southern Kordofan;

Whereas the Famine Early Warning Systems Network (FEWSNET), funded by the United States Agency for International Development, estimated in March 2012 that conflict-affected areas of Southern Kordofan would deteriorate further in coming weeks to Phase 4 emergency levels of food insecurity (one step before being classified as a famine), due mainly to conflict and government policies that have limited cultivation, displaced the population, restricted trade, and refused access for international humanitarian assistance;

Whereas the United Nations Security Council issued a statement on February 14, 2012, expressing deep and growing alarm with the rising levels of malnutrition and food insecurity in some areas of Southern Kordofan and Blue Nile, calling on the Government of Sudan to allow immediate access to United Nations personnel, and urging the Government of Sudan and the Sudan People's Liberation Movement-North to agree to an immediate cessation of hostilities and return to talks to address the issues that have fueled the current conflict;

Whereas the United Nations High Commissioner for Refugees appealed urgently to donors in February 2012 for \$145,000,000 to assist refugees from Southern Kordofan and Blue Nile;

Whereas President Barack Obama released a statement in June 2011 calling on the Government of Sudan and the Sudan People's Liberation Movement-North to agree immediately to a ceasefire, end restrictions on humanitarian access and United Nations movements, and agree on security arrangements for Southern Kordofan and Blue Nile States through direct, high-level negotiations as opposed to the use of force;

Whereas President Obama released a statement on February 2, 2012, strongly condemning the bombing by the Armed Forces of Sudan of civilian populations in Southern Kordofan and Blue Nile States in Sudan, which stated that aerial attacks on civilian targets are unjustified, unacceptable, and a violation of international law and compound the ongoing crisis in these areas;

Whereas neither Southern Kordofan nor Blue Nile were able to complete the popular consultation process with the Government of Sudan as stipulated in the Comprehensive Peace Agreement (CPA) before violence broke out;

Whereas, despite the independence of South Sudan on July 9, 2011, many key issues between Sudan and South Sudan remain unresolved, including transit fees for oil pipeline use, citizenship, the status of Abyei, and border demarcation;

Whereas the goal of democratic governance reform in Sudan as envisioned in the CPA has not been met;

Whereas in addition to the growing conflict-induced humanitarian and human rights crisis in Sudan's southern border states, the humanitarian crisis and ongoing insecurity in Darfur continues; and

Whereas the United Nations High Commissioner for Refugees estimates that, although for the first time since the Darfur conflict began, more Darfuris (87,000) voluntarily returned to their homes than were newly displaced (70,000), tens of thousands of additional people are still being displaced in southern Sudan and more than 4,000,000 people in Sudan remain internally displaced in total: Now, therefore, be it

*Resolved, That the Senate—*

(1) welcomes the memorandum of understanding on non-aggression and cooperation signed between the Governments of Sudan and South Sudan in Addis Ababa on February 12, 2012;

(2) calls on the Government of Sudan and the Sudan People's Liberation Movement-North to reach a mutually beneficial political agreement;

(3) urges the Government of Sudan to allow immediate and unrestricted humanitarian access to Southern Kordofan, Blue Nile, and all other conflict-affected areas of Sudan;

(4) encourages the Government of Sudan and the Sudan People's Liberation Movement-North to declare a cessation of hostilities to allow food and essential supplies to reach affected civilians;

(5) implores the Governments of Sudan and South Sudan to refrain from any support of proxy forces;

(6) urges the Government of Sudan and the Sudan People's Liberation Movement-North to allow civilians to leave Southern Kordofan and Blue Nile voluntarily and seek refuge in more secure areas; and

(7) supports the current efforts of the Obama Administration, working with partners in the international community, to facilitate humanitarian access to affected areas, to encourage all relevant parties to return to the negotiation table to reach agreements associated with the conclusion of the Comprehensive Peace Agreement, to mitigate violence in the interim, and to allow full humanitarian access.

#### RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that we proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 414, S. Res. 415, and S. Res. 416.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. REID. I ask unanimous consent that the three resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate on any of those three measures, and any statements related to the resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

#### S. RES. 414

Commemorating the 125th anniversary of the University of North Carolina at Pembroke

Whereas the University of North Carolina at Pembroke (referred to in this preamble as "the University") was founded on March 7, 1887, in Robeson County, North Carolina by an act of the General Assembly of North Carolina;

Whereas the University, originally named the Croatan Normal School, was created in response to a petition from the Indian people of Robeson County;

Whereas the University was founded for the purpose of training American Indian school teachers;

Whereas the University opened in the fall of 1887 with 15 students and 1 teacher;

Whereas the University moved to its present location in Pembroke, North Carolina in 1909;

Whereas a 2-year program beyond high school was added to the University in 1926;

Whereas the length of the program of college studies at the University was extended to 4 years in 1939;

Whereas, in 1941, the General Assembly of North Carolina changed the name of the University to Pembroke State College for Indians;

Whereas, until 1953, the University was the only State-supported 4-year college for Indians in the United States;

Whereas, in 1969, the General Assembly of North Carolina changed the name of the University to Pembroke State University and made the University a regional State university that provided instruction at both the undergraduate level and the graduate level;

Whereas, in 1972, the General Assembly of North Carolina established the 17-campus University of North Carolina system and made Pembroke State University 1 of the constituent institutions of the system;

Whereas, on July 1, 1996, Pembroke State University became the University of North Carolina at Pembroke;

Whereas, today, approximately 6,000 students from diverse backgrounds are enrolled in 41 undergraduate programs and 17 graduate programs at the University of North Carolina at Pembroke; and

Whereas March 7, 2012, marks the 125th anniversary of the founding of the University of North Carolina at Pembroke: Now, therefore, be it

*Resolved*, That the Senate commemorates the 125th anniversary of the University of North Carolina at Pembroke.

#### S. RES. 415

Designating April 4, 2012, as "National Association of Junior Auxiliaries Day"

Whereas the National Association of Junior Auxiliaries and the members of the National Association of Junior Auxiliaries provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that—

(1) are beneficial to the general public; and  
(2) place a particular emphasis on providing for the needs of children; and

Whereas since the founding of the National Association of Junior Auxiliaries in 1941, the organization has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 4, 2012, as "National Association of Junior Auxiliaries Day";

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

#### S. RES. 416

Supporting the designation of April as Parkinson's Awareness Month

Whereas Parkinson's disease is the second most common neurodegenerative disease in the United States, second only to Alzheimer's disease;

Whereas there is inadequate comprehensive data on the incidence and prevalence of Parkinson's disease, as of 2011, it is estimated that the disease affects from 500,000 to 1,500,000 people in the United States;

Whereas although research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, the exact cause and progression of the disease is still unknown;

Whereas there is no objective test for Parkinson's disease, and the rate of misdiagnosis can be high;

Whereas symptoms of Parkinson's disease vary from person to person and include tremors, slowness, difficulty with balance, swallowing, chewing, speaking, rigidity, cognitive problems, dementia, mood disorders, such as depression and anxiety, constipation, skin problems, and sleep disruptions;

Whereas medications mask some symptoms of Parkinson's disease for a limited amount of time each day, often with dose-limiting side effects;

Whereas ultimately the medications and treatments lose their effectiveness, gen-

erally after 4 to 8 years, leaving the person unable to move, speak, or swallow;

Whereas there is no cure, therapy, or drug to slow or halt the progression of Parkinson's disease; and

Whereas increased education and research are needed to help find more effective treatments with fewer side effects and, ultimately, an effective treatment or cure for Parkinson's disease: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of April as Parkinson's Awareness Month;

(2) supports the goals and ideals of Parkinson's Awareness Month;

(3) continues to support research to find better treatments, and eventually, a cure for Parkinson's disease;

(4) recognizes the people living with Parkinson's who participate in vital clinical trials to advance knowledge of the disease; and

(5) commends the dedication of local and regional organizations, volunteers, and millions of Americans across the country working to improve the quality of life of persons living with Parkinson's disease and their families.

#### MEASURE READ THE FIRST TIME—H.R. 5

Mr. REID. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 5) to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

Mr. REID. I now ask for a second reading, but I object to my own request. The reason I am doing this is to place the bill on the calendar under rule XIV.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

#### SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that on Thursday, March 29, through Monday, April 16, the majority leader, Senator WEBB, and Senator ROCKEFELLER be authorized to sign duly enrolled bills or joint resolutions.

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

#### APPOINTMENTS AUTHORITY

Mr. REID. I ask unanimous consent that notwithstanding the upcoming recess or adjournment, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or inter-parliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

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

## TRIBUTE TO LAURA DOVE

Mr. REID. Mr. President, I was surprised earlier today when I was told by David Schiappa and Gary Myrick that somebody I care about a great deal is going to leave the Senate. I am so surprised. I served here when her dad was the Parliamentarian and I thought so much of him. He was a very courageous man. He jeopardized his position here in the Senate doing what he thought was right. He looked at the law. It didn't matter to him if it were a Republican asking for a decision or a Democrat, he did what he thought was right. I have so much admiration for Bob Dove.

Then I have gotten to know his daughter Laura, whom we all care about a great deal. She is somebody I can joke with or be serious with. She understands what my obligation is here as the majority leader and she doesn't hold it against me. She knows I am trying to do what I think is right.

She has been dedicated to making the Senate a better place during her 10 years as the assistant Republican secretary. This is her last week with us so, for me, since we are going to go out of session, this is her last day with us. She is an example of how this operation works.

Mr. President, I read through this stack of stuff very quickly. Could I have arranged all that myself? No. It is the Laura Doves of the Senate who allow us to get our work done. She was a page, just like these young boys and girls here, as a teenager. She may work for the other party but, as far as I am concerned, I never hesitated to ask her a question when somebody on this side wasn't available and she never hesitated to tell me what she thought or give me the information I was seeking. Her work is essential and she has done it with dedication.

Laura, I really have appreciated our relationship. Please give my warm regards to your very fine father. I have heard a little about what you are going to do in the next little bit. I hope as you have that motor home and come to Las Vegas, hopefully this summer, you will come to Searchlight, because that will be a place you have never been—I am sure of that. What could I do with you there, though? I could show you my home.

Anyway, I am so grateful to you for being the nice person you are.

ORDERS FOR MONDAY, APRIL 2,  
TO MONDAY, APRIL 16, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted on the following dates. The reason we are going through this pro forma session which we thought we were through with is the House has not acted yet on agreeing to what we have done. But it is very clear there will be no recess ap-

pointments, period, because we are not going to be in recess, we hope. We hope the House will go along with us. But that is what Senator McConnell and I have worked for and it has been accomplished.

So I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Monday, April 2, at 2 p.m.; Thursday, April 5, at 11 a.m.; Monday, April 9, at 10 a.m.; Thursday, April 12, at 2 p.m.; and that the Senate adjourn on Thursday, April 12, until 2 p.m. on Monday, April 16, unless the Senate has received a message from the House that it has adopted S. Con. Res. 38—which will be the adjournment resolution—and if the Senate has received such a message, the Senate will stand in adjournment until 2 p.m. on Monday, April 16, under the provisions of S. Con. Res. 38; further, that when the Senate convenes at 2 p.m. on Monday, April 16, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; further, following any leader remarks, the Senate will resume consideration of the motion to proceed to S. 2230, the Paying a Fair Share Act, with the time until 4:30 p.m. equally divided and controlled between the two leaders or their designees; and that at 4:30 p.m., the Senate proceed to executive session under the previous order.

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

## PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes then, on Monday, April 16. The first vote will be on Judge-to-be Thacker, we hope—that will be the fourth circuit—and the second vote will be a cloture vote on the motion to proceed to the tax measure that is on the calendar.

ADJOURNMENT UNTIL MONDAY,  
APRIL 2, 2012, AT 2 P.M.

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m. on Monday, April 2, unless the Senate has received a message from the House that it has adopted S. Con. Res. 38, in which case the Senate will stand adjourned until 2 p.m. on Monday, April 16, under the provisions of S. Con. Res. 38.

Thereupon, the Senate, at 6:26 p.m., adjourned until Monday, April 2, 2012, at 2 p.m.

## NOMINATIONS

Executive nominations received by the Senate:

## DEPARTMENT OF JUSTICE

PATRICK A. MILES, JR., OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS, VICE MARGARET M. CHIARA, RESIGNED.

DANNY CHAPPELLE WILLIAMS, SR., OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE DAVID E. O'MEILIA, TERM EXPIRED.

PATRICK J. WILKERSON, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS, VICE JOHN WILLIAM LOYD, TERM EXPIRED.

## AMTRAK BOARD OF DIRECTORS

YVONNE BRATHWAITE BURKE, OF CALIFORNIA, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS. (NEW POSITION)

## EXECUTIVE OFFICE OF THE PRESIDENT

PATRICIA K. FALCONE, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE PHILIP E. COYLE, III.

## DEPARTMENT OF STATE

DOUGLAS M. GRIFFITHS, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

NATIONAL FOUNDATION ON THE ARTS AND THE  
HUMANITIES

MARIA ROSARIO JACKSON, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016, VICE TERENCE ALAN TEACHOUT, TERM EXPIRED.

## DISCHARGED NOMINATIONS

The Senate Committee on Commerce, Science, and Transportation was discharged from further consideration of the following nominations by unanimous consent and the nominations were confirmed:

COAST GUARD NOMINATION OF VICE ADM. JOHN P. CURRIER, TO BE VICE ADMIRAL.

COAST GUARD NOMINATION OF REAR ADM. PAUL F. ZUKUNFT, TO BE VICE ADMIRAL.

COAST GUARD NOMINATION OF VICE ADM. MANSON K. BROWN, TO BE VICE ADMIRAL.

COAST GUARD NOMINATION OF REAR ADM. PETER V. NEFFENGER, TO BE VICE ADMIRAL.

COAST GUARD NOMINATIONS BEGINNING WITH PATRICK K. ABOAGYE AND ENDING WITH WILLIAM F. CSISAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination by unanimous consent and the nomination was confirmed:

CHRISTY L. ROMERO, OF VIRGINIA, TO BE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.

## CONFIRMATIONS

Executive nominations confirmed by the Senate March 29, 2012:

CORPORATION FOR NATIONAL AND COMMUNITY  
SERVICE

PHYLLIS NICHAMOFF SEGAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2013.

LISA M. QUIROZ, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING FEBRUARY 8, 2014.

MARGUERITE W. KONDRACK, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2014.

RICHARD CHRISTMAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 6, 2012.

## FEDERAL DEPOSIT INSURANCE CORPORATION

MARTIN J. GRUENBERG, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING DECEMBER 27, 2018.

## DEPARTMENT OF THE TREASURY

THOMAS J. CURRY, OF MASSACHUSETTS, TO BE COMPTROLLER OF THE CURRENCY FOR A TERM OF FIVE YEARS.

## DEPARTMENT OF STATE

MICHAEL A. HAMMER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS).

## DEPARTMENT OF ENERGY

CHARLES DEWITT MCCONNELL, OF OHIO, TO BE AN ASSISTANT SECRETARY OF ENERGY (FOSSIL ENERGY).

DAVID T. DANIELSON, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENERGY EFFICIENCY AND RENEWABLE ENERGY).

LADORIS GUESS HARRIS, OF GEORGIA, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, DEPARTMENT OF ENERGY.

GREGORY HOWARD WOODS, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY.

## STATE JUSTICE INSTITUTE

JAMES R. HANNAH, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2013.

DANIEL J. BECKER, OF UTAH, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 2013.

## DEPARTMENT OF STATE

ROBERTA S. JACOBSON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS).

ELIZABETH M. COUSENS, OF WASHINGTON, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

ELIZABETH M. COUSENS, OF WASHINGTON, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

## DEPARTMENT OF JUSTICE

MICHAEL E. HOROWITZ, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE.

## DEPARTMENT OF COMMERCE

REBECCA M. BLANK, OF MARYLAND, TO BE DEPUTY SECRETARY OF COMMERCE.

## FEDERAL TRADE COMMISSION

JON D. LEIBOWITZ, OF MARYLAND, TO BE A FEDERAL TRADE COMMISSIONER FOR A TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2010.

MAUREEN K. OHLHAUSEN, OF VIRGINIA, TO BE A FEDERAL TRADE COMMISSIONER FOR A TERM OF SEVEN YEARS FROM SEPTEMBER 26, 2011.

## DEPARTMENT OF JUSTICE

KATHRYN KENEALLY, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL.

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MAURICE A. JONES, OF VIRGINIA, TO BE DEPUTY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

## FEDERAL DEPOSIT INSURANCE CORPORATION

THOMAS HOENIG, OF MISSOURI, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DEEPA GUPTA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016.

CHRISTOPHER MERRILL, OF IOWA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016.

## NATIONAL COUNCIL ON DISABILITY

STEPHANIE ORLANDO, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 17, 2011.

STEPHANIE ORLANDO, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2014.

GARY BLUMENTHAL, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2013.

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

WENDY M. SPENCER, OF FLORIDA, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

## DEPARTMENT OF THE TREASURY

MARY JOHN MILLER, OF MARYLAND, TO BE AN UNDER SECRETARY OF THE TREASURY.

## UNITED STATES TAX COURT

KATHLEEN KERRIGAN, OF MASSACHUSETTS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR THE TERM OF FIFTEEN YEARS.

## DEPARTMENT OF THE TREASURY

ALASTAIR M. FITZPAYNE, OF MARYLAND, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

## DEPARTMENT OF HOMELAND SECURITY

MARGARET ANN SHERRY, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

## INTER-AMERICAN FOUNDATION

EDUARDO ARRIOLA, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2016.

J. KELLY RYAN, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 20, 2012.

## OVERSEAS PRIVATE INVESTMENT CORPORATION

MICHAEL JAMES WARREN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2014.

## SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

DAVID J. MCMILLAN, OF MINNESOTA, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

WENONA SINGEL, OF MICHIGAN, TO BE A MEMBER OF THE ADVISORY BOARD OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

## DEPARTMENT OF JUSTICE

ANUJ CHANG DESAI, OF WISCONSIN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2011.

ANUJ CHANG DESAI, OF WISCONSIN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2014.

DENNIS J. ERBY, OF MISSISSIPPI, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

EARL W. GAST, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

## DEPARTMENT OF STATE

ANNE CLAIRE RICHARD, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF STATE (POPULATION, REFUGEES, AND MIGRATION).

TARA D. SONENSHINE, OF MARYLAND, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

ROBERT E. WHITEHEAD, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TOGOLESE REPUBLIC.

LARRY LEON PALMER, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BARBADOS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ST. KITTS AND NEVIS, SAINT LUCIA, ANTIGUA AND BARBUDA, THE COMMONWEALTH OF DOMINICA, GRENADA, AND SAINT VINCENT AND THE GRENADINES.

JONATHAN DON FARRAR, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

PHYLLIS MARIE POWERS, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO REPUBLIC OF NICARAGUA.

NANCY J. POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, PERSONAL RANK OF CAREER AMBASSADOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

## FARM CREDIT ADMINISTRATION

BRUCE J. SHERRICK, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

CHESTER JOHN CULVER, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

## JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

CATHERINE ALLGOR, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2014.

## DEPARTMENT OF JUSTICE

THOMAS M. HARRIGAN, OF NEW YORK, TO BE DEPUTY ADMINISTRATOR OF DRUG ENFORCEMENT.

## DEPARTMENT OF STATE

GINA K. ABERCROMBIE-WINSTANLEY, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE,

CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

JULISSA REYNOSO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

WILLIAM E. TODD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

JACOB WALLES, OF DELAWARE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE TUNISIAN REPUBLIC.

PAMELA A. WHITE, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

JOHN CHRISTOPHER STEVENS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LIBYA.

TRACEY ANN JACOBSON, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO KOSOVO.

KENNETH MERTEN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

MARK A. PEKALA, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

RICHARD B. NORLAND, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GEORGIA.

JEFFREY D. LEVINE, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ESTONIA.

FREDERICK D. BARTON, OF MAINE, TO BE AN ASSISTANT SECRETARY OF STATE (CONFLICT AND STABILIZATION OPERATIONS).

FREDERICK D. BARTON, OF MAINE, TO BE COORDINATOR FOR RECONSTRUCTION AND STABILIZATION.

LINDA THOMAS-GREENFIELD, OF LOUISIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE.

## FEDERAL DEPOSIT INSURANCE CORPORATION

JEREMIAH O'HEAR NORTON, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING JULY 15, 2013.

## DEPARTMENT OF JUSTICE

GREGORY K. DAVIS, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

## FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH OLGA FORD AND ENDING WITH MARGARET SHU TEASDALE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH TERRY L. MURPHREE AND ENDING WITH ANDREW J. WYLLIE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MORGAN D. HAAS AND ENDING WITH STEPHEN L. WIXOM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 29, 2012.

## IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

*To be vice admiral*

VICE ADM. JOHN P. CURRIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

*To be vice admiral*

REAR ADM. PAUL F. ZUKUNFT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

*To be vice admiral*

VICE ADM. MANSON K. BROWN



*March 29, 2012*

CONGRESSIONAL RECORD—SENATE

**S2285**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

*To be vice admiral*

REAR ADM. PETER V. NEFFENGER

COAST GUARD NOMINATIONS BEGINNING WITH PATRICK K. ABOAGYE AND ENDING WITH WILLIAM F. CSISAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 1, 2012.

DEPARTMENT OF THE TREASURY

CHRISTY L. ROMERO, OF VIRGINIA, TO BE SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM.