United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, MAY 8, 2012 *No. 64*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

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

Let us pray.

O Lord, our refuge and strength, You have called our Senators to this place and time. May they be mindful of the responsibility to be faithful stewards of their vocation. Protect them in the hour of temptation so that they will exercise self-control and glorify You. Lord, use their talents and skills to strengthen our Nation and to bless the people of our world. Infuse them with such a spirit of gratitude that they will offer thanks to You by living according to Your will. Remind them that You are with them and will guide them.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 8, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

SCHEDULE

Mr. REID. Mr. President, the Senate is now considering the motion to proceed to the Stop Student Loan Interest Rate Hike Act. The time until noon will be divided between the two parties, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

At noon there will be a cloture vote on the motion to proceed to S. 2343, which is the Stop Student Loan Interest Rate Hike Act. Following that vote, the Senate will recess until 2:15 p.m. to allow for our weekly caucus meetings.

MEASURES PLACED ON THE CALENDAR—H.R. 2050, H.R. 2240, H.R. 4628, AND H.R. 4849

Mr. REID. Mr. President, I understand there are four bills at the desk due for a second reading, and I would ask the Chair to move these forward.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 2050) to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes.

A bill (H.R. 2240) to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

A bill (H.R. 4628) to extend student loan interest rates for undergraduate Federal Direct Stafford Loans.

A bill (H.R. 4849) to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

Mr. REID. Mr. President, I now object to further proceedings with respect to each of these bills.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar under rule XIV.

STUDENT LOAN INTEREST RATES

Mr. REID. Mr. President, over the last 2 weeks, Senate Republicans have repeatedly claimed they support efforts to keep interest rates low for Federal student loans. In fact, Presidential nominee Mr. Romney has said the same. There is only one way to prove this, and that is to end the needless filibuster of Democrats' plan to stop rates from doubling this summer.

Democrats have proposed legislation to freeze student loan interest rates at current levels for a year without adding a single penny to the deficit. Our plan adds no new taxes. I repeat, Mr. President: Our plan adds no new taxes. It would simply stop wealthy Americans from avoiding the taxes they already owe. Our legislation would prevent 7 million students from paying $1,000 more over the life of each of their loans. Yet Republicans appear poised to filibuster this worthy measure. They are sending a clear message they would rather protect wealthy tax dodgers—and that is what they are—than help promising students achieve their dreams of higher education.

Republicans will try to explain away their ''no'' votes by claiming they oppose the way the legislation is paid for. They propose radical cuts to a preventive health care fund instead—a proposal they know we oppose.

Mr. President, we have already cut that plan to the bare bones. We have used this on other programs to cut and we have done it in the right way. Any fluff that was in that program is gone. Some say we have cut far too much out of it.

The prevention fund is, as we speak, helping States fight chronic illnesses such as heart disease, cancer, stroke, and diabetes. These chronic diseases I have just mentioned are responsible for 7 out of 10 deaths in America today. Imagine, 7 out of 10 deaths are caused from heart disease, cancer, stroke, and diabetes. Yet Republicans want to use this program to pay for the student loan interest rate stabilization—a program that stops these diseases from going forward. It is a preventive program.

These diseases are responsible for three-quarters of the Nation's health care spending. So anything we can do to cut those back is the right thing to do. Common sense indicates we need to be treating those 26 million Americans with diabetes. Around America today there are 26 million people who are taking medicine for diabetes, and it is sad to say that includes a rapidly growing number of children. These 26 million people use up much of our health care delivery system, and diabetes increases the risk of developing other costly, life-threatening, chronic diseases such as heart disease, stroke, kidney failure, and many other maladies that come from simply having diabetes.

This prevention fund the Republicans want to use to pay for this stabilization program for student loans also pays for successful tobacco cessation programs that avert billions of health care costs to treat emphysema, heart disease, and cancer, among others. It finances immunizations for preventable childhood illnesses such as measles and whooping cough.

These diseases are back because there have been too few immunizations. Last year, measles reached a 15-year high in our country. After nearly being wiped out in the 1950s, whooping cough has resurfaced. There have been major articles—I read one—that are stunning. As a kid, I received a whooping cough shot. I hadn't heard of it, but it is back. This is a terrible disease that we now have in America. As I say, it has come back. It produces violent coughs that can go on for as much as 6 months. People can die as a result of coughing so hard. There has been a real bad outbreak of whooping cough in California, and the disease in America has reached its highest rate in 50 years. Yet the Republicans want to cut back on these immunizations. That is not a good idea.

These diseases I have talked about are completely preventable with the proper immunizations the prevention fund supports. Yet Republicans want to axe investments in preventive care that save the country money and save lives. We have already made cuts, as I have indicated, difficult cuts to this program. We cannot afford to make more drastic cuts that would put Americans' health at risk.

While we do not support Republicans' plan to cut programs that combat diabetes, heart disease, or cancer, we are happy if they want a vote on some alternative. But let us get on this bill. Republicans need to stop filibustering our legislation—in this instance, the Stop Student Loan Interest Rate Hike Act. If they want some other way to pay for it, let us take a look at it. Let them offer it. The stakes are too high to let partisanship get in the way.

The average student graduates with $25,000 in debt. These young people are running up these loans because they want to, because education is so important in our country. But too many young people are putting off buying a house, starting a family, or opening a business because they are saddled with this crushing student loan debt. We don't need to load that burden even more. Democrats are determined to protect millions of students from increasing interest rates—almost 30,000 in Nevada alone.

If Republicans truly share our goal, they will vote to advance this legislation today.

RECOGNITION OF THE MINORITY LEADER

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

ELECTION YEAR LEGISLATION

Mr. MCCONNELL. Mr. President, it is not exactly a State secret that Senate Democrats have turned the floor into an extension of the Obama campaign over the past few months, and that what happens here these days has a lot more to do with what some political consultant out in Chicago thinks is good for the President's reelection than what the American people think would be good for the country as a whole.

Separation of powers notwithstanding, the Democrats' top message man recently admitted Senate Democrats and the White House are ''attached at the hip,'' meaning, of course, the Senate has ceased to be a place where problems are resolved and has become instead a place where Democrats produce campaign material.

Today's vote on student loan rates is a perfect example of this cynical election year strategy in action. Rather than working with Republicans to help young people in this country weather the effects of the Obama economy, Democrats have sought to distract them from it. Never mind the fact that Democratic leaders supported the bill that will cause interest rates on certain college loans to spike on July 1. Never mind the fact that President Obama was so concerned about this issue when this legislation passed he didn't even show up for the vote. Never mind the fact that Democrats have known this problem was coming for literally years but deliberately waited until 2 months before their temporary fix was due to expire to do anything about it.

Never mind any of that. What matters now for Democrats is they find a way to drive a wedge between Republicans and a constituency they are looking to court ahead of the November elections. That is what today's vote is all about for them.

For Republicans, well, we don't think young people should have to suffer any more than they already are as a result of this President's failure to turn the economy around. We just disagree we should pay for a fix by diverting $6 billion from Medicare and raising taxes on the very businesses we are counting on to hire these young people.

But as I said, solving the problem isn't what this is about for Senate Democrats and the White House they are coordinating with. Finding a solution to this problem actually isn't difficult at all. What is difficult is getting Democrats to agree to it in an election year. For them, it is about putting the other party on the spot.

Look, Republicans have a solution to this problem. We have asked for a vote on it. Even Senator HARKIN, who opposes our approach, thinks we should at least get that vote. But following the President's lead, Senate Democratic leaders have decided to put the finger of blame instead on us instead of solving the problem—which, of course, is completely ridiculous.

Here we are nearly 3½ years into this President's first term, and he is still blaming his predecessor. He got nearly everything he wanted for 2 years. He borrowed and spent trillions. He took over the student loan industry. He took over health care. He imposed his regulations. It is his economy now. Yet he is still blaming others.

My view is, if you are going to ask the American people to take responsibility for their actions, pay their fair share, and play by the rules, it is time the President led by example and did the same.

Three months ago, the President told the American people that it is time to apply the same rules from top to bottom. The President said: No bailouts, no handouts, and no cop-out. An America built to last, he said, insists on responsibility from everybody. Yet day after day, week after week, what do we get from Democratic leaders in the Senate and from the President himself but more cop-outs.

Here is the real issue behind today's votes. Right now, more than half of college graduates cannot find a decent job. Close to half of them are back at home living with their parents. As a Wall Street Journal article from late last year put it: The U.S. labor market may be in a malaise, but young adults are in a crisis.

The real solution, of course: progrowth policies that make it easier

for U.S. businesses to hire. But in the short term, Republicans are ready to offer temporary relief, just as we did for working Americans early this year by extending the payroll tax holiday.

To pay for this fix, Republicans propose to end an ObamaCare slush fund that Democrats and the President himself have already drawn from to cover other expenses.

This is a pay-for Democrats and the President have already used.

This is perfectly reasonable. It is a solution to a problem both parties want to address. It passed the House with bipartisan support. If Democrats want to solve the problem, they should embrace it too or, at the very least, offer a bipartisan solution of their own. The White House has done neither.

The real enemy of recent college graduates is this President's economic policies. Until Democrats are willing to admit that, we will keep falling behind. And the real losers will be the young people we should be working together on a bipartisan basis to help.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

STOP THE STUDENT LOAN INTEREST RATE HIKE ACT OF 2012—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2343, which the clerk will report by title.

The legislative clerk read as follows:

Motion to proceed to S. 2343, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon 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.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are here today because unless Congress acts, the interest rate for many of our students—over 100,000 of them in my home State of Washington—is going to double in 55 days.

On July 1, the law we passed that held rates on federally subsidized Stafford loans to 3.4 percent will end, and rates are going to jump overnight to 6.8 percent. That is going to add $1,000 to the cost of loans for these young people, and it is going to be another huge strain for students and families who are already fighting to afford college and still struggling in this tough economy.

This isn't an abstract issue for me. For me it is very personal. Pell grants and student loans were what allowed my six brothers and sisters and me to go to college when my dad got sick and had to leave his job. They were what made college affordable for us, and they were what allowed each one of us to pursue careers and give back to our communities. Because our government was there for us, at a very tough time for us, those seven kids in my family grew up to be a firefighter, a lawyer, a computer programmer, a sports writer, a homemaker, a middle-school teacher, and a United States Senator—a pretty good investment by our country. And our family's story is not unique.

In fact, last week I went across my home State of Washington listening to student after student describe the real-life impacts this interest rate hike will have on their livelihood. The Columbian, a newspaper in Vancouver, Washington, wrote a story on the roundtable I held last week with local students. As the Columbian reported: the rate hike would impact students like Dora Hernandez, a first-generation college student at Washington State University in Vancouver. They reported that: Dora became a mother at the age of 18, 2 months after she graduated from high school. She worked two to three jobs at a time to support herself and her child. It was at one of those jobs working the concession stand on a college campus that inspired her to improve her own life by earning a postsecondary degree. She received some financial aid, but she will still have $29,000 in student loans to pay back when she graduates this month, she told me, proudly standing right in front of that concession stand she used to work at. She has no job lined up yet. She said:

I was flabbergasted to find out how much student loan debt I've accrued. Honestly, I'm scared. I hope Congress finds a way to keep interest rates on student loans down for students like me.

The Columbian also reported the story of Diane Robinson, a 24-year-old single mom who told me she decided to enroll at Clark College after a divorce left her with absolutely nothing. She told me:

I would not be here without the loans. It would be impossible.

Through her tears, Diane told me that she was raised to repay her debts and worries about her looming student loan payments every single day. She said:

If there is an increase on student loan interest rates, it will compromise my quality of life. Repaying the debt I have accrued will be essential for me to have a happy future.

For millions of Americans, affordable college has been the ticket to the middle class. And for millions of small business owners, finding local workers with the education skills they need has been what has allowed them to expand and grow in our communities. We cannot afford to let that slip away. We can't allow access to college to become unattainable for so many of our families. As we all know, college costs are rising too quickly right now anyway. In fact, since 1985, the cost of a college education has increased by 559 percent because States have had to cut back their support for higher education and operating costs have increased. Student loan debt has spiked, and for the first time in U.S. history, the national student debt burden has surpassed $1 trillion. That is more than the total amount of credit card debt.

So the last thing our students right now need—the very last thing—is for interest rates on this critical loan program to double. We cannot afford to allow that to happen. At a time when mortgage rates are under 4 percent, we should be doing everything possible to keep rates low for students today. In fact, we should be investing in our future and trying to get more high school students to continue their education. We should not be doubling interest rates on a critical loan program that students count on. It does not make sense.

The Stop the Student Loan Interest Rate Hike Act that is before us is a commonsense measure that will prevent a rate hike on more than 7.4 million college students, and it pays for it by closing a tax loophole that allows certain wealthy professionals to dodge paying their fair share of taxes. So I hope we can move to this today.

I want to add, it is not just the students I talked about, Dora and Diane, who are speaking out against this rate hike. In fact, if our Republican colleagues do decide to block our ability to go to this bill today, I know that students all across our country are going to continue to make their voices heard about this—whether it is in person or in letters or on Twitter or on Facebook—and we will bring those stories right here to the Senate over and over until Republicans see that the students of America are not going to take no for an answer on this critical issue that will affect their lives far into the future.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I rise in support of the same legislation, and I appreciate the work of Senator MURRAY and Senator KLOBUCHAR.

I introduced this legislation with Senator HARKIN of Iowa and Senator REED of Rhode Island, and in the last couple of weeks I have been to the Cayuga County Community College, a community college in Cleveland, Ohio State University, Wright State University near Dayton, and the University of Cincinnati. There were student bodies, student government people in both political parties there. There is virtually universal support among students for this legislation. We have no business letting the interest rate double. The vote that will take place in less than 1 hour gives us an opportunity to help students in a huge way.

The average Ohio graduate of a 4-year university has a $27,000 student debt. If we are going to pile more

money on that debt by allowing the interest rate to go from 3.4 to 6.8 percent, it means that student is less likely to be able to buy a house, less likely to probably start a family, and less likely to be able to start a business. It saps wealth from our community. If we can keep this interest rate at 3.4 percent, it will pay dividends much more than the cost of this.

I would close by saying this was a bipartisan arrangement. Back in 2007, when Senator KLOBUCHAR and I were in our first year in the Senate, President Bush signed legislation brought forward and passed by a Democratic Senate and a Democratic House, with Republican support. So it had broad bipartisan support to lock in 3.4 percent for 5 years. Why are people making it partisan now?

The fact is we should pass this legislation today. We should pay for it in a way by closing these tax loopholes that are called the Newt Gingrich-John Edwards tax loopholes, where both of them—Newt Gingrich, a Republican, and John Edwards, a Democrat—in their private sector lives have legally been able to avoid tens of thousands of dollars in taxes. Lobbying firms, consulting firms, all have used this loophole. Governor Romney wanted to close this loophole when he was Governor of Massachusetts. It is something we should move forward on and put the partisanship aside and pass this. This is good for individual students, just like the GI bill after World War II was good for millions of individual students. Look what it did for our society as a whole. It made us a richer country, a more prosperous country, a more egalitarian country. What is not to like about that? That is why we should pass this legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I rise to speak in support of the Stop the Student Loan Interest Rate Hike Act.

I want to first acknowledge my colleague Senator BROWN of Ohio for his leadership. They have Ohio State, we have the University of Minnesota, and both of us have met with students from these States who have told us firsthand what they are experiencing every single day. I have talked to students at the University of Minnesota and Minnesota State in Mankato, where my father-in-law taught for many years, and they have told me about their own situations, where they may have five siblings and there is absolutely no way their parents, both of whom are working, can afford to send their kids to college without loans.

I have talked to a young woman in Mankato whose mom was helping with the tuition, and then suddenly her mom lost her job and she couldn't help anymore, parents who have gone out on disability who can no longer help anymore.

We have to ask ourselves as a country, when those things happen, when you have a student who may be the first in their family to ever go to college, are we going to turn our back on them and say: No, we don't want you to go to college? Well, that is not going to work in our country. That is not going to work, because in Minnesota the numbers just came out, and up to 2018, of all the new jobs created, 70 percent are going to require some kind of postsecondary education. Half of them are going to require 1-year to 2-year degrees, the other half are going to require 4-year degrees or more. We know those facts. We know how we are going to be able to compete in this world, and that is by having educated workers. To do that, we cannot turn our back on the students who may be in a situation where they can work part time.

There was one girl I met at the University of Minnesota who was working a 50-hour paid job every week in addition to the classload, in addition to going to school. These students are working hard, and we must make sure they are able to complete their college and complete their degrees. College tuition and fees have been rising more rapidly than household income over the last two decades, and it is becoming more and more difficult for students and their families to afford these costs.

We know that student loan debt has reached record levels. College seniors owed an average of $25,000 in student loan debt upon graduating in 2010, with a total loan debt reaching $1 trillion. This is what we are dealing with.

I know when I had student loans I paid them off, and, Mr. President, you will be happy to know that I met my husband right after I had paid off my loans and he still owed over $20,000 in student loans, but I married him anyway. I have had firsthand experience in what it is like to pay off these loans but never in these amounts our students today are facing. While it is normally good to be above average, my home State is, unfortunately, above average in student loan debt. We rank fourth in the Nation. The average Minnesota student graduates from college with more than $29,000 in loan debt.

As college costs skyrocket and student loan debt climbs, we have to consider what this means for students today and what effect this will have on our future. At a time when our global economy demands more of our workforce, we must focus on the foundation of our future prosperity, and that is education, particularly in science, technology, engineering, and math. To advance in those fields, you need at least a 2-year degree or a 4-year degree. We know that. We must do more to expand higher education opportunities and make college affordable for our students. It is one of the best investments we can make in the long-term success for America. That is because education doesn't just pay off for students, it also pays off for our country in the form of a skilled workforce and a competitive economy.

We have seen this in my own State, where we are home to one of the best skilled, most educated workforces in the country. That is the reason we are first per capita for Fortune 500 companies. I can tell you it is not the weather. These companies did not elect to move to Minnesota and to stay in Minnesota because of our winters. They came in large part because of the educated workforce, because we had people who could do the jobs and create the inventions. At 3M, Minnesota Mining and Manufacturing, they have as many inventions as they have employees. They average one invention for each employee. That is a fact. Look at the numbers. Why is that? Because we have the educated workforce to fill those jobs.

We also know that students today, both those in college and those who are considering college, face many unexpected obstacles, including the pressure to pay for higher education. As I mentioned, when I visited students at the University of Minnesota and also Minnesota State at Mankato, I heard firsthand about their experiences and how hard they were working to get those degrees. These students face many hardships and many sacrifices, but they continue to move forward and they are determined to get their education. The reality is that students can work, save money, and be totally responsible about saving for and paying for college, but life can bring unexpected challenges, and students need help through access to low-interest loans. That is all we are talking about here, low-interest loans.

Interest rates on Stafford student loans are set to double from 3.4 percent to 6.8 percent on July 1 of this year. Unless Congress intervenes, 7 million students will see higher interest rates on their student loans—a dramatic increase in the interest rate that does not make sense at a time when the economy is still struggling to recover and students are facing ever higher college costs and young graduates are having a hard time finding jobs. I know how valuable these loans are to students, and that is why I am a cosponsor of the Student Loan Affordability Act, which would prevent the rate hike and ensure college remains affordable. That would affect this doubling of the interest rate for, in my State alone, 200,000 students. Think what we want those 200,000 students to do. We want those students to be out there inventing the next Post-it note for 3M. We want them out there inventing the next pacemaker. We want them out there inventing the next Google. That is what this is about. That is how our economy has run. We are a country that makes and invents products, makes them and exports them to the world. The only way we do that is with affordable education.

I have heard from hundreds of Minnesotans who say the costs are putting a strain on their families and making college seem out of reach. This is unacceptable, and we must act now.

I know this firsthand, as I explained, not only from what I have seen in my State, what I have seen in the interrelationship between education and business, but in my own life. My grandpa was an iron ore miner. He worked 1,500 feet under the ground in the mines in north Minnesota. He never graduated from college. He never even graduated from high school. He saved money in a coffee can in the basement of their little house, this small house where they literally only had a shower in the basement. He saved money in that coffee can to send my dad and his brother to college. They were the first in that family of Slovenian immigrants—the first to go to college. They went to college. My uncle became an engineer living in Rochester, MN. My dad went to the 2-year junior college, got a degree from what is now Vermilion Community College, then went on to the University of Minnesota, got his journalism degree, joined the AP, and then went on to the Minneapolis Star and Tribune, where he became an award-winning journalist. He traveled the world. He got to interview everyone from Ginger Rogers to Mike Ditka to Ronald Reagan. That is my dad's life, and it all started because his parents believed in education but, most importantly, his country believed in education—the United States of America. That is what this issue is about. It is about progress, it is about families, and it is about moving this country forward.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, we just passed the deadline for students to decide where they are going to college this fall. This is one of the biggest financial decisions students will ever make. Nationally, student loan debt is over $1 trillion. It is higher than credit card debt. Over 60 percent of the class of 2010 graduated with outstanding student loans, college graduates. In Minnesota we are fourth in the country for the level of debt college graduates take with them. It is $29,000. This is hurting us as a nation in competition with other countries. It was not too many years ago that the United States was No. 1 in the world in the percentage of its adult population that had graduated from college. Now we are something like 16th. That is going to hurt us.

We have to do something about student debt. Behind every one of these statistics, there are stories. I had students from the board of MNSCU—it is a Minnesota organization of colleges and universities—in my office, and there must have been about 15 or 20 of them. I said to them: How many of you work at least 10 hours a week while going to school? All of them. How many of you work 20 hours a week? Most of them. How many of you work at least 30 hours a week while going to school? A lot of them. How many of you work 40 hours a week while going to school? How many of you work full time while going to school? A few of them, a number of them. That is no way to go to school.

Time after time when I talk to kids, I hear their stories.

Mike Flannery is a graduate of Hennepin Technical College. He was forced to take out private student loans because Federal loans were not enough to pay for his college costs. He graduated from his associate's program with a total debt of $34,750. Michael is now struggling to deal with this massive debt load, and he told me he will likely have to drop out of his summer coursework due to college costs. He currently owes $45,250 and is still working toward his bachelor's degree.

No wonder it takes our students 6 years to graduate—or longer. It is now not really a question; you have to graduate from college or at least get a 2-year degree to get a good-paying job in this country. In the next 7 years, 70 percent of jobs in Minnesota will require some type of postsecondary credential. Yet right now only 40 percent of working-age Minnesotans have one.

If we are going to compete with other countries, we have to do something about this. What can we do? We have to get long-term costs under control. There is a lot to do there, but that is the long term. In the short term, at least we should do no harm. On July 1 Stafford loans, subsidized Stafford loans are set to double, from 3.4 to 6.8 percent. That is unconscionable.

This legislation was written in 2007, and that said it would double. If you look at interest rates, what they have done from 2007 to now, they have just shot down. This makes no sense whatsoever. This is going to affect over 7.5 million students nationwide, over 200,000 in Minnesota. If we fail to take action, this will cost every student in Minnesota about $1,000 in increased loan costs over the life of the loans. That is real money.

We have an offset here we have tried to do. It is about S corporations. I don't want to get into the details of this. Basically what it is—let's say you have an S corp. You are a businessman, and at the end you take your salary and profits, and most honest businessmen pay taxes on all of that, including their withholding tax, their FICA. So you pay FICA on $107,000, approximately, in withholding tax. That pays into Social Security and Medicare. That is what FICA is.

There are others who take advantage of a loophole. It is a loophole. It is legal. Let's say you are a businessman and you make $300,000. Well, you pay yourself a salary of $40,000 and you pay your FICA on that. Then at the end of the year you take out the profits. Now, these profits are not capital gains. They pocket the business's profits without paying payroll taxes. This is as clearly a loophole as anything that exists in our Tax Code. This is exactly the type of loophole that everyone, not just our friends on the other side of the aisle but that we are talking about taking out of the Tax Code so that we can maybe not raise marginal rates as much or, on the other side, they say we can take out the loopholes and lower it. If you can't get rid of this loophole, there is no loophole you can get rid of. This is so obviously a wrongheaded loophole. That extra money they take at the end of the year, it is not considered capital gains, it is income. They pay the top rate on that income—it is above the top rate. This offset would affect only people making over $250,000.

We need to pass this legislation. This is a loophole we need to close because it just makes sense. It is a loophole that I don't think anyone can really defend. I really don't. I would love to hear someone try to defend this one. Again, I have heard over and over that we just have to close some loopholes, these crazy loopholes. This is the one we need to do so our kids can have a manageable debt, so they are not paying exorbitant costs on their debt.

We have to be realistic about all of this, about what it takes to make it in this country. You need a college education or you need some postsecondary education. We have a skills gap in this country we need to close. Kids are borrowing and borrowing, and we are doing this generation a disservice. We have to look at reality.

I heard Mitt Romney the other day in Ohio. He said to kids: Look, take a chance on yourself. Borrow money from your parents to start a business.

That is not what is happening in this country. Kids cannot accumulate an average of $29,000 in debt and still be able to borrow from their parents. If they could borrow from their parents, they wouldn't have an average of $29,000 in debt; they would be borrowing from their parents.

The reality is we are putting a burden on our children that we should not be putting on them. We should close this loophole that there is no rhyme or reason for so these students can be paying a reasonable interest rate and not some exorbitant interest rate. This is just common sense.

I urge my colleagues on both sides of the aisle to vote for this bill and then we can move on to some other things.

Mr. LEAHY. Today the Senate will vote on a vital piece of legislation that I am proud to cosponsor, to prevent the rise in interest rates on need-based student loans. Without action, millions of students across the country will see their interest rates double on their subsidized Stafford loans on July 1. At the very least, these students deserve a debate on this vital pocketbook question that affects millions of young Americans and their families.

I have always strongly believed in the importance of a college education. I was the first in my family to have the opportunity to go to college. Every young person should have the chance to pursue higher education. Education is a path out of poverty, a road to personal growth, and an access ramp to

professional accomplishment and economic security. Everyone wins when access to education expands.

It should go without saying that student loan costs should not rise so high that students cannot repay. Yet in recent years, average college tuition rates have increased faster than inflation, far outpacing student financial aid. Since 1985, the cost of attending college has increased by 559 percent, and last schoolyear alone, instate tuition and fees at public 4-year institutions averaged 8.3 percent higher than the previous year.

I hear from Vermonters constantly about their struggles to afford college and their concerns about student loan debt after they graduate. Skyrocketing tuition is making it increasingly difficult for families to afford higher education. Many students are forced to take on significant debt, and too often they are not able to complete college because of soaring costs. For those students who do go on to graduate, record student loan debt has made getting ahead in today's job market next to impossible for many students. Unfortunately, along with the pressure from student loan debt has come an increase in default rates among borrowers, which will affect a student's financial stability for decades.

Especially during these difficult economic times we need to be doing more to address the rising costs of higher education and the growing need for student financial aid. We have made significant investments in higher education and making college more affordable in recent years through historic investments in the Pell Grant Program, moving to a universal system of direct loans, and through the President's recent Executive order to reduce monthly payments for low-income borrowers. While these measures have certainly helped students, more must be done to ensure every American has access to a college education.

While there is agreement on the need to prevent the interest rate increase, division remains on the way to finance the yearlong extension. The House passed a bill largely along partisan lines that would fund the student loan measure by eliminating the Prevention and Public Health Fund, created under the affordable care act. Prevention funding is vitally important in helping to lower health care costs and improving the health of Americans through chronic disease screenings, tobacco education, and immunization programs. An estimated 15 percent of college seniors have chronic diseases and could benefit from this funding. We should not force on students a choice made by Congress, not by students, between disease prevention and lower interest rates.

The solution we offer is far better for students and for the Nation. The bill to which I hope we proceed today would prevent student loan interest rates from doubling by closing a loophole in the Tax Code. Right now, certain businesses can avoid paying employment taxes on their employees' paychecks. This measure would ensure that businesses employing individuals making over $250,000 would be subject to the same Medicare and Social Security taxes every business must pay. This is a commonsense reform that we should all support.

Each opportunity for a young American to earn a college education is also an opportunity for the Nation's future. Our country's ability to compete in the global marketplace in the future depends on our children's ability to finance their education. This does not need to be a partisan issue and should be one where we can find widespread agreement.

We must not tell the 7.4 million students who rely on subsidized Stafford loans that their interest rates will double because protecting a tax loophole is more important than their ability to afford college. I urge every Senator to help us move ahead today to support our students, their futures, and our country's future.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. HELLER. Mr. President, I rise in support of efforts to prevent an increase in the student loan rates.

For millions of Americans, education is the key to success and a better future for themselves and for their families. Workers with a bachelor's degree today earn about 70 percent more each year than those with only a high school diploma. We all want a better life for our children and for our grandchildren, and for many of them, a college education is part of achieving that goal.

However, higher education carries an increasingly substantial pricetag. One of my children has already completed her higher education, both my sons are currently in college, and my youngest is preparing for her posthigh school education. I know firsthand the financial strain on both the college students and their families.

The inflation-adjusted cost of college has almost tripled over the last 25 years, while median family income over the same period of time has risen only about 10 percent. Fees keep rising rapidly, soaring 8.3 percent last year at public universities and 4.5 percent at private institutions. In 2009, more than half of all public college graduates were in debt, with an average loan burden of nearly $20,000. For private college graduates, the percentage and amount of debt is even greater. The loan burden itself is substantial, and the last thing graduates need to worry about is high interest rates on these loans.

I was proud to vote for the initial efforts to keep student loan interest rates low back when I was serving in the House in 2007. Now I am a proud cosponsor of the Interest Rate Reduction Act which has been offered by my friend, the Senator from Tennessee, Mr. ALEXANDER. This legislation prevents student loans from doubling from 3.4 percent to 6.8 percent, and I truly hope Congress will be able to come together with a bipartisan agreement soon to prevent this increase from going into effect on July 1.

While student loan rates should be addressed, I am even more worried about the overall economic climate facing college grads. Recent reports found that more than half the bachelor degree holders under the age of 25 last year, which was 1.5 million young Americans, were jobless or underemployed. Of the 1.5 million languishing in the job market, half were underemployed. These young would-be professionals are either unemployed and unable to start paying their loans or have a job that may only provide enough for them to barely scrape by paycheck to paycheck. Instead of becoming the workforce of the next generation, the majority of recent graduates are finding their personal lives and finances mired in this ailing economy. Parents who have been laid off or who have seen their savings diminish have not been able to help their children through their education as they may have planned or wanted to. Our children and grandchildren are paying the price for Washington's failure to lead our Nation out of this economic crisis.

Addressing student loan rates is important and we need to accomplish that work promptly, but our work for America's colleges students and recent graduates is far from over. Congress should be doing something every day to provide more stability and certainty for businesses so they will create jobs and hire these graduates. We need to pass a budget and review expiring tax provisions. We need to get bureaucratic redtape out of the way and let American job creators do what they do best. Let's not put off until tomorrow what we can do today to make sure good-paying jobs will be available for graduates who have worked so hard to provide for a better future and let's pass a bipartisan measure that keeps student interest rates low.

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

The ACTING PRESIDENT pro tempore. Will the Senator suspend his request?

Mr. HELLER. I will.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. JOHANNS. Mr. President, I rise to speak about the issue that is currently under debate; that is, student loan interest rates.

For many students across this great country, the month of May marks the end of the school year and, for some, it

means graduating after years of hard work and moving on to another chapter in their life. Americans have always been people who celebrate hard work and the doors that hard work open for all of us.

Our country was founded on the promise that people could come here to find the opportunity to realize their dreams. So one of the most devastating consequences of the recent economy is that college students are beginning this new chapter in their lives when opportunities are harder and harder to come by. Sadly, today's college graduates are more likely to end up unemployed or underemployed and struggling with student loan debt at the same time. They are more likely to end up with those circumstances than they are to land their dream job.

Unfortunately, college costs have been increasing faster than the cost of living. Sixty-five percent of graduates who got a bachelor's degree in 2010 graduated with debt. So as our economy continues to lag, stopping interest rates on subsidized Stafford student loans from doubling could provide much needed relief. That is why I am a cosponsor of legislation introduced by my colleague LAMAR ALEXANDER which extends the current 3.4-percent interest rate for an additional year. It needs to be done.

It cannot be denied that access to education is imperative to ensuring a prosperous future for Nebraska's young people and for all Americans. It should be our goal to foster an economic atmosphere where jobs will flourish, our economy thrives, and opportunities abound for young people and, for that matter, for all Americans. That is why I am so disappointed that today we will vote on a bill that takes such a different approach to paying for the student loan interest rate extension.

The bill we will vote on taxes small businesses and raids funds that would otherwise go to shore up the Social Security and Medicare trust funds. Providing relief for students, protecting seniors' benefits, and fueling our Nation's job engine should not be mutually exclusive goals. We should not be pitting one sector of our population against another. Yet that is what we will do later on today.

This bill sacrifices one of those goals I just mentioned and puts another in jeopardy to achieve a third. I believe that is counterproductive. Why? In part because the future of our young people is so dependent on the availability of jobs in America.

This bill would raise taxes on job creators at a terrible time. The U.S. economy only grew by 1.7 percent in the last year, and our unemployment rate has been over 8 percent now for 39 consecutive months. Taxing job creators has a chilling effect on hiring. It isn't straightforward to promise students the American dream while making it harder for them to get a job—often the first step toward realizing their dreams.

The bill is also enormously unfair to seniors. By diverting tax revenues that would otherwise go to Social Security and Medicare, it ignores the warning flags we just received yet again about these programs. A recent trustees' report verifies that both these programs are on unsustainable paths. Medicare is projected to be insolvent by 2024 and Social Security by 2033—two dates that are well within sight. But instead of helping to strengthen these programs for the future, this bill spends the money elsewhere. The legislation ignores reality and, sadly, that has been all too familiar.

The health care law also siphoned funding from Medicare to the tune of $½ trillion. This money was used to pay for new entitlements in the law, not to extend the life of Medicare. The law's supporters have sometimes claimed it somehow did both—that magically we could count the same dollar twice—but anyone who looked at that disagreed with it, and basic math tells us we can't save and spend the same dollar two times. That was just one of many budget gimmicks used to mask the true cost of the health care bill.

Student loans help shoulder the massive cost of the health care law as well. That law, interestingly enough, nationalized the student loan industry, generating $60 billion over the decade, according to the Congressional Budget Office. But instead of using that money to address the doubling of student loan interest rates that was on the horizon, Congress and the President spent a portion of that money to help pay for the health care law—simply amazing. It is just one more example of a government that claims to know best when their only remedy is to rob from Peter to pay Paul. Sadly, the misguided government solution we will vote on today will be counterproductive for our job creators, for our economy, and for our Nation's job seekers, our soon-to-be graduates.

But don't take my word for it. There is a long list of organizations representing millions of employers and hard-working employees sounding an alarm over the tax increase being proposed in the bill we will vote on today. They are the people who build our homes, fix our air-conditioners, run the corner convenience store, own restaurants, print the flyers we distribute and the church bulletins we receive on Sunday. They all say the pay-for in this bill is bad policy. They don't buy the notion that it is a simple tax clarification. They identify it in plain English as a permanent payroll tax increase.

They go on to say in a letter to Senate leaders that a payroll tax increase should not be diverted from Medicare and Social Security to a temporary program. That letter, dated May 3, 2012, to Senators REID and MCCONNELL and signed by dozens of organizations is in my hand and was printed in yesterday's RECORD.

Senator ALEXANDER has proposed a good option that doesn't slap the job creators with a tax increase and doesn't divert funds that would otherwise go to Medicare and Social Security, and I support his proposal. I would also be open to supporting other pay-fors other than the irresponsible one we will face today. It is time to look for practical solutions that can actually pass the Senate and help the American people. Americans are getting sick and tired of election-year voting where we face legislation that we all know is designed to fail with this singular focus of generating good campaign talking points. While extending the student loan interest rate is important, a prosperous future depends on more than just that low interest rate. Young Americans would have greater prospects for the future in an economy that generated jobs and its growing income. The budgets would be less drained if the price of gas and health insurance didn't continue to escalate, and they would have more stability down the road if their future wasn't threatened by strained entitlement programs and a Federal debt that is now larger than the entire Nation's economy.

Lately, instead of solving these problems, legislation simply looks for yet another scapegoat, another political gotcha, a bill that is designed to fail to get a 30-second spot. Here in the Senate we should not be in the scapegoat- or gotcha-finding business. We should be in the solution-finding business. That is why I am proud to cosponsor Senator ALEXANDER's legislation that does the right thing for our country's students. This bill provides relief for students during a difficult economic time, and it uses money from a fund created from the health care law to pay for the extension. Identical language has already passed in the House, and it is here for the Senate to consider.

The President has already signed legislation into law using this very health care fund as an offset. The President even included cuts to this fund in his own deficit-reduction proposal. But now, when it is politically expedient to oppose those cuts, he has conveniently changed his mind. Well, these flip-flops don't go unnoticed by the American people.

I hope we can consider Senator ALEXANDER's legislation soon and the President will reconsider his threat to veto it. There has been a lot of finger pointing on this issue, but in reality everybody agrees interest rates on the Stafford loan should not double when the economy is struggling. The only disagreement is over how to pay for the relief. It is unfortunate that an area with so little disagreement has yet again morphed into a political football.

Sadly, with this being a Presidential election year, I fear there will be more of this political gamesmanship. But I stand ready to work with anyone interested in solving the problem.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. 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. CORKER. Mr. President, I rise today to talk about the student lending program that I understand we may be voting on a little bit later today. I want to first say, like my colleague, I have talked with a number of students in Tennessee and people who used to be students in college who have a tremendous amount of loan obligation they have to deal with. Our hearts go out to folks whose careers start with a large amount of debt, and we hear lots of stories about the size of this debt.

So I want to start by saying that I certainly empathize with much of what is happening in the student lending program as it relates to the recipients on the one hand. On the other hand, as it relates to how we deal with this issue, which also relates to these young people—I mean, at the end of the day, these massive deficits we are piling up are also going to be an obligation to them in one form or another. I want to speak to that for one moment.

First of all, I want to say that my friend from Tennessee, the senior Senator, has done as good a job as any of laying out what is driving tuition costs in the first place. The reason students are having to borrow so much money to go to college these days is due to what we have done in Washington. What I mean by that is if we look at the Medicaid Programs in West Virginia or Tennessee, what we have seen over the course of the last couple of decades is that Medicaid costs have been rising dramatically in our own States. Because State governments are forced to fund these huge Medicaid costs, they don't have the same resources available to fund public higher education.

So what is happening is these State governments, which are compelled by us, by the way, to fund these Medicaid Programs—let me make a point. Most people realize that with the passage of the health care bill a couple of years ago, we are going to have upwards of 25 million more Americans across this country on Medicaid. That was the largest part of the health care expansion that took place.

In my own State of Tennessee they have already projected over a 5-year period that it is going to cost them over $1 billion to fund what this Congress mandated as it relates to health care just a few years ago. That is $1 billion that is not going to be available for higher education. So when we campaign around the country and talk about wanting to deal with student lending, I think we ought to be looking at Congress because Congress is actually the one driving the exorbitant tuition rates in the first place by these mandates that we are placing on State governments. It is kind of appalling.

As a matter of fact, in our own State, at a time when Medicaid costs rose 15 percent, in order to make our State's budget balance the State legislature invested 15 percent less in higher education. Again, what is happening is young people—such as the ones who are sitting in front of me—are having to pay exorbitant tuition costs because the States around our country are not able to invest in higher education. Therefore, it is being sloughed off on the backs of students as they enter college.

Let's talk about the loan program itself. First of all, a loan program that charges 6.8 percent, which is what the program is getting ready to do, loans money to all comers—in other words, everybody who comes to get a loan—and there is no collateral in place. It is not like a home mortgage where there is collateral. There is no downpayment. As we know, these loans don't begin to be repaid until years down the road. The U.S. Government is not even breaking even at 6.8 percent. So this whole notion that this student lending program—again, as part of the health care bill—was going to create $50 billion or $60 billion to fund a new health care entitlement was wrong in the first place. With the interest rate at 6.8 percent there is no way taxpayers are coming out even. It is not possible.

As a matter of fact, CBO issued a report in March that said if they used fair accounting standards at the 6.8 percent level, the Federal Government was actually subsidizing student loans by 12 percent. So this whole notion of saying, well, the U.S. Government's borrowing costs is low, and therefore we ought to be making loans at 3.4 percent—by the way, I would love for us to be able to offer rates as low as we can to students. But the fact is we are already losing money at the 6.8-percent level. There is no way, with no money down, no collateral, payments being made down the road, taking all comers, and default rates that will exist that we could possibly be coming out at 6.8 percent. I think CBO has clearly stated that by virtue of the report that came out in March.

Let me come up with a third point. What we are getting ready to do is to discuss a bill that spends $6 billion of our taxpayer money, and Congress is considering spending the $6 billion in this 1 year to give students who apply—futuristically, by the way. This has nothing to do with students who are already in college today and have student lending. But for this 1 year, for loan originations to student lending, we are going to keep the rate at 3.4 percent, which is going to cost an additional $6 billion this year.

So what is Congress considering? Congress is considering paying for that $6 billion over the next 10 years. So instead of saying we are going to spend $6 billion and do what most Americans have to do on a daily basis—if we are going to spend a dollar this year, we have to save a dollar someplace else—what is Congress considering? Spreading the cost over the next 10 years. What is that going to do? Accumulate additional tremendous debt. What is that going to do for the students who are now seeking these loans? Candidly, it piles up additional money they are going to have to pay back.

Let me close by saying this: I know this is campaign season. I know candidates on both sides of the aisle are around college campuses in this country talking to students about their future. What I find unbelievable—and I think these students, by the way, are a lot brighter than people give them credit for as they are campaigning around on college campuses. But, basically, I think these students understand that as politicians are going around trying to offer them deals, they understand that at the same time Washington is piling up tremendous amounts of debt on these students, and not only are they going to have their student loans to repay, but they are going to have all of the trillions and trillions of dollars of debt that Congress is adding on in order to curry favor with citizens of all walks of life in our Nation. That is what happened in Western democracies. We are seeing it play out right now in Europe.

But what I think these students are quickly figuring out is that we are really not giving them anything. Basically, we are taking with the other hand. I think the numbers will carry this out. If, in fact, we do deal with this pending student lending program over the course of the next 6 weeks—and my guess is we may well do that—I hope we will be honest with these college students and at least pay for this expenditure by not spending money on something else so we are not, in essence, giving them something today but taking away something much bigger from them over the long haul.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. 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. REED. Mr. President, the vote we will take today will affect millions of Americans. If we do not enact legislation before July 1 of this year, approximately 7.4 million students will see the interest rate on their student loans double.

Nearly 200 student government leaders, representing more than 2.5 million college students across the Nation, have asked us to come up with a bipartisan solution to keep the interest rate from doubling this July.

Hundreds of thousands of students, parents, educators, and concerned citizens have called and written to their

Senators and Representatives with a simple message: Don't double the rate.

For them, student loan debt is not a trivial matter. It is a matter of going to school, and it is a matter, ultimately, of the jobs they take and their ability to pay off those loans during their working life.

Without action, students will pay, on average, an additional $1,000 for every year they have to take student loans, if we let this rate double.

Two-thirds of the class of 2010 graduated owing student loans, with an average debt of over $25,000. They are walking out of school with a degree and a huge debt. If we do not fix this problem, beginning today, that debt will be larger for their successes in the years ahead.

Student loan debt collectively has passed the $1 trillion mark—exceeding credit card debt. In fact, there are some who speculate this is the new bubble that is coming upon our economy. This is a serious issue.

The good news is that there seems to be for at least the principle of preventing this increase—an emerging bipartisan consensus that we should not allow the rate to double. The bad news is that my colleagues on the other side have chosen to use the student loan interest rate as another opportunity to attack health care. They have proposed to pay for the extension by cutting funds to the Prevention and Public Health Fund, reducing access to immunizations and services that seek to prevent cancer, diabetes, heart disease, to name a few.

The President has already said he would veto this attempt to pit health care against education—health care, which benefits all, but particularly benefits those low-income and middle-income American families and, of course, these education programs that are a lifeline and a mainstay for middle-income Americans.

The other aspect of attacking this prevention fund is, in the long term, if we are ever going to get our hands around the cost of health care in this country—and both sides recognize this is one of the critical obstacles we face in the future—we have to have better prevention. It is difficult to understand how people can say: Let's not do prevention, but we have to cut health care costs. If we could have an effective prevention program, we could, indeed, over years, and with increasing success, reduce or at least begin to flatten that proverbial health care cost curve.

It is interesting to note, the other side is proposing to use health care to pay for this proposal to help middle-income families, but they do not always insist on paying for everything they want to do. They will, frankly—and, I think, eagerly—extend the Bush tax cuts without any pay-for. The House recently passed the so-called Small Business Tax Cut Act with no offsets. And that costs $46 billion—nearly enough to pay for the student loan interest rate at 3.4 percent permanently.

Following this logic, students and their families across the country are probably wondering: Well, why isn't the risk of doubling their interest rate treated the same way as benefiting the wealthiest Americans through tax cuts and businesses through tax cuts? Don't they count as much? Shouldn't they count as much?

We propose to pay for this 1-year extension by closing an egregious loophole in the Tax Code that has enabled certain high-wage earners to avoid paying their fair share into Social Security and Medicare by misclassifying their wages as profits through subchapter S corporations. It is a very small subset of corporations that are doing this, and our proposal is targeted.

This is not the small manufacturing plant that is organized as a subchapter S corporation or the pharmacy or the lumber dealer. These are consultants, these are high-paid attorneys, these are professionals who have chosen to put between themselves and their company or their partnership in another entity purely for the purpose of minimizing their payroll tax exposure. That is a loophole that should be cut regardless of other measures we are considering.

Essentially, this is a very small group of people, as I said. In order to be subject to this proposal, you would have to have 75 percent or more of your gross revenues from professional services. This does not apply to the manufacturer or the merchant. It is lawyers, accountants, lobbyists, and similarly positioned individuals. And it is further restricted to only those who earn more than $250,000 filing jointly. So this is not the struggling underpaid professional. These are people who are doing reasonably well in this very complicated and competitive society.

According to the Joint Committee on Taxation, in 2009 about 15 percent of all S corporations were service businesses as defined in this bill. Yet this small subset is responsible for billions of dollars in lost revenue to Medicare and Social Security.

In a 2009 report, the Government Accountability Office found that in the 2003 and 2004 tax years, individuals used this loophole to underreport over $23 billion in wage income.

This is a loophole that should be closed. I hope my colleagues on the other side of the aisle will take a serious look at it and join us in supporting this bill.

We have 54 days to prevent the interest rate from doubling on subsidized student loans. We have no time to waste.

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

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, in a little over a half an hour we will have a vote on whether we are even going to proceed to the bill that will keep interest rates on our subsidized Stafford loans at 3.4 percent for the next year or whether they will go up double on July 1.

This is just a vote on going to the bill. For the life of me, I cannot understand why the Republicans do not even want to go to the bill. Well, perhaps they are afraid if the vote really comes down to the bill itself and the, quote, offset, that maybe some of my friends on the other side of the aisle will think that students may be a little bit more important than a few wealthy people in this country who are not paying their fair share of taxes. But they are going to hide behind this motion to proceed. So that is what the vote is at noon. Are we going to even go to the bill so we can debate it, offer amendments, vote it up or down? Republicans do not even want to go there. They do not even want to proceed to the bill.

They have clouded it up in a lot of rhetoric about offsets and how we are going to pay for this. It comes down to a choice. We have a serious offer, a serious offer, a serious offset, one which is widely recognized as a terrible loophole. By closing that loophole—which affects a microcosm of individuals in this country—we are able to pay for keeping the interest rate at 3.4 percent for another year.

My friends on the other side of the aisle say, well, they want to keep the 3.4-percent interest rate, but they want to pay for it by eliminating—eliminating—killing the Prevention and Public Health Fund that goes to help make sure our kids do not get diabetes, to make sure we fight obesity, that we cut down on smoking in this country, that we make sure kids get their vaccinations—all the things that go to save us money in health care. That is the prevention fund. They want to take that money away from there. They want to end that program. That is their offset.

Well, if that is what they want, fine. But let's get to the bill. If they want to offer that as an offset, fine, we will vote on it. But they do not even want to go to the bill. Their priorities are not the students. Their priorities are protecting a small class of individuals in this country who use the Tax Code to avoid paying their fair share of Social Security and Medicare taxes.

We have heard all about: job creators, job creators; oh, we Democrats are going after these job creators. Well, the offset we have only affects subchapter S corporations, and only subchapter S corporations that have three or less stockholders—three or less. These are usually family members. They do not create any jobs—three or less. If you have five or ten or more, you are not covered by this; only if you have three or less, and only—only—if you have more than $250,000 a year in income. It is very narrowly drawn, very narrowly drawn. But the Joint Tax Committee scores this saying that over 10 years, by closing this loophole, we put $6 billion into the Medicare trust fund and $3 billion into the Social

Security trust fund. So there is $9 billion there of money where people using this loophole—a few people using this loophole—are able to escape paying their share of Medicare and Social Security taxes.

We are saying, let's close that loophole. Let's use those savings, put them into the Medicare and Social Security trust funds. Under the scoring system here, any revenue that is raised or mandatory cuts go to offset any increases in mandatory spending. Well, that is kind of budget jargon around this place. All it means is, by closing this loophole, we are able to do two important things: one, put more money into the Social Security and Medicare trust funds, and keep the interest rate for students at 3.4 percent for another year. Not a bad deal. I think a very good deal. But my friends on the other side are not going to go there. They want to kill the Prevention and Public Health Fund.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The majority has 8 minutes remaining.

Mr. HARKIN. Mr. President, I yield the floor at this time and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I can understand the Senator from Iowa's concern about the reduction of the prevention and public health fund, which he put in the health care bill. I know he has a longstanding interest in that subject.

But let's be clear about this. It is not just Republicans who think that fund isn't the best use of taxpayer money; it is almost all the Democrats on that side of the aisle. In February, the Middle Class Tax Relief and Job Creation Act was passed. It was voted on in the Senate, and every Democrat except six voted to take $5 billion out of the prevention and public health fund we are talking about to pay for it. It is not only the Democrats on that side who have supported taking from the fund, it is the President of the United States.

President Obama, in his Fiscal Year 2013 budget proposal, proposed taking $4 billion away from the fund, and then in his 2011 deficit reduction package, he proposed taking $3.5 billion from the fund. So it is a bipartisan proposal. We are a government that is borrowing 40 cents of every $1 we spend. If we are going to spend some money, we have to save some money, at the very least.

What we are proposing on the Republican side is the same goal the Democrats have, the same goal that both President Obama and Governor Romney have, which is to take this 3.4-percent interest rate for new subsidized loans, for 40 percent of students who take out loans, and extend it at that rate for another year, while we also take a look at what the long-term prospects could be. We agree on that. We agree that 3.4 percent ought to continue to be the rate on new loans for another year. The President agrees. Governor Romney agrees.

We don't agree with Senator REID's proposal on how to pay for it. We have suggested paying for it by reducing spending in the health care law and reducing it in a way that all but six Democratic Senators have supported or at least from the fund they have supported reducing before and from the fund the President has supported reducing before.

Why are we suggesting saving from the health care law? There is a reason for that. It is because those who passed the health care law are overcharging students on student loans in order to help pay for it. Here is why I say that. The government is borrowing money, according to the CBO and the way it scores student loan spending today, at 2.8 percent and loaning it to students at 6.8 percent. The truth is, that 6.8 percent is a pretty good interest rate for a student who is maybe unemployed today. My colleague from Tennessee, Senator CORKER, was here talking about that earlier. There might be other ways of looking at this spending differently. But the way the Congressional Budget Office scores this spending today, it says the government is borrowing money at 2.8 percent and loaning it at 6.8 percent and that the government is making, in effect, a profit—that is my word—because the CBO says that based on the amount of money the government is receiving from the student loans, it makes a profit or a savings of $61 billion over 10 years.

What did our friends on the other side do with that $61 billion? The Senator from Iowa very carefully explained that yesterday. They spent it—all except $10 billion, which they used for deficit reduction. They could not keep their hands off it. They spent $8.7 billion of that excess money from student loans to help pay for the health care law.

We are saying that if we are looking for money to keep the interest rate at 3.4 percent, if we are trying to help students, why don't we give back to the students the money we are taking from them to pay for the health care law. We are overcharging students, according to the way the CBO looks at the loans, by $8.7 billion to help pay for the health care law. We propose in our bill to freeze the rate at 3.4 percent, give the students back the money we are overcharging them, and use the excess money—over $6 billion—to reduce the deficit, which we need to do at a time when we are borrowing 40 cents of every $1 we spend.

That is what the Interest Rate Reduction Act I have proposed does. It freezes it at 3.4 percent and gives back to students the money the government is overcharging them on student loans to pay for it. That is the same bill the House of Representatives passed. If we can get a vote on that here and pass it in the Senate, we can send it to the President, and he could go around the country saying he has worked with the Congress and has produced a way to help students save money.

The President needs to also say a couple more things. It is not much money—$7 a month on average student loans. But this is the political season, and students need to be aware of that. I have talked about tuition going up and student loans going up. But if we do what we have agreed we should do, what the House has already voted to do, and freeze this interest rate on 40 percent of new student loans at 3.4 percent for 1 year, it saves the average student on the average loan $7 a month. That is for 10 years. It adds up eventually to $830, but it is $7 a month. We should talk about the rest of the story too.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes.

Mr. ALEXANDER. I thank the Chair. The rest of the story is about why tuition is going up. As a result, why are loans going up? There are several reasons. The main reason, which every college president and every Governor knows—and the Presiding Officer who was the Governor of West Virginia—college tuition is rising at public universities and community colleges across the country, where three out of four of our students go, is because of Federal Medicaid mandates on States that are soaking up dollars that would otherwise go to the University of West Virginia, the University of Tennessee, the University of Iowa, and other public institutions. Every college President knows that and every Governor knows that. That didn't just start 3 years ago. That was going on when I was Governor 25 or 30 years ago. I even came to Washington and said to President Reagan: You take all of Medicaid and we will take all of kindergarten through the 12th grade education. We want out of this situation every year of having to use State dollars to fund one-third or whatever you think we ought to be paying for Medicaid.

If we had made that swap 30 years ago, if the Federal Government had taken over all of Medicaid and the States had taken over all of kindergarten through the 12th grade education, the States would have come out about $4.5 billion ahead. If we made it today, if the Federal Government took all of Medicaid and the States took all of elementary and secondary education, the States would have $92 billion extra to spend. Where would it go?

I know that a lot of it would go to education—maybe most of it—especially to higher education and to public universities. The reason students are fasting and striking in California, when tuition is going up, is because California has reduced spending to its public universities by $1 billion since 2008. What the students don't seem to know is that the reason California has had to reduce spending to its public universities is because Washington has insisted that California, Tennessee, West

Virginia, Iowa, and every other State increase their share of spending on Medicaid, and that soaks up the money that would otherwise go to public universities and community colleges.

In my own State, last year, Medicaid spending was up 16 percent and higher education spending was down 15 percent. What was the result? Up went tuition 8 percent and up went student loans. So it is a good thing, I suppose, that Democrats and Republicans and Governor Romney and President Obama have all agreed that for 1 year we want to freeze the rate on new subsidized Stafford student loans at 3.4 percent and save the average students who get those new loans $7 a month.

What students and families who are struggling to pay for college need to know is that until we repeal this health care law or until we repeal these Medicaid mandates on States, those college tuition rates will be going through the roof. The Kaiser Family Foundation says States, which now spend about 1 out of every 4 State tax dollars on Medicaid, will see a 29-percent increase on average in the next year as the health care law goes into effect. Where do you suppose that 29 percent increase will come from? It will come from the State budgets. The Governor will sit there and choose primarily between spending for community colleges and universities. More of it will go to Medicaid and less to community colleges and universities. So their quality will go down and their tuition will go up. The students will be fasting in California and they will be thinking it is their legislators in California who are the problem, while it is really the legislators in Washington, DC who are the problem because they are the ones imposing the Medicaid mandates on states.

I have tried to be fair in saying this problem is not an invention of President Obama's and of the new health care law; this has been a trend for 25 or 30 years. But President Obama and the new health care law have made this problem worse. This debate, while it may save students $7 a month in interest payments and while we think the fairest way to do it is to take the money we are overcharging them and give it back to them, this debate at least highlights the issue I hope I hear the President and Governor Romney talk about this fall, which is about who is responsible for rising college tuition and student loan debt.

I believe the main person and main group responsible are those who insist on continuing Medicaid mandates on States that soak up the dollars that should be going to public colleges and universities.

I yield the floor and reserve the rest of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do we have?

The PRESIDING OFFICER. Eight minutes. The other side has 9 minutes.

Mr. HARKIN. Mr. President, I always enjoy engaging in good debate with my friend from Tennessee. He is a very thoughtful Senator, a very thoughtful member of our Committee too, and a good friend. Having been a former Secretary of Education, he has a depth and wellspring of knowledge about education, and I respect that greatly.

We obviously see things a little bit differently, but that is the nature of the animal here. I say to my friend that without getting into a point-by-point rebuttal, I wish to make it clear the President did put in his budget taking some money out of the prevention fund. I assume my friend knows I was not much in favor of that proposal. Then it was used later on to extend the unemployment insurance and also the payroll tax cut until the end of this year. That money was used for that. I was not very supportive of that. I thought we should have taken the money from elsewhere. At least the President has said that is it, no more. We will take a nick out of that prevention fund but no more. That is why he issued a statement of administration policy saying he would veto this bill if it had any cuts to the Prevention and Public Health Fund.

I used the analogy a while ago that the cut the President proposed, which was supported on our side, to extend the payroll tax cuts to the end of the year, I likened that to taking a couple pints of blood—we can take a couple pints of blood and still get our health back and go on. The proposal of my friend from Tennessee takes all our blood or all the prevention fund money. When we do that, we are dead. That is the analogy I have used. They took a couple pints of blood, which I was opposed to, but the prevention fund is still alive and healthy and is doing its job. It is going to do even more of its job in the future, as long as we don't take any more money out of it, and the President has said he will not do that.

I wanted to make that clear. That happened one time; no more. Even though Senators supported it on our side—and there were people who supported that on our side—they have said no more; we are not taking more out of that fund.

Lastly, I cannot help but also talk about this $61 billion the Senator from Tennessee keeps talking about. As I said yesterday, he is right in one way; that we did spend it. The question is, What did we spend it on? Well, as I said, $36 billion went to increased Pell grants. I don't think my friend from Tennessee would want to cut Pell grants. I think he is a pretty good supporter of Pell grants. That is where $36 billion of that went. And $750 million went to the College Access Challenge Grant Program, $2.55 billion went to historically Black colleges and universities, and $2 billion went for community colleges. So my friend may be right. Maybe we could reduce those interest rates a little bit. But what that money is being used for is basically students.

Now, I will be honest about this. Ten billion dollars went for decreasing the deficit. I don't think my friend from Tennessee would be opposed to that. And $9.2 billion went to other health care programs, including requiring dependent coverage in the health care bill. In other words, how many students now are covered under their parents' policies until they are age 26? They didn't have that before. Now they have it. So some of this money was used to invest in that or community health care centers. Yes, we did do that by providing some of the money from that—$9.2 billion of that—for some specific types of items in that health care bill.

Lastly, Mr. President, I just have to ask a question. Are we having a health care debate here or an education debate? I thought we were talking about education. We are talking about whether student loan interest rates on subsidized Stafford loans are going to double on July 1. Now it has morphed into some kind of big health care debate.

I have heard it said that the other side wants to keep the interest rates at 3.4-percent for a year. OK, fine. The question is, How do we pay for it? That is really the question. We have offered in good faith, I believe, a serious proposal: closing the loophole that affects a very small sliver of people in this country who are using this sort of a fog surrounding Subchapter S corporations to escape paying their fair share of Medicare and Social Security taxes.

Yesterday, someone on the other side said: Well, we can audit them. We can do IRS audits.

The IRS only audits one-half of 1 percent of subchapter S corporation filings. So if there is kind of a fog out there and I get to decide as a taxpayer, as a subchapter S corporation, whether I get paid or whether it is dividends, what am I going to say? Dividends. Because my odds are 95.5 percent that they are never going to audit me—95.5 percent. Those are pretty good odds.

That is why the Joint Tax Committee said that by closing this loophole—by closing this loophole—we save over $9 billion, put into the Social Security fund and Medicare fund, and at the same time be able to keep the interest rate for students at 3.4 percent. That is a serious offer. The offer from the other side is not serious. They want to kill the prevention fund. That is not serious at all, but that is where they are coming from.

Well, I say let's have a vote. Let's at least move the bill. That is what the vote is at noon, is moving the bill, getting it out there so we can have a debate on the bill and how we pay for it. Obviously, my friends on the other side of the aisle don't even want to bring up the bill. They do not want to bring it up. They are going to vote against cloture, against bringing up the bill to even discuss it and vote on it.

Mr. President, I will close by urging all Senators to support the cloture motion so that we can get to the bill and

students and their families will know that we are serious about this and that on July 1 their interest rates are not going to double on our middle-class families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I appreciate the comments and the courtesies of the chairman of the Committee on Health, Education, Labor and Pensions, and I recognize his leadership and his interest in these subjects.

The Senator asked the question: who connected health care to student loans? It was the Democrats who connected health care to student loans. Think about this. Here we were debating a new health care law a few years ago, and what happened? The Democrats—the majority—said: While we are at it, while we are supposedly fixing health care, we are going to take over the entire student loan program. We are going to take Arnie Duncan, who is a terrific Secretary of Education, and we are going to make him banker of the year, banker of the century, and we will put him in charge of making more than $100 billion in new loans every year to students all over America.

So as a part of the health care law, they got rid of the student loan program, most of which was handled by people you would expect to be making loans—that is, banks—and put it all in the government. They did that on the theory that the banks were making too much money.

It reminds me of people who think that if it can be found in the Yellow Pages, the government ought to be doing it. Autos, student loans—just put it all in the government.

So if we are going to do that, if we are going to connect the two, student loans and banks—and then the Congressional Budget Office comes along and says: Well, OK, if the government takes over the student loan program, it will save $61 billion, that $61 billion ought to go to the students who are getting the loans. That is my view. That is our view. And the Congressional Budget Office estimates that if we applied that $61 billion savings to student loans, we could have reduced the interest rates to about 5.3 percent and save the average student $2,200 over 10 years.

So it wasn't anybody on this side of the aisle who suggested during the health care debate that we ought to suddenly say: While we are at it, let's take over the student loan program.

All we are saying today is this: We agree with President Obama, we agree with Governor Romney, and we agree with the House of Representatives that the interest rate for new subsidized Stafford student loans should stay at 3.4 percent for the next 12 months. That will save the average student about $7 a month in interest payments. The only difference we have is how we propose to pay for it. The Democrats want to raise taxes on people and small businesses who are creating jobs while we are still in the midst of the greatest recession since the Great Depression. We say that since the government is borrowing money at 2.8 percent and loaning it to students at 6.8 percent and since the Congressional Budget Office said there was a savings of $61 billion when the Federal Government took over the student loan program and that $8.7 billion of the savings went to pay for the health care law, we ought to take the money the government is overcharging students and use it to pay for keeping this rate lower for another year. That is what we Republicans are saying and is where we have a difference in opinion with the other side.

So I hope my colleagues will vote no on the motion to proceed. We have a different proposal that we believe is superior and is the same as the one that passed the House. We would like a chance to offer the Interest Rate Reduction Act and give the students the benefit of our proposal, which will give the overcharged money back to them. We would like to have a vote on that.

Therefore, I recommend that we keep the rate at 3.4 percent; that we use the money we recognize as the savings we are taking from students, by overcharging them for student loans, as the best way to pay for it. Hopefully, the majority leader will allow us to consider the Interest Rate Reduction Act that we have proposed.

I thank the Chair, and I yield the floor.

CLOTURE MOTION

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

The bill 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. 365, S. 2343, the Stop the Student Loan Interest Rate Hike Act of 2012.

Harry Reid, Jack Reed, Sheldon Whitehouse, Jeff Merkley, Charles E. Schumer, Kay R. Hagan, Jeanne Shaheen, Robert P. Casey, Jr., Kent Conrad, Sherrod Brown, John F. Kerry, Dianne Feinstein, Mary L. Landrieu, Barbara Boxer, Patty Murray, Bernard Sanders, Barbara A. Mikulski, Richard J. Durbin.

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 the motion to proceed to S. 2343, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Ms. SNOWE (when her name was called). Present.

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

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

The yeas and nays resulted—yeas 52, nays 45, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—52

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

NAYS—45

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

ANSWERED ''PRESENT''—1

Snowe

NOT VOTING—2

Kirk Lugar

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 45. One Senator announcing present. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

RECESS

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

Thereupon, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

STOP THE STUDENT LOAN INTEREST RATE HIKE ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise to express deep disappointment in the

vote that just took place a few hours ago where our Republican colleagues voted to filibuster our efforts to make sure student loans in this country do not double from 3.4 percent to 6.8 percent in July.

I think everybody understands that young people in our country today, in the midst of this terrible recession, are facing extraordinary challenges. They are paying three to four times as much as their parents paid for a college education regardless of whether they attend a private or public college. When they receive their diplomas, they have no guarantee, given the state of the economy today, that they are going to be able to get a job and earn the income to pay off those debts.

Given the challenges college students are facing today, the least we can do is to keep student loan interest rates at a low rate for another year. The interest rate on subsidized Stafford loans has been steadily reduced since Congress passed the College Cost Reduction and Access Act of 2007. But if Congress does nothing, interest rates on subsidized Stafford loans are set to double from 3.4 percent to 6.8 percent on July 1, 2012.

When we talk about Stafford loans, we are talking about loans for students from low- and moderate-income backgrounds. Subsidized Stafford loans are need based and targeted to students who otherwise might not be able to attend college. Nearly one-third of undergraduates have benefited from these low-interest Federal loans. If the interest rate doubles this year, the rate hike will impact up to 9 million students, and we must not allow that to happen.

Among the students who will be impacted are 19,000 young people from the State of Vermont. In my State nearly 70 percent of college graduates are carrying student loan debt—70 percent. On average that debt is $30,000, which puts Vermont at the sixth highest student loan debt load in the country.

Everybody understands that in order to get ahead in the economy today, it is very important that one has a college degree. The cost of college education is soaring. In the State of Vermont—and I have talked to many of these young people in my State and throughout this country—students are leaving college deeply in debt. Nineteen thousand students in the State of Vermont are on Stafford loans. If interest rates double from 3.4 to 6.8 percent, it will make their current situations, which are very difficult, much worse.

So I hope our Republican colleagues will end their filibuster. I hope we can get back to work as soon as possible in passing a bill which will maintain Stafford loan rates at 3.4 percent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California.

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

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

Mrs. BOXER. I ask unanimous consent that the time from 2:15 until 5:15 be equally divided and controlled between the two leaders or their designees and that all quorum calls during that period also be equally divided.

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

Mrs. BOXER. Mr. President, before I speak about the details of the impact of not helping students in this difficult economic climate with student loans that they can afford, I wish to say that I was stunned that my Republican friends refused to give us a vote to proceed to the issue.

I think every student in America should turn their focus on this Chamber because the Republican Party made it impossible for us to lower the student loan rates today. They made it impossible. This is going to mean thousands of dollars over the life of a student's loans. So while the Republicans are calling for major tax cuts for billionaires and millionaires of $100,000, $200,000 a year in cuts, they don't have the heart to help middle-class students get a break on their interest rates for higher education. I find it appalling.

If anyone wants to know the difference between the parties, start with this. Whom do we fight for when we are here? We all say we are for the next generation. We all have the speeches—oh, they are terrific; they are beautiful—each party. But when push comes to shove, who is voting to help our students get an interest rate they can afford so they are not shackled to a high interest rate at a time of historic low interest rates? Democrats are on their side. All we have to do is look at the vote today if nothing else. One does not have to understand any more than the Republicans blocked us from debating the importance of lowering interest on student loans.

So I will be back to put in the record individual stories from my constituents. But let's wake up, America. Parents, wake up. Students, wake up. The Democrats proved today that we are on your side. The Republicans proved they are not. Period. That vote says it all. It is not complicated. They will make it complicated. They will talk about procedure and this and that. The bottom line is the bottom line. The Republicans voted not to allow us to vote on ways and methods to lower interest rates for our students. So don't be fooled. We will hear speeches on why they voted no, and they will come up with things. The bottom line is they wouldn't even let us debate this issue. I am stunned. I assumed we would be on this bill.

So when Americans look at the Senate floor and don't see much activity except for a few of us coming to speak, and they thought today was the day we were going to vote to lower interest rates on student loans, wake up to reality. It is called a filibuster. We were stopped by the Republicans once again, just as they have stopped us time and time again. They come to the floor with every reason one can imagine.

We have news. We have two independent scholars who wrote a very important paper. They are nonpartisan. What they said in this paper is that they used to think it was both sides that were stopping progress. Now we know it is one side. It is the Republican side. Today is yet another example. I hope everyone within the sound of my voice—and we will hear stories about what is happening, and I hope people will write us all and e-mail us with their stories and tell us what it means to them to have to spend thousands more unnecessarily on student loans. Give us the stories. Let us tell the stories.

I hope Americans will send us those stories, and I hope we will send a message to those who voted to filibuster this very important legislation today that they are not on the side of the American people. They are not on the side of working families. They are not on the side of the middle class. They are not on the side of economic progress. They are not on the side of economic growth.

I thank the President for the time, and I yield the time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Wow. That was interesting. I remember when the Senator who just spoke before me, before we left for our district work period, was praising the Republicans for working with her—one Republican specifically—and about how appreciative she was for working together and taking the time in a bipartisan manner to move forward on a very important piece of legislation that she was spearheading. We didn't filibuster that. We didn't filibuster the postal bill or the Violence Against Women Act or the crowdfunding bill or the insider trading bill. But all of a sudden we are filibustering now.

The bottom line is we want to have the opportunity to have an alternative proposal and to have a full and fair debate. I think the American people are smart. I know the American people are smarter than that.

I stand before my colleagues today to reference that most students and parents know in July the fixed interest rates on subsidized government student loans are set to double. That was very eloquently pointed out just now. But let's be clear. The vast majority of the Members of this body want to prevent that from happening. I think that is a no-brainer.

Unfortunately, today we voted on a bill that is not bipartisan. It is very clear it is not bipartisan to raise taxes on subchapter S corporations, which are the people who are doing some of the very serious job creation in this country. It is not going to pass the

House, and it is not going to pass muster with the American people. It was not negotiated in good faith, and it has no chance of passing in the House of Representatives, as I said.

Once again, we are preparing for an unnecessary political battle. That is kind of what happens. We have a rough spot with a political battle, then we do two or three things that are good. Then we get stuck again, and then we do two or three things that are really good. It is unnecessary. We need to work in good faith and negotiate a compromise instead.

A 100-percent Democratic bill isn't going to pass, I say to my colleagues. A 100-percent Republican bill isn't going to pass. It needs to be a bipartisan, bicameral bill that the President will sign. That is how we passed some of the most important pieces of legislation dealing with ethics on the insider trading bill that I was proud to sponsor with Senator GILLIBRAND in a bipartisan manner. We got it through and out of this Chamber and passed and signed by the President in record time.

We just passed the postal bill, the Violence Against Women Act, the crowdfunding, the jobs package. We need to work in the same manner on this matter.

With so many recent graduates unemployed or underemployed, Members of Congress need to work together to keep the interest rates where they are currently. Rather than wasting time trying to blame the other side, let's try to build some bridges as we did before we left—or I thought we had done. I was looking forward to coming back after the week off and getting right back at it and working on important things such as cybersecurity and the student loan issue.

So let's allow people of good faith to figure out how to solve these very real problems. That is why today, as I have referenced to many of my colleagues in our weekly caucuses and through e-mail, I am offering a bill that would extend the 3.4-percent rate for another year, without raising taxes, as is being proposed, or cutting sacred programs, which is also being proposed.

My bill, the Subsidized Stafford Loan Reduced Interest Rate Extension Act, would extend the subsidized rate for a year. To pay for it, I suggest using a noncontroversial option: reducing Federal improper payments.

We have all heard about the amazing amount of waste that goes on just by paying people who are dead who should not be getting their payments and also paying other entities that have either already been paid or are being improperly paid. It is millions and—sorry, billions and billions of dollars.

The bill establishes a government-wide ''Do Not Pay List,'' and requires new audit pilot programs across Federal agencies to provide more tools to battle back and make sure we can recapture those moneys.

Let me give a few examples of the improper payments so the folks up there in the gallery listening and those who are watching on TV can kind of reference it. These are payments I hear about working as the ranking member of the Subcommittee on Federal Financial Management—a committee where Senator CARPER and I have been diligently working in a bipartisan manner, once again, to try to solve problems.

Medicaid, which is the primary source of health coverage for over 50 million Americans, made an estimated $21.9 billion of our tax dollars in improper payments in 2011. The Federal-State Unemployment Insurance programs made an estimated $13.7 billion in improper payments in 2011.

SSI made an estimated $4.6 billion in improper payments in 2011.

I think, if I am not mistaken, we are looking for $6 billion to pay for this student loan extension. I just referenced almost $38 billion, $39 billion. We need $6 billion. That is it.

We spend over $1 billion in payments that are sent to dead people, as I said. Mr. President, $1 billion we pay. Can you believe that? We pay $1 billion to people who are dead. There are billions in payments that are sent to the wrong recipient, billions in incorrect amounts sent to the right recipients, and billions in payments where documentation is missing and where the recipient is not using the funds for the intended purpose.

All we have to do is be marginally successful—just marginally successful—to recover the $6 billion we need to pay for this very important student loan program. When government is so wasteful, raising taxes should not always be the first thing we look at.

How about reestablishing the trust with the American taxpayers—the people who are listening in the gallery and on TV. Why is it every single time we are going to raise taxes on one particular group or another? This time we are going after the small business owners, the subchapter S corporation owners.

I am not saying my bill is the only answer. But it does provide a neutral starting point for both sides to come together in a truly bipartisan manner, as we have done before, to find a solution with which we can all live. I am willing to work with my colleagues, and I am willing to consider all options that will allow us to move forward. If we fail to act, we will burden our students who are going to college with an extra $1,000 in student loan interest—just because we could not find a compromise. Pretty simple.

The student loan situation, as we are all discussing and has been discussed throughout this country through various media outlets and the like—and they are focusing more and more and more on this issue, which I think is critical—we need to start a national conversation about addressing the primary issue affecting families with kids in college: the cost of annual tuition, room and board.

Between 2000 and 2010, the cost of tuition, room and board rose 36 percent, and that is after adjusting for inflation. That means students are now paying one-third more for the same education they would have gotten 10 years ago. Looking at previous decades shows a similar trend: From 1990 to 2000, the increase was 26 percent; from 1980 to 1990, it was 37 percent.

Why are students paying so much more for the same education? As we know, it is a huge problem for families.

While tuition is skyrocketing, there is still a total lack of transparency when it comes to schools' financial decisions. If the recent reports of outrageous administrator and faculty compensation packages are any indication, it would seem students and parents—students and parents—are funding administrators' and faculty members' million-dollar salaries.

Instead of being surprised by every new exposé of outrageous pay packages, I propose increasing transparency by requiring schools to post their financial disclosures online, right in front, right on their Web sites, so everyone can see them. This would not be hard to do. In fact, the IRS already requires nonprofit institutions of higher education to file the IRS Form 990 yearly, which includes disclosure of the compensation packages for the highest paid employees. It also provides a financial snapshot of schools' finances and also how schools choose to spend tuition dollars.

Making the information available so easily online will increase transparency and allow students and parents and the general public to check the schools' spending decisions—way before they make headline news. On the outrageous pay issues, sunlight may help begin to solve the spending problem associated with the high cost of education.

No one disputes the importance of a college education, but we are setting our students up for failure by giving them above-market student loans and not requiring our schools to be transparent about their financial operations.

So my suggestion is, let's work together. Let's not fail our students. It is time we finally focused the Federal Government on how we can set our students up for success instead of failure.

Thank you. 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. HARKIN. 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. HARKIN. Mr. President, here we are with an empty Senate Chamber, while families across the country are wondering whether they are going to have to come up with more money to pay higher interest rates on student loans beginning July 1. It is going to happen unless we take action.

We have tried to take action, but, frankly, my friends on the other side, the Republicans, won't even let us go to the bill. We had our vote almost 3 hours ago. We recessed for our party conferences, as we do every Tuesday. Here we sit, without being able to even proceed to the bill because the Republicans voted against closing down debate and moving to the bill and offering amendments and having an up-or-down vote.

The pattern is all too familiar, as we know, over the last few years: more and more filibusters, more and more cloture motions to end the debate. It is unfair to families and students all over America.

Here I address my comments to students. They are the ones who are trying to get a higher education, because they know that is the pathway, the gateway to middle-class America. Young people today know that the jobs of the future will require a higher education. They understand that. So many are scrambling to put together resources to pay for college. We had a young woman this morning, Clarise McCants, who spoke with us. She is the first in her family to go to college. She is from Philadelphia, and she goes to Howard University. She comes from a very poor background and a poor family. She relies on Pell grants, a work-study program, and summer work jobs, plus her subsidized loans. If I am not mistaken, she has somewhere in the neighborhood of $13,000 or $15,000 right now in debt. The last thing Clarise McCants needs is to have an additional $1,000 a year put on her student loan interest. That is what will happen on July 1, unless we act here. It is unfair to her and to millions of students all over the country that we sit here and do nothing, while they wonder whether they are going to have to pay more in interest charges on July 1. It is unfair.

We have on our side a solid proposal to keep the interest rates down for the next year at 3.4 percent, where they are now, rather than having them double to 6.8 percent. To do that, to pay for it, we have proposed that we close a glaring loophole in the Tax Code that applies only to subchapter S corporations. A lot of people say, what does that gobbledygook mean? A subchapter S corporation is for very small corporations. Compared to the giant corporations you normally think of, they are very small. Within that small universe of subchapter S corporations, as they are called, there is even a smaller universe. That small universe is comprised of professionals such as lawyers and accountants, people who give advice and do their own work, and they form a small corporation.

Because of the fog that surrounds whether someone is paid a salary or is paid from dividends, many people who form these subchapter S corporations are not paying their fair share of Social Security and Medicare taxes. We have proposed that we draw a bright line so that people know whether they are getting paid a salary or wages, or whether it is coming out of dividends. The Joint Tax Committee says this will raise for us $9 billion over the next several years. That is enough to help us pay for keeping the interest rates low. Our proposal is three things: closing the tax loophole, it puts more money into the Medicare and Social Security trust funds, and third, it helps us keep interest rates low for students in this country.

You would think that would be a no-brainer. I think most people would say that is kind of a no-brainer. But our friends on the Republican side refuse to let us even bring the bill up for debate and a vote. My Republican friends have suggested a different way of paying for this. They want to protect those few people in the subchapter S corporations—very wealthy people—from paying those taxes. They have suggested—the Republicans—that instead we take all the money to pay for keeping interest rates low out of the Prevention and Public Health Trust Fund—it is known as the prevention fund—which is in the Affordable Care Act. Again, that would drain all the money out. It would completely eliminate the program.

I suggest that people look at today's headline in USA Today this morning. It says that 42 percent of the adult population by 2030 is expected to be obese. Out of that, one out of four will be severely obese. The same report was also in the Washington Post this morning. The study predicts that 42 percent of Americans will be obese by 2030, which will shorten life, and they will incur large medical expenses. In fact, if obesity stays at its current level and doesn't increase, the savings and projected health care costs will be considerable—about $550 billion, $½ trillion. That is what the prevention fund is doing. It is out there working every day—it has only been in existence a couple years now—putting things in place to prevent people from being obese, to prevent kids from getting the adult onset of diabetes at 10, 11, and 12 years of age. In 1980, only 15 percent of Americans were obese. Today, it is about 34 percent.

What if we had in place in the 1980s, 1990s, and in the last decade the prevention fund that we have, which does all of the things necessary to help people make healthy choices and lead healthy lives and not become obese? Think of the savings we would have in our health care system today if we had a prevention fund like that in 1980, and rather than having 34 percent obese people in America today, we had 15 or 16 percent. Well, projecting that forward to 2030, if we don't act now, 42 percent will be obese. Again, it will cost us $550 billion in the next 20 years.

Preventing this, which we know we can do—we have evidence-based proof that certain interventions and programs work. Not only does it keep obesity down, but diabetes and heart disease, and related illnesses will be lessened, thus saving us even more money. The prevention fund is what the Republicans want to kill, eliminate. I think that is disappointing and disturbing, after all that we know and have seen in the past on prevention and public health and what we can do to prevent illness, obesity, and diabetes in children, to say we are not going to put the resources forward to prevent that.

We know that for every dollar we invest in prevention, we are reaping anywhere from $3 to $10, or more, in the first couple years. Here we are at an impasse again. Once again, the Senate is at an impasse because we cannot move to a bill. We can't amend it, vote on it, or debate it—other than talking about it right now as I am doing. The Republicans refuse to let us even get to the bill.

We will continue to tell the American people what is at stake here and what the differences are. These are policy differences. The American people should know what those policy differences are. The Republicans say they want to keep the student interest rate at 3.4 percent. We say we do, too. Well, OK, what is the difference? The policy difference is in how we pay for it, how we pay to make sure we keep the interest rates low.

I think the logical thing would be to have the bill come to the Senate floor and offer amendments. If the Republicans want to offer an amendment to take the money out of the prevention fund and kill and eliminate the fund, let them do it, and we will vote on it; we will see if we have the votes to do that. They can debate it if they want, and we will be glad to debate and discuss closing this tax loophole on subchapter S corporations. I think that would be a healthy debate and a policy difference that the American people should see, and they can decide between the two sources of how we are going to pay for this.

We are going to continue to talk about this because I think the American people should know what is at stake here in this filibuster that we have in front of us right now. I know my friends on the other side say that President Obama wanted to take some money out of the prevention fund. Well, that did happen, in order to extend for 1 year the unemployment insurance provisions and also the payroll tax cut this year. They seem to think that since we have already taken some money out of the prevention fund, we can kill the whole thing.

My analogy this morning was that it is one thing to take a couple pints of blood, but it is another to take all your blood. So they took some nicks out of the prevention fund, which I didn't support, but the fund is still healthy, alive, and doing its job. It could do more if it had more money. Nonetheless, it is still there doing its job.

The Republicans are saying drain all the blood out and kill the whole thing. I don't think the American people want to go there. It seems to me that it doesn't make common sense that we

would pit the health of the American people—and women's health especially, children's health, and the elderly, who are benefitting right now from this prevention fund. There are immunizations, childhood checkups, and provisions that go out into communities for healthier living in our communities. There is better nutrition for our kids in schools, fresh fruits and vegetables, and more physical activity. That is all in the prevention fund. That is what they want to do away with. It is too bad that they are trying to pit the health of women and children and the future against students. That is not right.

As I have said many times—and keep saying—I have heard from the other side that we are going after job creators. If we raise the taxes, you see, on subchapter S corporations—if we close that loophole, we are hurting job creators. First of all, the provisions in our bill on subchapter S only affect a corporation with three or fewer stockholders—hardly job creators. I mean, if somebody wants to start a corporation with 5, 10, 15, 20, that is different. This doesn't touch them. It only touches someone who has less than three shareholders, if their income is over $250,000 a year as a joint filer, and if they are a subchapter S corporation.

Some say: Well, you know, they can get audited. I had an example I used the other day of a person who was claiming he didn't have to pay Social Security and Medicare taxes because he wasn't a subchapter S corporation. The individual was pretty ingenious. He had set up a subchapter S corporation, and he contributed—donated—his time.

In exchange he got dividend payments—profits—from this subchapter S, as did his wife and his child. There were three—he, his wife, and child, and he did not pay Social Security taxes. Well, he happened to get audited, and the Justice Department took him to court, to Tax Court, and the Tax Court found out he really was being paid. He was making a salary, an income, and he had to pay Social Security taxes on that.

Well, when I used that example, my friends on the Republican side said: Well, that is just it. All we have to do is just audit them, and we don't have to close this loophole. I had to point out that only ½ of 1 percent of all filings of subchapter S corporations are ever audited. So if someone is out there and there is not a bright line as to whether they are salaried or are getting dividends—it is kind of a fog out there—why wouldn't they err on the side of saying: I don't have to pay those taxes because the odds are 99.5 to 1 they will never get audited. Those are pretty good odds—99.5 percent of the time no one is ever audited. If they are audited, they get a slap on the wrist, pay a little fine, and move on.

So what our bill does is to provide certainty. It provides certainty to subchapter S corporations that if they fall on this side of the line, they are salaried, if they have less than three shareholders. If they fall on the other side, they can get dividends, and that way they don't have to pay Social Security and Medicare taxes. Quite frankly, I think that would be in the best interest of everyone, including the subchapter S corporations.

Mr. President, I ask unanimous consent to have printed in the RECORD the article that appeared in the Washington Post this morning by David Brown—the study that predicts 42 percent of Americans will be obese in 2030.

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

[From The Washington Post, May 7, 2012]

STUDY PREDICTS 42 PERCENT OF AMERICANS WILL BE OBESE IN 2030

(By David Brown)

In 2030, 42 percent of American adults will be obese, and about one-quarter of that group will be severely obese, a condition that shortens life and incurs large medical expenses, a new study predicts.

This view into the future is less ominous than one published four years ago that predicted that 51 percent of the population would be obese in 2030. Nevertheless, the trend fortells a huge drag on the health and economic welfare of the United States.

''If we don't do anything, this is going to really hinder any efforts to contain future health-care costs,'' Justin G. Trogdon, an economist and one of the authors of the projection, told experts Monday at the start of the two-day ''Weight of the Nation'' conference in Washington.

However, if obesity stays at its current prevalence—34 percent of adults—and does not increase, the savings in projected health-care costs will be considerable, about $550 billion, the authors said. The most recent evidence, in fact, suggests that obesity rates are plateauing.

''Regardless which is correct, we still have a very serious problem,'' William H. Dietz, head of the Centers for Disease Control and Prevention's obesity program, said of the scenarios.

Obesity related ailments—diabetes, heart disease, kidney failure—consume at least 9 percent of health-care spending in the United States. Some researchers believe the cost may be twice that estimate. Total health spending is about $2.6 trillion a year.

The new study, published in the American Journal of Preventive Medicine, used obesity prevalence data from 1990 through 2008 to extrapolate future trends. The information came from the Behavioral Risk Factor Surveillance System, a federally funded telephone survey. People underestimate their weight when asked on the phone; that fact was compensated for in the mathematical model.

The researchers also incorporated variables, measured in each state, that affect obesity rates. These included the price of gasoline, which discourages walking when it is low; access to the Internet (and other technologies), which encourages sedentary behavior as it increases; and restaurants per 10,000 people, which increases eating out and weight gain when the number goes up.

In 2030, 42 percent of people are projected to be obese, and 11 percent severely obese. Obesity is a body mass index (BMI) of 30 or more, which is 186 pounds for someone 5 feet, 6 inches tall. Severe obesity is a BMI of 40 or more—248 pounds for someone that height.

Cynthia L. Ogden, an epidemiologist at the CDC, told the conference that, in general, obesity rates changed little in the 1960s and 1970s, rose steeply in the 1980s and 1990s, and have been leveling off in the past decade.

For men, obesity prevalence doubled but has changed little in the past eight years, with no difference between blacks, whites and Mexican Americans (which are the three groups for which there are good data). For white women, the obesity prevalence has not changed in 12 years. It has risen slightly in black women and Mexican American women, although that increase mostly occurred early in that 12-year period.

There are some exceptions to this general picture of stability.

Obesity is rising in higher-income men. Severe obesity is increasing in both sexes. It was 6.2 percent in women in 1999 and 8.1 percent in 2010. For men, it was 3.1 percent in 1999 and 4.4 percent in 2010.

Eric A. Finkelstein, a researcher at Duke University who led the new study, said that just in the past 50 years has it been possible for millions of people to be both sufficiently inactive and to have access to enough food to become severely obese.

''The world has changed in ways that allow people to be that overweight,'' he said.

The reason for the plateauing of the obesity prevalence is uncertain. It almost certainly reflects many factors, including an approach to a natural limit of the epidemic and the success of efforts to fight it by encouraging exercise and educating people about better eating habits.

Mr. HARKIN. Mr. President, I hope the Republicans will talk among themselves. I hope they will listen to the students and their families who don't want to be hung out there this week and next week and on and on and on not knowing whether they are going to have to pay higher interest rates on their student loans. Let's have cloture. Let's bring up the bill, and then let's vote on it. If they have amendments, fine, we will vote on them. But at least let's move the bill.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. 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 RULES AND REGULATIONS

Mr. BARRASSO. Mr. President, I would like to spend a little time today talking about what has become known across the country as the Obama economy. This administration, after nearly 4 years, has failed to get this country and to get our economy moving again. Even worse, as I look at it, this administration seems to be taking steps that appear to be methodically and deliberately sabotaging certain parts of our Nation's economy. They are doing this in sectors of the economy that, apparently, to me, they just don't like. And they are doing it by issuing thousands and thousands of pages of redtape on the very people in this country who have successfully created jobs for Americans in the past.

This administration has finalized 1,330 rules that have been deemed economically significant. They have proposed over 1,300 additional economically significant rules. So what does this mean, the words ''economically significant''? Well, those are rules that have an annual impact on the economy of $100 million or more.

Fifty-seven coal-fired powerplants have already announced their closure because of the cumulative effect of these rules on just this one industry. The EPA is proposing regulations on whole sectors of the economy, whether it is issuing new storm water regulations for existing buildings to requiring costly Clean Water Act permits. They are doing this for ditches on family farms.

Thousands of American jobs have already been lost, and others are on the chopping block due to these rules. These are not new laws that have been passed but are rules coming from this administration. Each time the EPA claims the benefits of the rules vastly outweigh the costs. The costs are real in terms of real dollars to the economy, but the benefits are unknown. The administration claims the benefits are in so-called ''saved future health care costs.'' That is how they define it, ''saved future health care costs.''

The EPA and this administration have a history of understating the costs and of overstating, in my opinion, the benefits. The EPA's math on the benefits and the costs of their rules is not even close to being accurate. This has been verified in testimony before the Senate Environment and Public Works Committee, on which I serve as a member.

The EPA rules that set new burdensome limits on emission of pollutants, such as carbon dioxide, mercury, and sulfur dioxide, can have serious costs to plants and factories that then have to update their facilities with costly equipment or simply close to be under the new standard, and these are new standards—not the old standards but new standards.

Those reductions yield few quantifiable benefits to the economy. That is not me saying that, it is the EPA's own models. They admit the reductions yield very few quantifiable benefits to the economy. The costs are usually significant to the businesses in terms of actual expenses, as well as to the public in terms of people looking for jobs and in terms of jobs that are lost.

The EPA knows no one would buy into their rules with such high pricetags. So in order to inflate the so-called ''benefits'' of their rules, the EPA says: As a result of having less emissions from plants and factories, there must also be reductions in particulate matter, or dust, at the same time. They then make the inaccurate conclusion that reductions in dust will somehow yield billions of dollars in health benefits because folks will have healthier lungs and visit the doctor fewer times.

These reductions in dust are often in areas where the dust level today is already well within public health safety standards that are set by the EPA. So the folks aren't actually getting sick in those areas anyway. So if people aren't already getting sick in the areas where the EPA is trying to regulate the air, then how is it they can claim they are going to save billions of dollars in fewer visits to the hospital by reducing dust levels even further than today's safe levels?

What we know now is the EPA is cooking the books. At the same time, they are missing the real public health threat they, themselves, the EPA, is making worse; that is, the public health threat from high unemployment. I recently released a report entitled ''Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment.'' Let me repeat that: ''Red Tape Making Americans Sick—A New Report on the Health Impacts of High Unemployment. Studies Show EPA Rules Cost Americans Their Jobs and Their Health.''

This is a report submitted by the Subcommittee on Clean Air and Nuclear Safety by the minority subcommittee staff.

I ask unanimous consent to have printed in the RECORD the Key Findings and Recommendations and the Executive Summary of this report.

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

RED TAPE MAKING AMERICANS SICK—A NEW REPORT ON THE HEALTH IMPACTS OF HIGH UNEMPLOYMENT

STUDIES SHOW EPA RULES COST AMERICANS THEIR JOBS AND THEIR HEALTH

Minority Subcommittee Staff Report; Subcommittee on Clean Air and Nuclear Safety—Senator John Barrasso, M.D., Ranking Member, March 2012.

EPA RED TAPE INCREASES UNEMPLOYMENT WHILE WORSENING PUBLIC HEALTH

KEY FINDINGS AND RECOMMENDATIONS

Congressional testimony and scientific research reveals that unemployment from Environmental Protection Agency (EPA) regulations: increases the likelihood of hospital visits, illnesses, and premature deaths in communities due to joblessness; raises healthcare costs, raising questions about the claimed health savings of EPA's regulations; hurts children's health and family well-being.

EPA claims of health benefits from current and future Clean Air Act regulations are misleading and incomplete. The agency must adequately examine the negative health implications of unemployment into their cost-benefit analysis before making health benefit claims to the public and Congress.

The Full Senate Environment and Public Works Committee and the Subcommittee on Clean Air and Nuclear Safety should conduct additional hearings to responsibly investigate the health implications of higher unemployment as a result of federal regulations.

EXECUTIVE SUMMARY

President Obama's Administration continues to claim that new EPA Clean Air Act regulations for ozone, greenhouse gases, electric utilities, domestic oil and gas producers, and manufacturers deliver significant economic benefits. Specifically, the agency says that these regulations will yield billions of dollars in benefits for the U.S. economy in the form of fewer premature deaths, sick days, hospital visits, cases of bronchitis, and heart attacks.

Mr. BARRASSO. Mr. President, this is a comprehensive report, and it contains expert testimony before the Senate Environment and Public Works Committee from the best scientific medical research, from institutions such as Johns Hopkins, Yale University, and others. This key medical research and testimony on the impact of unemployment on public health is irrefutable.

The report concludes that high unemployment increases the likelihood of hospital visits, illnesses, and of premature death in communities. That is high unemployment; high unemployment raises health care costs, raising further questions about the claimed health savings of the EPA's regulations. High unemployment also hurts children's health and family well-being.

On June 15, 2011, Dr. Harvey Brenner of Johns Hopkins University testified before the Senate Environment and Public Works Committee. Here is what he said:

The unemployment rate is well established as a risk factor for elevated illness and mortality rates in epidemiological studies performed since the early 1980s.

So this has been a well-known fact now for over 30 years. Continuing the quote:

In addition to influences on mental disorder, suicide and alcohol abuse and alcoholism, unemployment is also an important risk factor in cardiovascular disease and overall decreases in life expectancy.

I speak as a physician, someone who has practiced medicine in Wyoming, taking care of Wyoming families for a quarter of a century, and I can assure you this is perfectly in keeping with my experience in my years of practicing medicine.

Yale researcher Dr. William T. Gallo's paper on the impact of late-career job loss reports:

Results suggest that the true costs of late career unemployment exceed financial deprivation, and include substantial health consequences.

''Substantial health consequences.'' He goes on to say:

Physicians who treat individuals who lose jobs as they near retirement should consider the loss of employment a potential risk factor for adverse vascular health changes.

What does that mean? Well, it means a stroke, high blood pressure, or heart disease. These are all major killers, major things that result in disability and long-term health problems, increasing the cost of care.

Let's look now at the impact of joblessness on children. The National Center for Health Statistics concluded:

Children in poor families were four times as likely to be in fair or poor health as children in families that were not poor.

I have seen firsthand how economic challenges affect Americans' health and their quality of life. In my medical opinion, this country faces a worsening health threat from unemployment, with well over 30 months of unemployment rates over 8 percent.

I have urged the EPA to seriously consider the impacts of these rules and the new rules they continue to come out with and how they have a bad impact on families—on pregnant women, on children, on the elderly. The EPA has not looked at the serious health impacts their rules result in. The EPA continues to hide behind computer models—not real people—that churn out inflated, fictitious so-called ''benefits of health.''

The time to get serious about public health is now. In fact, there was a USA Today article published Monday of last week, and I brought a copy along because it was very disturbing. On the front page of USA Today, Monday, April 30, 2012, the police are tying domestic violence to the economy. The headline reads: ''Domestic violence rises in sluggish economy, police report.'' The article states:

Police are encountering more domestic violence related to the sluggish economy, a national survey of law enforcement agencies finds.

These are law enforcement agencies across the country, their national survey. The article quotes Camden, NJ, police chief Scott Thompson, who stated it is ''impossible'' to separate the economy from the domestic turmoil in the city where unemployment is 19 percent. Camden police chief Scott Thompson went on to say:

When stresses in the home increase because of unemployment and other hardships, domestic violence increases. We see it on the street.

So these types of reports of increased domestic violence due to unemployment are not just being reported in Camden, NJ.

The article cites Chuck Wexler, executive director of the Washington-based law enforcement think tank, who expressed serious concerns with the rising violence. He said:

You are dealing with households in which people have lost jobs or are in fear of losing their jobs. This is an added stress that can push people to the breaking point.

I agree. It is certainly what I saw as well in my days of medical training and medical practice.

The health crisis from unemployment under this administration is getting worse.

On May 4, 2012, the Christian Science Monitor, in their article on the unemployment rate, said:

While the economy added 115,000 net jobs in April, some 350,000 Americans gave up looking for work.

So for every one new job that was added, three people gave up looking for work. That has the effect of reducing the unemployment rate because, by the Federal Government's way of calculating it, those people no longer count as part of the labor force. As a result, the share of Americans who are part of the labor force—either working or actively looking for work—has reached a 30-year low. You can add those numbers and look at those and say ''350,000 people'' and put that to the list of folks who are now at risk for serious health impacts due to the Obama economy.

If we want to make Americans healthy, we need to get Americans back to work. We need to get the EPA out of the business of making folks unemployed across this country. Each new job is a job that will put food on the table for struggling families and help keep medical costs under control. New jobs will keep thousands of Americans out of the doctor's office and on the playground. Creating jobs will keep those nearing retirement from paying for more prescription drugs so they can spend more time and money on their grandchildren. Creating jobs will ensure that the next generation will be healthier than the last.

Let's work together to improve public health by reducing this administration's redtape that is putting so many Americans out of work. The health and happiness of the American people depends upon it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXPORT-IMPORT BANK

Mr. DEMINT. Mr. President, I wish to make a few comments about free markets, free enterprise, and the role of government, particularly as it relates to the Export-Import Bank.

When people ask me if I am pro-business or pro-labor, I say I am neither. I am pro-freedom. Freedom is the only political principle that cannot be bent to serve special interests. Remember how 7-Up used to call itself the uncola? Well, freedom is the un-special interest.

Freedom, protected by the Constitution and the rule of law, works for everyone. It allows everyone—left or right, young or old, rich or poor—to make their own choices according to their own values.

Government's job shouldn't be to tilt the field for one team or another but to guarantee a level playing field for everyone. That is why I am against forcing workers to join unions. I am against congressional earmarks for favored groups, government bailouts for Wall Street, and energy subsidies, both for oil companies and for green energy companies.

Let's look at recent events surrounding the Boeing Company, one of South Carolina's most important employers. As a South Carolinian, as an American, and as a guy who likes cool airplanes, I love Boeing. When Boeing's home State labor union ganged up with President Barack Obama's National Labor Relations Board to try to sue Boeing for building a new factory in north Charleston, I strongly supported Boeing's freedom to build factories wherever they please. More recently, dust has been kicked up over the extension of the Export-Import Bank, a Federal program that subsidizes American businesses' exports. Because Boeing receives export-import subsidies and because I favor winding down the Ex-Im Bank instead of increasing its budget, some asked if I went from being pro-Boeing to anti-Boeing. Neither. I am just being pro-freedom.

In both cases, my guiding principle is the same: liberty. Freedom isn't perfect, but it is fair. And any time government hands out favors, they are being unfair to someone. When Washington picks winners and losers, in the end taxpayers always lose, and the Ex-Im Bank is no exception. The Ex-Im Bank started out decades ago with a lending cap of $5 million to help American companies sell into a global economy that barely existed. Today, the cap has ballooned to $100 billion in a booming global economy. And what have the American people gotten for their money? They have gotten $10 million in loans benefiting the now bankrupt Solyndra, millions of dollars in loans to another solar company to sell solar panels to itself in another country, and $600 million in loans to Enron projects before Ken Lay went to prison—all this after Ex-Im has already sought its own $3 billion taxpayer bailout.

This isn't a criticism of an agency or an administration but of government subsidies in the first place. When government stays out of markets, businesses focus on their customers; quality improves, prices fall, and everyone wins. When government steps in, businesses turn their attention from their customers to their Congressmen and hire influence peddlers instead of innovators. Competition sags, the pace of innovation slows, prices rise, and product quality suffers.

Defenders say the Ex-Im Bank is needed because Europe subsidizes their exports, but Europe says the same about our Export-Import Bank. We are in a bidding war with other countries for the biggest subsidies. Still, exporters say the cost of doing business in America is too high to compete. I agree. We have the highest corporate tax rate in the world, so let's cut taxes. Let's reform our insane $1.75 trillion per year regulatory state. Let's reform education and liberate our children from failing schools and create a better prepared workforce for the future. Let's repeal the government takeover of health care and put an end to predatory lawsuits filed against innocent businesses. In short, let's fix the rules of our game to make all of our exports competitive rather than rigging them for one company or product at a time.

Our policies should make the United States the best place in the world to buy, sell, farm, manufacture, patent, invent, invest, innovate, and educate—for everyone in every industry.

Look at what today's ad hoc economic policymaking has done to America—where a collection of narrow special interests vies for the favoritism of discredited politicians while we mount unsustainable debt onto the backs of our children and grandchildren. That is what I am against. What I am for is a level playing field, a set of clear rules that guarantee the freedom of entrepreneurs to make and sell what they want, and the freedom of customers to buy what they want.

I am not for big business or big labor. I am for big freedom for everyone.

Thank you, Mr. President. 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. MERKLEY. 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. MERKLEY. Madam President, I rise to address the motion to proceed we are currently debating. Essentially, this is a motion to proceed to a bill that would sustain the 3.4-percent interest rate on Stafford student loans.

Earlier, we had a vote to attempt to conclude the debate over whether we should get to the bill. That has to have a supermajority of 60 under the rules of the Senate and we didn't have that supermajority. My colleagues across the aisle voted against debating whether to sustain the 3.4 percent on student loans or, to put it differently, they voted to block this effort and preserve the 6.8 percent as the rate we will go to shortly if we don't address this legislation.

I certainly think students at every institution in Oregon would be appalled the Senate isn't willing to hold a debate over the doubling of the cost of student loans. This has a tremendously powerful impact on the affordability of education across America. We are at a point in the history of the world where our nations are interconnected. We have a global knowledge economy. The nations that prepare their children well not only will have the best future for those individual children, but they will have the best economy down the road.

What is the impact of doubling the cost of student loans? Certainly, for many students it means they will not complete their education. They are facing diminished job prospects, they are facing expensive tuition, and there are only so many part-time jobs they can take while still attempting to complete their coursework. At some point they will say the burden is too heavy—the debt burden is too heavy—the hurdles are too high. Then we all lose. Our children will lose the opportunity to fulfill their potential to pursue their dreams and our economy loses because we are not the best prepared around the world.

Indeed, today, across America we are becoming the first generation of parents whose children are getting less education than we got. I would like to see that debated on the floor of the Senate. I would like to hear a Senator stand and say they are proud of the fact that America is failing its children. I would like to hear that defended because I certainly have a different view. I have a view that in terms of the opportunity for our children and the success of our economy, we have to address the issue of the affordability of college tuition.

The folks who can capture this issue the best are students themselves, so I have come to the floor to read a letter from one of the students in my home State who is making the case that we should debate this issue, that we should address affordable college. Here is what he has to say:

> Senator Jeff Merkley, my name is Mario Parker-Milligan. I'm the student body president at Lane Community College in Eugene, Oregon. My job as president gives me many opportunities to discuss issues that students find important to them and often I find myself lobbying or advocating for issues that don't directly affect me. Today that is different.
>
> Today, I find myself seeing a federal and statewide disinvestment in higher education institutions across the nation and dramatically here in Oregon. At the same time, more and more students are needing need-based aid while it too is being diminished. Students are graduating from college but our debt loads are increasing and we are finding fewer jobs upon graduation. With all of these other barriers—low federal and state investment pricing students out of tuition, low financial aid leads to high student debt, and few jobs upon graduation—the prospect of having Stafford Loans' interest rates doubling is a haunting thought. Students are continuing to pay more and get less for our education.
>
> Today, the average student is graduating with twenty-five thousand dollars of loan debt. I have over eighteen thousand dollars of loan debt today. An interest rate of six point eight percent on top of thousands of dollars we owe in this economy doesn't seem smart either. I am not close to being done with my education and am fearful to continue to take out loans when I think of how long it will take to pay it back. Students rely heavily on student loans in order to complete college in a timely manner, otherwise many of us are forced to work 2–3 jobs while attempting to go to college full time, which usually results in prolonged stays and more debt.
>
> As a member of the board of directors for both the Oregon Student Association (OSA) and the United States Student Association (USSA), both associations working to break down barriers to higher education, I hear stories of students that are having to choose whether or not they put food on the table or keep lights on at home. Affordability is a leading barrier to a quality education and raising interest rates will only continue to price students out of an education. Please vote to maintain the Stafford Loan interest rates at 3.4%. Don't Double Our Debt. Sincerely, Mario Parker-Milligan—of Eugene, OR.

I think Mario does voice the concerns of hundreds of thousands of students across America who are working hard to complete their coursework to pursue their dream—to gain the skills to provide both a purpose in life, a life mission, if you will, and a stable financial foundation. The prospect of coming out of college with debts that come close to a mortgage on a home is indeed daunting.

I must say, I view this through the lens of my own experience as a child of a working family. My father was a millwright and then a mechanic, and no one in my family had ever gone to college. I was the first, and the prospect of debt was a consideration that worried my family with this unfamiliar course that I was undertaking. I feel very fortunate that in the end the combination of work-study, affordable loans, and scholarship meant that I graduated from my undergraduate education without the heavy debt burden—a very modest burden—not the very heavy burden students are bearing today. That indeed gave me the range of options to pursue in life that I might not have had if I had to immediately find a job that would help me pay back those very high loans that students are facing. And those are the students who complete their education. So many more will find that they only make it partway through because the debt becomes too high. So I am disturbed—very disturbed—that the Senate body, once known as the world's greatest deliberative body, voted today not to debate this issue, not to take it up.

My colleagues may be voicing their concern about the specific aspects of the bill. I would say to them that they should come to the floor and offer amendments and we should debate those amendments. But let's not fail the students of America. I believe the majority leader has reserved the right for reconsideration, and that in a matter of a few days we might well have another vote on this topic. I would ask my colleagues to reconsider, to end their filibuster aimed at preventing us from keeping the 3.4-percent interest on Stafford loans—that they would reconsider and say, yes, there is a responsibility to debate this issue.

It shouldn't just be on Stafford loans in that we also certainly have a big challenge maintaining Pell grants and keeping those grants competitive with the rising tuition. We should debate other strategies about how to make our investment in higher education more efficient. Maybe all those debates don't have to happen on this bill; maybe this bill should be restricted to Stafford loans. But for this body to reject the notion of debating an issue central to the success of our university students, the success of our children, and the success of our economy is just wrong. Let's change that vote. Let's get on to this bill in due course in a short amount of time.

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. SCHUMER. 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. SCHUMER. Madam President, I am speaking today on the need to Stop the Student Loan Interest Rate Hike Act of 2012.

It is obvious how hard it is to pay for college these days. It is not just hard for poor people—and we have some programs that help poor people out at the Federal level, Pell grants in particular, and that is a good thing. But you can be making well above the Pell grant allowance level, well above the income that you need for a Pell grant, and have a difficult time paying for college.

College is extremely expensive. The average private college cost a year is over $30,000, and the average public cost has gone way up. With all the cutbacks at all the Federal, State, and local levels, it is about $17,000. If you figure that if you are an average family anywhere in America making $65,000 or $70,000, $17,000 a year after you pay your taxes and pay your mortgage and pay for the necessities of life is a heck of a lot of money. Wisely, the Federal Government has provided some loans. A few years ago, under the leadership of Senator Kennedy, we decided to have the Federal Government pay for those loans because when the banks did it, it ended up being far more expensive than it had to be. Those loans were originally 6.8 percent around when the banks did it. They went down and down, and they settled to a nice level of 3.4 percent.

Now 3.4 percent is still interest. Particularly these days it is not such a low rate of interest given that the cost of money is quite low, but it is a lot better than 6.8 percent. But, unfortunately, the law that Senator Kennedy shepherded and many of us voted for and President Bush signed—I believe it was in 2007—expires come July 1.

What will that mean? That will mean millions of students throughout America will pay a lot more interest on the loans that are a necessity for going to college.

We all know how important college is. We all know these days the statistics show that the unemployment rate among college grads is one-third that of high school grads. We know that at your income level, you make thousands of dollars more each year if you have a college degree. There was a recent study that even showed you live longer if you got to college. I don't know what the correlation was, but it was a broad-based study. It was trumpeted in many of our leading newspapers. So a college degree is very important, and one of the ways we measure America versus other countries in terms of our future is what is the percentage of our kids who get a college degree. Unfortunately, that has been declining. We used to be first. Now I don't think we are even tenth, and it is declining because of the cost of college. So a high interest rate on top of the basic cost—$17,000, $36,000, whatever—is bad for students, bad for their families, and, frankly, bad for America.

In New York, my State, 423,000 college students would pay $341 million more in loan payments if we didn't pass this legislation.

I would say one other thing, and that is that this affects almost all college students. You say, Well, I started college last year and I am at 3.4. You are at 3.4 for your freshman year if you are a freshman in college. But when you go to your sophomore year and renew your loans July 1, you are going right up to 6.8 percent. So it affects everybody in college except—luckily for them—the senior class that is graduating this year.

It will also affect the new class of freshmen who are coming in, and I would bet many of them are watching this debate and deciding whether they can go to college or they can go to the college of their choice—one that they deserve to go to because of their grades and record and accomplishments—based on this bill. And so, wisely, Senator JACK REED and Senator TOM HARKIN and Senator SHERROD BROWN have put in legislation that would keep the rate at 3.4 percent.

When they first did this—and President Obama has been fully supportive and he has talked about this at length on campuses throughout America and in other places throughout America. When they put it in, amazingly enough most of our Republican colleagues, in places such as the Club for Growth and American Enterprise Institute, said: We are against it. Let the students pay 6.8 percent. That was sort of the 21st century analog of Marie Antoinette saying, Let them eat cake, because in these days college is much more of a necessity than it ever used to be, even for jobs like machine welder or auto mechanic. These days, our cars are filled with computers and you often need some college education, at least a 2-year college education, to be proficient in skills that maybe 40 years ago you just needed a wrench for. So it was amazing to me that so many of our colleagues on the other side of the aisle said they were against keeping the rate at 3.4 percent.

They began to get a lot of flak, I am sure, from families across the country. So they decided they couldn't be against it, per se, and so in the House they actually—and the President was making a lot of hay with this and scoring a lot of points. So over in the House they then decided, Okay, we can't say we are against this. Of course, we all want to pay for it, and so we will propose a bill that pays for it by cutting preventive services in health care.

There are two points about that. One, our preventive services in health care are needed, whether it is child immunization, whether it is diabetes prevention—the fastest growing disease around—whether it is mammograms which wouldn't start this year but would start next year as a result of the prevention money—prevention is vital to keeping health care costs down and keeping America healthy. To say the only way we will give you student loans is to take away preventive health care is akin to telling a family: Your little grandson cannot get immunizations if you want your children to be able to pay for their college. It does not make sense and everyone knew it.

The second point is everyone knew it at the time. I don't think there was a person in this town who thought that paying for it by cutting prevention would have a chance in this body. But, frankly, I think that is what some of my colleagues in the other body wanted. Their MO for the last year and a half has been obstruct without fingerprints. In other words, they want to obstruct everything. They want the government to be a mess. They want people to be unhappy so they will change things in the election.

But they know, if they are caught obstructing, it is not going to work out too well for them. In the first half of this year, I have to give them credit, they carried out this strategy of obstruction without fingerprints quite well. Part of it is because the media likes to say ''on the one hand, on the other hand.'' There is a very good article, tangential to this, by Norm Ornstein at the American Enterprise Institute and Thomas Mann, a senior fellow at the Brookings Institution, one from a conservative group and one a more liberal group, which basically laid this out.

In the second half of the last year and now this year their little strategy of obstructing without fingerprints is not working. It didn't work on the debt ceiling. It didn't work on the payroll tax cut. It didn't work on the highway bill. It didn't work on the postal bill, and, ''gloriosky,'' we are passing legislation because they can no longer obstruct without fingerprints. Faced with the choice of being caught obstructing or not obstructing, they stopped obstructing. Good for America. Good for bipartisanship. If it was good for them on the other side, fine.

On this one, they are back to their old ways because they put in this pay-for they know cannot pass. What was the pay-for we put in? We thought it would pass. We thought it had bipartisan support. It was one of the things considered in various groups in committees, bipartisan, on how to pay for the deficit. I think this was considered in the August group of last year.

What we say is simply this. If you are a partnership—a big law firm, accounting firm—there are some of them, a small number, not most, most did it the right way, but they want to avoid the payroll tax. How do they do it? They say we are giving our partners

dividends as opposed to salaries, and they do not pay a payroll tax, the payroll tax we all pay up to the first hundred-and-some-odd thousand dollars of salary.

That seems reasonable and fair. It was a loophole. It was called a loophole when John Edwards was caught doing it in his law firm, by Rush Limbaugh, by others as well—many conservatives. They called it a loophole that ought to be closed. I wish I had the language.

I will ask unanimous consent to add to the RECORD the language of several leading conservative commentators and gurus about what a loophole this was.

Anyway, we put this in and we thought they would accept it. Of course, to our surprise last night not a single Republican voted to move forward and debate this bill. We will let them put their pay-for on the floor to substitute for ours. They are not even willing to do that. Leader REID said this over and over. I just heard him say it at 2:15 when we had a little gathering by the Ohio Clock.

We are here on the floor tonight, and I see the Senator from Ohio and the Senator from Maryland—we are here on the floor tonight to ask families and students throughout America to let their Senators know they want this legislation passed and they want the games to stop.

On my Facebook page, and on the Facebook page of many of my colleagues, is a description of the bill, of what people need to do. We ask people to send us, on our Facebook pages, their stories—why they need it, why it is so important to them. Senator JEFF MERKLEY already read a letter from a student from Oregon. Senator STABENOW got over 70 responses already of students from Michigan. We also hope they let our colleagues on the other side of the aisle know how important it is they vote for this bill.

The bottom line is simple. This should be a no-brainer. If there were ever an example of Washington tying itself in a knot, this is the issue. If our colleagues on the other side of the aisle have other pay-fors, we will take a look at them—but make them real. Make them truly subject to bipartisan compromise as opposed to something they know we cannot accept.

I heard the Senator from Massachusetts, Mr. BROWN, introduced something, but the CBO scored it as not bringing in any money. We have all agreed we should not increase the deficit to do this and we should find a way to pay for it. Our preferred way is closing a loophole that everyone admits is abusive and a way to get around the payroll tax. But we are willing to sit and listen to other suggestions from the other side of the aisle so we can help our college students.

The bottom line is we have to pass this bill. It is an extremely important bill for the future of our country because every time a young man or a young woman deserves to go to a college of their choice and doesn't go, goes to a different one that less suits their needs because they cannot afford it, they lose, their family loses, and America loses. Let's stop the games. Let's come together. Let's pass this bill, and let's make sure students of this and future generations are able to afford the college education that is so important to a better future for their lives.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Ohio.

Mr. BROWN of Ohio. I ask unanimous consent the time from 5:15 to 7 p.m. be equally divided and controlled between the two leaders or their designees and that all quorum calls during that period also be equally divided.

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

Mr. BROWN of Ohio. Mr. President, I wish to follow up on Senator SCHUMER's call to action, if you will, because it appears that things that used to be bipartisan, whether it was the debt ceiling or the Transportation bill or a whole host of other things, has become far too partisan. Back in 2007, the Republican President and Democrats in the House and Senate and Republicans in the House and Senate—but Democratic majorities—froze interest rates for college loans, subsidized Stafford student loans at 3.4 percent for 5 years. All we want to do is we want to continue this. We want to continue it by closing a tax loophole. One political party that does not seem very enthusiastic about freezing these rates anyway seems to be standing in the way. I think the only way this is going to change is if students all over the country come and tell their stories.

They can come to my Web site, tell their stories about school financing and how difficult it has been for them. They can come to brown.senate.gov/collegeloanstories and tell us their stories.

This past week, I have been to a community college in Cleveland and I have been to Ohio State University in Columbus, Wright State University near Dayton, and the University of Cincinnati and heard many of these stories. I invite students around Ohio—we are asking for them to tell their personal stories. I think, in the end, personal stories will convince my colleagues they should not make this partisan. They should not stand in the way. They should work with us so we can freeze this student loan interest rate at 3.4 percent because I think it will matter.

In my State—and I know the Commonwealth of Pennsylvania, the State of the Presiding Officer, is not much different than that—the average 4-year student in Ohio who graduates has a $27,000 accumulated debt for their 4 years of college. That means those students will have more difficulty—probably will not be able to buy a home or probably will have to delay it, delay getting married or starting a business. I think it is very immoral for us to pile more debt on top of what they already have. If we want to build a prosperous society the way we did with the GI bill—the GI bill provided individual opportunity for millions of students in the 1940s and 1950s, young men and women returning from the war, and it not only helped those millions of students but lifted the country as a whole and created a more vibrant society because we helped so many individuals with the GI bill in those days. This is comparable to that—men and women who want to go to St. Clair Community College or want to go to the Mansfield Campus at Ohio State or want to go to Hiram College or Ohio University in Athens. They want to go to school. We cannot load this much debt onto them.

As we put this on our Web site, we expect students to write in and tell their stories. I know they will. We have five stories. I will share a couple of these for today and save a couple more.

Bonnie of Elyria, a mother and teacher, writes:

I would really like to be able to send my three boys to college. As a public school teacher, I have worked hard to instill in my students the idea of continuing education. However, my own children will most likely have to take out student loans to pursue a college education.

Our teachers are not so well paid that they can afford to pay these tuition bills themselves, obviously.

With soaring tuition rates, my children will graduate college with more debt than me or my husband had after graduating from college more than 35 years ago.

This is not a good way to start a career or a life on their own.

This woman gets it. She was a teacher in Ohio. She knew there was sort of an assault on her profession from the Governor and the legislature last year when they tried to take away collective bargaining rights. We know teachers do not make a lot of money, and if their children are to go to school, even less-expensive schools, they so often need to take out student loans. We don't want to raise their interest rates.

Katie, from Marion, writes—Marion is a community just north and west of Columbus.

I urge you to vote against raising Stafford loan rates. I live with my fiance, who is also attending college full time, and our household brings in less than $35,000 a year. I am working part time in order to attend college full time. With college tuition and expenses being so expensive, adding in the normal cost of living, it is a struggle to make ends meet every month.

I understand and respect the legislative process and, unlike many people I know, I still have faith it can be effective. I know that compromises have to be made for change to occur.

However, I am worried that by the time everyone is on the same page, the Government will have either taken so long to come up with a solution or cut funding so much, that the average American can no longer afford to pursue a college degree.

. . . I hope that if nothing else, you take away from this that there are Ohioans in this for the long run. We will not accept anything less than what we deserve, and education is not negotiable.

The last one I will read is by RaShya, of Toledo.

I am a second year law student at the University of Minnesota law school. I am a native of Toledo, OH and received my BA in political science with honors and an MBA in finance from the University of Toledo.''

I am the product of a single-parent home and a first-generation college graduate. My mother is a cancer survivor and my father was shot and killed when I was ten. I am the eldest of three children.

My education has been a miracle of sorts and allowed me to change the circumstances of my environment.

It was only possible through scholarship money and federal loans. I am deeply saddened by the rate hikes that loom in July of this year.

Making education less accessible hurts others that grew up in circumstances similar to mine. This economy requires a good college education but the promise of employment is still uncertain.

Raising loan rates hurts students. Please vote to extend the rate cuts that threaten to expire this July.

Those three letters so speak for themselves where students just want an opportunity. They are not asking for welfare or a handout, they just want to keep interest rates low so they can go to college without such a huge, onerous, burdensome debt they will never get out from under it. Why would we do this to this generation? My wife was the first in her family to go to college. Her dad carried a union card, worked at the illuminating company. Her mother was a home care worker who went back to work when Connie started college to try to help them pay—and she graduated.

She had very little help from her family financially because she was the eldest of four children. She got low-interest loans, and she graduated with only a couple thousand dollars of debt from Kent State University.

Those days seem to be behind us. We should at least aim for that kind of situation today where young people get a better chance, more of a fighting chance when they come out of school.

I urge my colleagues to listen to these stories and to read some of them and to vote accordingly when we bring this bill back to the floor. Today there was a vote, and more than 40 of our colleagues said: We are not even going to allow this bill on the floor to debate. That is pretty unconscionable to me when we hear the stories of these young people.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DURBIN. Mr. President, what is the pending order of business?

The PRESIDING OFFICER. The Senate is in divided time until 7 p.m.

Mr. DURBIN. Is it in morning business or are we on an issue?

The PRESIDING OFFICER. We are on the motion to proceed.

Mr. DURBIN. I thank the Chair.

Mr. President, we voted at noon today on whether we were going to start the debate on the student loan interest rate bill.

For those who are following it, the largest Federal loan to college students, the Stafford loan, has a current interest rate of 3.4 percent. That interest rate expires on July 1 and doubles to 6.8 percent, meaning any students taking out a loan after that date will pay twice as much in interest.

The practical impact of that is fairly clear: If you were to borrow $20,000 to go to college through a Federal Stafford loan and paid 3.4 percent on that $20,000, you would find that you were paying $4,000 less than you would pay if you were at 6.8 percent. So it adds roughly 20 percent to the cost of that student's loan over the life of repayment. That is a significant expense.

Most of us are aware, or should be, that students across America are going more deeply and deeply into debt to go to college. Average college indebtedness: $24,000. But an average does not tell the story because if you have one hand over a flame and one hand in a freezer, on average you have to feel just fine. But in this case, students are going much more deeply into debt than $24,000, and the interest rate on the loan is significant.

So it would seem this is a pushover. Who disagrees with this idea that lessening the burden on students in college is good for our country—because more students will seek higher education—good for the student—less of a burden when they graduate—good for their families—because many of them cosigned on these loans?

In fact, this is one of those rare issues where both President Obama and Governor Romney agree: Don't let the interest rate go up from 3.4 percent to 6.8 percent. So today we resumed the motion to proceed, which literally means, if adopted, we would begin debate on the student loan interest rate bill to keep it at 3.4 percent and not let it double July 1.

We heard from both sides of the aisle that everyone agreed we had to do this. It sounded pretty easy. Then the vote was called. At the end of the vote, not one single Republican Senator had voted to proceed to the debate on the bill—not one. One Senator, Ms. SNOWE, voted present. Every other Republican Senator who was present voted no.

How did this become a partisan issue? We have President Obama and Governor Romney agreeing, most Americans agreeing we do not want the cost of student loans to go up, and it fell flat on its face on the Senate floor at noon today. Not a single Republican would vote for it.

I don't understand it. They say, well, we don't like the way you pay for it. It costs $6 billion to lower the interest rate that we would otherwise collect. We pay for it by changing the Tax Code, closing a tax loophole primarily used by accountants and attorneys under subchapter S corporations to avoid paying their regular income tax on their income. They get through this S corporation what are called income dividends and they don't pay the regular income tax rate or the withholding tax that ordinary income is subject to. I think closing that loophole is reasonable. It produces $6 billion and pays for the student loan interest rate to stay down. I can accept that.

Some on the Republican side say, no, that is a tax increase. They—many of them—have categorically said we will never, ever, never vote for a tax increase, no matter what it is. So they walked away from the student loan bill. They say they have a better way to do it. Senator REID came to the floor and said, fine, we will call the bill and you can offer your way to do it. Pay for it a different way. Let's bring it up for debate. Let both sides debate it and let's vote on it, and then let's move forward. No, they would not accept that. They all voted against proceeding to the bill.

For anybody who is following what is going on here, this is what is known as a filibuster. The Senate is infamous for them now. We filibuster everything, even bills that are bipartisan, which everybody agrees on. No, we are going to drag this out hour after weary hour, eating up the time of the Senate, and people will be asking for a cable refund because nothing is happening on the C–SPAN channel because they are watching a filibuster. Not much happens. Yes, Members such as I will come from time to time to give a speech and explain what is going on, but nothing substantive is going on. We are not considering the bill.

Sadly, what we are failing to do is going to affect a lot of innocent people; 7.4 million students will be affected if we don't change this interest rate—365,000 in my State of Illinois. These Stafford loans, Federal Government loans, are mainly directed toward families in lower income situations, so that students can borrow money to get through school.

Let me confess my conflict here. I would not be standing here today without government loans. I borrowed money from the Federal Government to go to college and to law school under the National Education Act and then paid it back; otherwise, I could not have gone to school; I couldn't have afforded it. These loans are needed across the board. We know it from personal experience.

In 2007 and 2008, 30 percent of all undergraduates took out federally subsidized Stafford loans—about 1 out of 3. The average was about $3,400 a loan 4 or 5 years ago. This year, it is up to 8 million students. As I mentioned, 365,000-plus borrowers in my State, and, as I mentioned, failure to reduce that interest rate will add to the cost of the loan they have to pay back. These borrowers, 7.4 million students, including

1.5 million African-American borrowers and over 986,000 Hispanic borrowers, will face this new penalty, this loan increase. It is clear to me that we should be spending time here dealing with this.

I learned it firsthand when I went home last week and visited campuses. In Chicago, I went to DePaul. Downstate, I went to Bradley University in Peoria. In Decatur, I went to Millikin University. In each place, students came forward to explain what they were facing in terms of student loans. I will enter into the RECORD the experiences they shared with me.

One of them was Amy. Amy goes to DePaul University in Chicago and is an art major. Her sister Michelle came to join us at the press conference. Here is Amy's situation. Amy comes from a working family who cannot help her pay, so she works and borrows to try to get through school. She is an art major. Her student loan indebtedness at the end of June will be, for 4 years, $80,000. But she says that a bachelor's in art is not good enough and thinks she needs a master's. She thinks it will be another $60,000 she needs to borrow. I said: That is $140,000, young lady, and you are 25 or 26 years old. She will be borrowing not only the government loan but way beyond that into private loans. The government loan is 3.4 percent. The private loans for students in school range from 8 to 18 percent—much like credit card debt, they are so expensive.

This young lady thinks she is doing the right thing. She was told go to school, get an education, and follow her dream. Her dream is at the end of a very long, expensive road and $140,000 in debt. Michelle, her sister, decided she wanted to be a teacher and teach grade school. She looked at the indebtedness she would have to incur and decided to move back home to Indiana and go to the local public college and try to get as many credits as she could at a low price, and perhaps finish at DePaul when it is time. She thought: If my debt is too much, I would not be able to teach or make enough money to pay my loan back. That is a real-life story of two sisters who are doing the right thing and are facing student loan debt.

How could we explain that we are going to raise the interest rate on either one of them? At this point paying back their student loans will make it virtually impossible for Amy, who could be $80,000 to $140,000 in debt, and how is Michelle going to be the teacher we want her to be?

At Bradley University in Peoria, a student named Rose told me that if the interest rate on her loans doubled, which will happen if the filibuster continues by the Republicans, she might have to move in with her parents after graduation or make sacrifices in order to make her loan payments. Rose estimates that increasing interest rates will cost about $4,000, because she plans on graduating with about $20,000 in debt.

I also met Deshawn from Alton, IL, a freshman majoring in economics and political science at Bradley. He wants to be an international lawyer some day. He is a first-generation college student, and he realizes that without student loans he doesn't have a chance to realize his dream.

What is the difference of opinion here about how to pay for these decreases in the interest rate from 6.8 to 3.4? As I mentioned, we would close the tax loophole on subchapter S corporations, which are used by accountants and attorneys to avoid paying the ordinary income tax and withholding.

There is another proposal out of the House that I think is really bad. They say we should pay for keeping student loans affordable by reducing preventive health care programs. We have a fund that we have created that pays for, among other things, preventive care, childhood immunizations. So if the money is taken out of that fund, fewer American children will be receiving the vaccines and the inoculations which we want for all of our kids to keep them safe. Is it important that kids receive these vaccinations? I think it is very important.

Senator REID said at a press conference here that the incidence of a return of whooping cough—most people thought that was long gone—in the United States is at the highest level in 50 years, and the incidence of the return of measles in this country is at the highest level in 15 years. Childhood immunizations are important to keep our kids healthy and safe.

There is also money in this prevention fund, which the House Republicans want to cut out, calling it a slush fund, to be used for diabetes prevention. You cannot pick up a newspaper or a magazine without reading about the incidence of obesity, the growing number of overweight children, and the increasing incidence of diabetes among our children. In fact, forms of diabetes that used to be confined to adults in America are now being found in children in America. They have to be treated with pretty powerful drugs to overcome this disease of diabetes.

The House Republicans say let us reduce the amount of money we are using for public education and treatment to reduce the incidence of diabetes and instead spend it on student loans. What a Faustian bargain that is. It is a bargain with the devil. We are going to put at risk children when it comes to immunizations and diabetes, in order to help grown children, young adults, pay their student loans.

Is that what it has come to? We are so determined to not touch the Tax Code and the loopholes in it that we are going to risk the health of our children or the cost of a college education for our kids as well?

I think the approach in the House is not defensible. I hope that at the end of the day we can make sure we do this in a responsible way.

FOR-PROFIT SCHOOLS

Mr. President, I want to mention 2 other things quickly. One of the real problems with debt in this country relates to for-profit schools. Go to Yahoo or Google, put in ''college and university'' and step back. What is about to hit you is an avalanche of ads for for-profit schools. I don't need to recount the names on the floor. Everybody knows them. These are the schools that are advertising constantly: Come to our school. They run ads on television. One, I think, tells the story and shows a lovely young lady in a robe and pajamas, who has her laptop on her bed and says: You know, you can go to college in your pajamas now. I am going to XYZ for-profit school getting my college degree.

Here is what is happening: These for-profit schools are inundating the Internet and recruiting young people who otherwise might not go to college, many of them, and 10 percent—here are three numbers—of kids graduating from high school end up in these for-profit schools. So what the for-profit schools are looking for is young people who are in lower income family categories because they qualify for the most Federal assistance—Pell grants and Federal student loans. Ten percent of the students at the for-profit schools and 25 percent of all Federal aid for education goes to these schools—more than 2½ times, based on the number of students, the amount you might imagine.

Hang on, it gets more challenging. Almost half of the student loan defaults in America come from for-profit schools. Why? The kids get too deeply in debt and end up dropping out because the debt is overwhelming or they finish and get a worthless diploma and cannot find a job. That is the story. So the student debt in traditional schools, public universities, private, not-for-profit universities, is one thing; on the for-profit side that debt is mounting, particularly through private student loans.

Here is the kicker, and you know this, Mr. President, because you studied this issue too. Student loans are the only private loans in America not dischargeable in bankruptcy. What it means is that you are carrying it for a lifetime. You will carry it until you pay. That young lady $140,000 in debt could not have a clue what she has done to the rest of her life by getting that deeply in debt. I have students contacting me with over $100,000 in debt for a 4-year education, and they find out the diploma is worthless. There is one school, Westwood College, which operates out of Denver, CO, and has a campus in Chicago. They are under investigation now by our State attorney general. Too many young people have been watching too many crime shows, and Westwood College knows it. They call them and say how would you like a bachelor's degree in law enforcement. Maybe they are watching ''Hawaii 5–0'' and ''CSI'' and they like that stuff. Good, come on out.

I will tell you a story of one student. She went to Westwood College and it took 5 years to get a bachelor's degree in law enforcement. She took that diploma to the police departments and sheriffs' departments around the Cook County area, and they said: That is not a real college. We don't recognize that as a real diploma.

There she was with a worthless diploma and in debt $80,000 for a student loan. Now she is living in her parents' basement. She can't borrow another nickel to go to a real college, and she owes, obviously, $80,000 and is struggling with two jobs to try to pay it off.

There is another part of the story that we should not ignore. Many of these schools, particularly the for-profit schools, realize that hooking the kids into this loan is not enough, so they have the parents cosign. Sometimes the grandparents cosign. Six weeks ago, the New York Times ran a story of a woman who had her Social Security check garnished because she owed on a student loan. It wasn't hers, it was her granddaughter's loan. She cosigned, and her granddaughter defaulted, and now the grandmother has her Social Security check being docked because she owes on the loan. This is a horrible situation. It will be a worse situation if the interest rate on July 1 doubles.

So we have this Republican filibuster against bringing down the interest rate on student loans, and yet we now have an empty floor. Whoever thought it was a good idea for us not to debate and not to vote on this interest rate increase is long gone. They are not even here. I think that is the real unfairness of the filibuster. If a Senator or Senators stop the business of the Senate and say we can't even take up the bill or consider an amendment, then I think they owe it to the Senate to be here and explain their point of view.

I hope that tomorrow, when the dawn of a new day breaks and the Senate opens, some Republicans will come to the floor and explain this filibuster on college student loans. It is unfair to the students and to the families of our country. People definitely need a college education—many of them do—in order to succeed in life. Some need training. Even those who need skilled training may end up at a community college or taking a course that requires a loan to get through.

I hope the Republicans who started this filibuster, who said we cannot even take up, consider, or debate the student loan interest rate issue, will be here tomorrow to explain why, to explain why they think this is not worth the time of the Senate to debate. Until then, we will just languish in this filibuster.

THE DREAM ACT

Mr. DURBIN. Mr. President, it was 11 years ago that I introduced a bill called the DREAM Act. Just this last week, I was back in Chicago to attend a fundraising dinner for a group I really respect. It is called the Merit music program. About 20 years ago, when a lady passed away, she left a legacy to the Merit music program, and the legacy said that the money she was leaving and any money that was raised should go into the public schools of the city of Chicago to offer young people a free musical instrument and music lessons if they were interested.

This program has been an amazing success. It turns out it has created an avenue and opportunity many young people never dreamed of having, and some of them have talents that are incredible. I was there at their dinner last week when the violinists came in—kids from all over the public schools of Chicago—and they did a magnificent job. They feel so good about themselves. They develop a talent, and they have a 100-percent college placement rate from the Merit music program. There is a linkage there. I know the Senator from Colorado, who has taken over as our Presiding Officer, knows this, as he was an educator in the city of Denver. Many of these kids for the first time realize that they are worth something, that they can do something and do it well. And it is that confidence and pride that not only takes them through the experience of playing music but the experience of life and the experience of the classroom. It makes a big difference in their lives.

Eleven years ago I got a call from the director of the program, Duffy Adelson. Duffy was there last week. Duffy is a wonderful woman who has committed her life to the Merit music program. She said: I have an issue. One of the students at the Merit music program is an amazing young girl who plays concert piano. She has been accepted at major music schools, including the Manhattan school of Music in New York. She is Korean. Her mother, when she was filling out the application for the Manhattan school of Music, came to the box that said ''citizenship, nationality.''

The girl turned to her mother—her name is Teresa Lee—and said: USA, right?

Her mom said: No. You see, I brought you here when you were 2 years old on a visitor's visa and I never filed any papers. Your dad is a citizen, I am a citizen, and your brother and sister, who were born here, are citizens, but we don't know what your status is.

The daughter said: What are we going to do?

She said: We will call DURBIN.

Well, first they called the Merit music program, and then Merit called me, and my staff found out that the law was clear. This young girl, who has spent 16 years in the United States, has to leave the United States for 10 years and then reapply to come back. She must leave for 10 years. That is the law. I thought to myself, the mom didn't file the papers. Mom did something wrong. Why would we not let this young woman do something right?

So when I was drafting the DREAM Act, I said: If you graduate high school and you have no serious problems when it comes to convictions or moral issues and you either complete service in the military or 2 years in college, we will put you on a path—a long path—toward becoming legal and becoming a citizen. That is the DREAM Act.

The DREAM Act has been here for 11 years. I have tried to pass it on the floor repeatedly. I can get 50-plus votes—I did the last time I called it—but the Senate has this magic number of 60, a supermajority. It has even passed the House of Representatives. But I have never been able to put 60 votes together here.

Over the years, the support from the other side of the aisle has been decreasing. As it decreases, it gets more difficult. Over the years, as well, a lot of people have stepped up and spoken on behalf of this DREAM Act. Colin Powell said: We would love to have these young people in our military. Secretaries of Defense, such as Secretary Gates, said the same thing. President Obama was a cosponsor of the bill. These are young talented people who can make a difference. But before I tell you the story of one of them here, I want to tell you the end of the story of Teresa Lee.

Teresa Lee attended the Manhattan school of Music and majored in concert piano. She met and married a young man who was an American citizen, and that made her legal in America. And she played at Carnegie Hall. How about that? Eleven years ago our government's law said she had to leave the country for 10 years. Instead, she came to the Manhattan School of Music, made it through, and has made a success of her life. There were a couple of people who stepped up and made sure that success was a reality in Chicago, and they were with the Merit music program. They had literally underwritten her college education because she couldn't qualify for any help—no Federal loans or grants, nothing—because she wasn't a citizen of the United States. This is a perfect example of a talent that would have been lost or wasted if she hadn't had good circumstances and if we don't have the DREAM Act for others who face the same thing.

Let me tell another story about Ayded Reyes. This is a photo of Ayded Reyes. She is a runner. I learned about her from an article on ESPN.com. Ayded was brought to the United States from Mexico when she was 2 years old. She grew up in San Diego, CA. In high school, she was an honors student who played three sports and was an active volunteer in her community. Among other activities, Ayded volunteered at the Children's Hospital and Sherman Heights Community Center, where she tutored students and worked with the elderly. She was also a member of the National Honor Society and graduated from high school with a 3.98 grade point average. This Senator wishes he could have had an average like that.

Ayded was accepted at the University of California at San Diego, but she was unable to attend for financial reasons. Because she does not have legal status in the United States, Ayded is ineligible for Federal student loans or any other Federal aid. Instead, she attends Southwestern Community College, where she has flourished as a student athlete. She maintains a 3.50 grade point average, and her dream is to become an obstetrician. She has also become the top-ranked women's junior college cross-country runner in the State of California. Among other awards, she has been given Athlete of the Year at Southwestern College and Pacific Coast Athletic Conference Track and Field Athlete of the Year. Ayded has been offered athletic scholarships by more than a dozen top 4-year colleges, but she can't accept them because she is subject to deportation. She is not here legally.

I have spoken to other students who have similar challenges, whose dreams can't be fulfilled unless we give them a chance. Just recently, I heard about a student who didn't know which way to turn, didn't know if the DREAM Act would ever pass, and applied for a visa to take his college education and go to work in Canada. The Canadians welcomed him. We need talent like that in Canada, they said. So they took him and we deported him. Are we a better nation for that? Who got the best of that bargain? A person who was educated in the United States, succeeded in the United States, and dreamed of being an American citizen is now living in Canada. To me, that is not the kind of thing we need to see in our country.

As I said, just because the parents made the mistake, got something wrong, these young people should be given a chance to do something right.

I am going to continue to work on passing the DREAM Act, and I hope I can appeal across the aisle to Republicans as well. Why is this a partisan issue? Don't we all believe we shouldn't punish a young person for the crimes or sins of their adult parent? That is what is at work here. It is a basic question of justice. These young people, such as Ayded, grew up in America pledging allegiance to the flag, believing this was their home. All they want is a chance to make their home—the home of their dreams—a better place.

I hope my colleagues will take the time to meet some of the DREAMers. That is what they call themselves now. They have Web sites. They have stepped out into the light of day to introduce themselves to America. That is our only hope for this passing, where people come to meet these young people and realize what amazing people they are. I think they will understand that giving them a chance is only fair, it is totally American, and it is something we should do as soon as possible.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. STABENOW. Mr. President, I rise to express deep concern on behalf of families and students all across Michigan who are very upset at the vote earlier today where we did not get enough votes—the supermajority needed to be able to get beyond the filibuster that is going on on the floor by colleagues on the other side of the aisle, and therefore we can't actually get to the vote on the bill that would lower or maintain the lower student loan interest rates for students all across America and certainly in Michigan.

We know what will happen July 1 if we can't get beyond this. We actually have a majority of Members, 53 Members. I am very proud that all of our Members on this side of the aisle voted, in fact, to support the effort to maintain the low student loan interest rate. We didn't have the supermajority because it takes bipartisan votes to be able to get there and overcome the filibuster on the other side of the aisle. But we have enough votes, and we just want to vote. We have enough votes to be able to pass this bill, the Stop the Student Loan Interest Rate Hike Act. We have enough votes, and we just need to have the opportunity to be able to vote.

What does this mean for middle-class families and students in Michigan and all across the country? We are at a time when middle-class families are struggling to make ends meet and no more so than in Michigan, where we have gone through the deepest recession for the last decade of anyplace in the country. We need to be making college more affordable for Michigan students and students across America and their parents, not less affordable. We ought to be doing what will actually add to what we have done to support lower interest rates, more access to student loans, not taking that away, which is what is happening right now on the floor of the Senate because of the filibuster.

Higher education costs are already rising. Michigan students are graduating with mountains of student debt while high school graduates are being priced out of the opportunity to be able to go to college. In fact, the average Michigan student is graduating with over $25,000 in student debt. That is a heck of a place to start when you come out of college and you are looking for a job and trying to get started in a professional life or trying to continue your professional life and at the same time support your family. That is a lot of money. And we should not be adding to that, because we are talking about additional debt on top of that $25,000 average if, in fact, we can't pass this bill.

We have right now more than 300,000 Michigan students—those who have borrowed money because they believe in themselves, they believe in the future, and they want to get the skills and the degrees they need to be able to go into the workplace, to be successful for themselves and their families—300,000 students who are going to see their Stafford student loan interest rate double if we don't pass this bill.

We need a sense of urgency, like every single family feels right now that finds themselves burdened by loans. They made the decision, and we have been supportive of that, making loans available and lowering the interest rate over the last several years so more people can go to college and be able to get the skills they need and be able to be successful in the workplace. We should be continuing to support that and doing even more to help them lower the cost, not allowing the student loan interest rate to double come July 1.

Folks in Michigan are scratching their heads right now. Let me share stories I have received. I have received a lot of input, a lot of stories from people not only throughout today but before today, but certainly folks who watched the vote this afternoon are horrified at what this means personally to them, for their children or for their families. We have received a number of e-mails to our office, and I am very thankful to people who are sharing their stories. I would like to share just a few of them on the floor of the Senate.

Liz from Traverse City wrote:

PLEASE, please don't let them raise the interest rates on student loans. I have two sons at MSU and I'm a single mom. I work a full time and 2 part-time jobs and they work, and without the Federal loans they wouldn't be able to go to college—even with the full MET I worked on all their lives.

So she put money into a Michigan program to be able to save money and put money aside. But this is somebody who is working one job and two part-time jobs on top of her full-time job, and her sons are working, and they still have student loans to be able to piece it together to be able to go to college.

She said:

Please help—our 3 person family is working very hard to get through school.

And I would suggest that they are. And, Liz, thank you for caring about your sons and working as hard as you are working.

We need to make sure we don't add costs to Liz and her two sons in July. On top of everything they are doing to be able to create an opportunity for those two sons to be able to go to college, to be able to have a better life and a future for themselves, we shouldn't be adding costs to them.

Lars from Ann Arbor wrote:

As a student at the University of Michigan, I find it hard to keep up with current events, but I try in earnest, and this is an issue that affects me more than most others

at this time. I'm footing the bill for my college education largely myself, as my mother and father—a high school art teacher and GM retiree, respectively—do what they can to help in the short term. I'd like you to work on behalf of keeping the interest rates lower.

So Lars is going to the University of Michigan—a great university—and he is footing most of his college bill himself. His mom, a teacher, and his dad, a GM retiree, are doing what they can to help, but he has to have student loans. Why on Earth would we be adding to his costs come July when he is working very hard, with the support of his family, to be able to create a great life with a great education from a great university?

Kasondra from Grand Blanc wrote:

I am not what they consider a 'typical' student. I am a single mom of two obtaining my bachelor's degree in Social Work. As a student and as a mother, I am attempting to lift myself and my family out of poverty by doing the right thing, getting a college education. While it has been tough and there are days I wished I could give up, I am pursuing my dream, and I will be graduating with honors in one year. If the rate increase happens, I cannot afford paying back my student loans while raising two children. Please, do not let the interest rate expire on July 1.

Kasondra, congratulations for all you are doing as a single mom of two, as you said, lifting your family out of poverty. We in Michigan are a tough bunch. We don't give up. But I know how hard it can be trying to hold it all together during these times, and I want to thank you for doing that. And you are absolutely right, it would really be outrageous to see the interest rate on your loans when you are graduating next year with honors—congratulations for that. But to be able to know that you are going to at least have the interest rate on your loans continue as they have been I know would be a relief and a help to you.

Angelica from Ypsilanti wrote:

My name is Angelica, I am a 40 year old mother of three who has returned to school to finally get my degree. I have recently been accepted at Eastern Michigan University and am starting classes in June. Without affordable student loans I would not be able to attend school. I want to make a positive difference. Getting my degree will give me and my family a better standard of living and get out of the terrible cycle of poverty. This bill is critical to making the dream of higher education a reality for Americans and ensuring our workforce is prepared to compete in a 21st century global economy.

Angelica, again, congratulations. As a mom of three, 40 years old, making the decision to go back to school, getting accepted, creating a plan for how you are going to be able to use student loans and be able to hold it all together financially as you are moving forward, it is really outrageous to think that there is a filibuster going on right now to stop us from voting on something that would help you.

We have the votes. This is not about whether we have the votes to maintain the low interest rate. We have the votes. We are being blocked procedurally from getting to the vote, and that is something that is very hard for me to understand.

Michael in Mount Pleasant wrote:

I am a student at Central Michigan University studying Information Technology and I am also putting myself through school by whatever means possible. The amount of student loan debt I will have to pay after a 4-year degree casts a looming shadow. We are always taught to look toward the future and to jump at any opportunity that presents itself as an opportunity to better oneself. We as students are now looking at a future filled with uncertainty. Please do whatever it takes to do what you know is right, and save our future from an impending financial defeat.

Well, Michael, again working very hard, has a path, knows what he wants to do, puts a plan in place, like most students and most families, to figure out how he is going to be able to pay it both now in terms of the costs and paying back the student loans. And if we can't get a vote on this bill, we are pulling the rug out from under Michael.

Jennifer in Michigan wrote:

For me, it means I'll be very unlikely to finish grad school. We say the US (especially Michigan) needs to invest in technology, yet they want to do things like this that will result in an uneducated society.

Jennifer, I am with you. This makes absolutely no sense whatsoever, at a time when we know we have to outeducate and outinnovate to be able to outcompete in a global economy. Doing things that add costs for middle-class families, working families, to add costs for loans? You are bearing the brunt. You are getting a loan. You are believing in yourself and your future. We ought to be doing everything we can to support that, not adding more costs.

That is unfortunately what will happen if we cannot get beyond this filibuster on the floor of the Senate, to have a real vote, a final vote. We have the votes. We are just being blocked from getting to the vote by the procedures of the Senate.

Kathryn in Michigan:

When I heard the interest for student loans is going to double, my heart sank. How is this even possible? My daughter is 21 years old, a psychology major at Western Michigan University.

That is another great university in Michigan.

I am so very proud of her as any parent would be. With interest rates set to double, how can these students possibly even begin to think of paying these loans back? All this does is discourage kids from going to college at all and once again only the privileged will be allowed to succeed. Please once again we need your help. There has to be a light at the end of this dark tunnel for these kids and for our nation.

''There has to be a light at the end of this dark tunnel for these kids and for our nation.'' I could not agree more. We have to make sure the light they see is not from an oncoming train. We have to make sure the light they see is actually their way through the tunnel of debt that comes with college loans, and out into a future that is brighter for themselves, for their families. That is the hope, that is the promise of college education.

We have a responsibility to make sure we are doing everything possible to support the hopes and dreams, the hard work, the sacrifice that is going on in college after college, in home after home, where people are making tough decisions in order to give their kids a brighter future.

I was proud to help author the legislation in 2007 that cut the interest rate to where it is now, 3.4 percent. I was pleased to help lead the effort as well to reform the student loan program and expand college access. Those were good things to do—not bad things, good things. People have benefited. Three hundred thousand people in Michigan right now have benefited from that opportunity, the commitment we made to support young people, people going back to college, to have a brighter future through a college education.

Now is not the time to turn that around. The Stop The Student Loan Interest Rate Hike Act is commonsense legislation. It does not add a dime to the deficit. It is fully paid for. It is something that needs to get done now so that there is certainty for families across Michigan and across the country. Education really is the road to opportunity in this great country and Michigan is home to world-class universities and community colleges. They are conducting cutting-edge high-tech research to help transform the economy. Our schools serve to open doors and create opportunities for thousands and thousands of graduates every year.

I am always honored when I have the opportunity to speak at a graduation, as I have done this year, and to see the pride and relief on the faces of students who have worked so hard—and their parents, their pride and the commitment they make to their children. I know how that feels as a parent sitting in the audience as your kids graduate and walk across that stage with their diploma.

This is ingrained in us as Americans. It is the foundation of who we are, to create an opportunity for people to go to school K–12 and then be able to have a chance to go on to college so they can have the best shot at success. That is what we have had as a foundation in terms of our values as a country. This is not the time to turn it back. We need to be making it easier, not harder, for students to achieve a college education which greatly improves their chances of getting a good-paying job and being successful in life.

We are at a moment where we had a vote today where it was very clear we have enough votes to pass this bill, to make sure that student loan rates do not double. We have enough votes to pass it. We just do not have support from across the aisle, we do not have the bipartisan votes we need to get to a supermajority to stop the filibuster. That is what is going on right now. We

need to vote. Folks do not have to agree with it. They can vote no on the final bill. Let us vote. On behalf of the people we represent, let us vote on the bill. On behalf of 300,000 students and their families in Michigan, on behalf of hundreds of thousands of others who are looking for the opportunity to go to college, to be able to work hard and take all the risks that come with that to be able to have a better life, I ask we simply allow a vote. Let us vote on this bill.

It is time to get on and let people know we get it, we understand what families are going through, we understand the squeeze middle-class families are going through on every front right now, and we will make sure that access to college, a higher education, is not just there for the wealthy and connected but that it is available to everybody because we are a stronger country because of that.

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.

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

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

MORNING BUSINESS

Ms. STABENOW. Mr. President, 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.

20TH ANNIVERSARY OF NEVADA'S HISPANIC MUSEUM

Mr. REID. Mr. President, I rise today to recognize and honor the Hispanic Museum of Nevada—Museo Hispano de Nevada—for its 20 years of service to our community.

For the last two decades, Museo Hispano de Nevada has been guided by its mission: ''dedicated to promote awareness, education and resources of the diverse Hispanic cultures and traditions to enhance intercultural understanding among community members.'' This institution has played a critical role in educating Nevadans about the diversity of Latino heritage and promoting pride and cultural understanding.

The Museo Hispano de Nevada has sponsored numerous field trips and workshops, shedding light on the different cultural traditions of the Latino population and enabling future generations to learn about their heritage through historic artifacts and art exhibits. These programs and activities have served as learning tools for educating our community about the diversity in my home State of Nevada, where 26 percent of the population is Latino, accounting for 46 percent of growth in the Silver State.

As someone who has directly witnessed the importance of having a museum dedicated to preserving the history and telling the stories of Latinos in my home State, I am proud to be an original cosponsor of the Smithsonian American Latino Museum Act, S. 1868. It is my hope that a museum illuminating the richness of the Latino culture and history, as well as the numerous contributions Hispanics have made to the United States, will be built in our Nation's Capital in the near future.

I would also like to recognize Lynnette Sawyer, executive director of the museum, for her outstanding leadership and commitment to the museum. I extend a warm felt thanks to the staff and countless individuals who have worked over the years to make this great institution a resource for all Nevadans. Please join me in congratulating the Hispanic Museum of Nevada for 20 years of great work honoring the rich diversity among Hispanics and their many contributions to our great State. I wish the Museo Hispano de Nevada continued success in their future endeavors.

TRIBUTE TO RUBEN CURTIS ''R.C.'' WALKER

Mr. MCCONNELL. Mr. President, I rise today in honor of a man who has always been ready and willing to answer the call of distress in his hometown of London, KY, in Laurel County: Mr. Ruben Curtis Walker, better known by what everyone typically calls him, ''R.C.'' He has served as a member of numerous first-response teams for the local people of his community for almost 60 years.

A life-long passion for service in the rescue field began for R.C. in 1952, when he joined the London Fire Department. He has maintained some kind of position there, whether volunteer or paid, ever since. R.C. has a deep desire to extend a helping hand to those in need. He enjoyed his job and he enjoyed the work he was doing for his community so much, in fact, that in 1962 Fire Chief Gilmore Phelps noticed his display of passion and asked him to start the first-ever Laurel County fire department. R.C. took on the challenge and met it with flying colors. He went on to run an excellent fire department for 18½ years before finally stepping down as chief.

Having always been active in his community and anxious to help out, R.C. didn't just devote his time to the new County Fire Department; he was involved across the board in the service arena. He was deputy coroner, then eventually coroner in 1966, the same year that he ran for county sheriff. He opened the Bowling-Walker funeral home in 1965. He has also been deputy sheriff in Laurel County, and the county jailer from 1989 to 1993.

However diverse the life of R.C. Walker was, he did not stray far from the fire department. His first love was fire and rescue, and that is where he is most at home. Although he does not fight fires with the department today, he does still participate in other activities with the firemen, many of whom refer to him as 'Pap.'

Mr. Walker is not only a devoted public servant, but also a beloved family man. Aside from firefighter, he holds a few other titles—like husband, father, and grandfather. He and his wife of 25 years, Marie, have four children, Eddie, Steven, Stewart, and Deborah Greenwall. R.C. is dearly cherished by all who know him. I can say with certainty that his family, the boys at the fire department, and the local citizens of Laurel County feel safe knowing a man as honest and caring as Ruben Curtis Walker is watching out for them.

I ask my colleagues in the United States Senate to join me in commemorating Mr. Ruben Curtis Walker for the great many contributions he has to his local community.

There was recently an article printed in the Sentinel-Echo: Silver Edition, a Laurel County, KY local newspaper magazine, which highlighted the countless accomplishments of R.C. Walker throughout his colorful life. I ask unanimous consent the article be printed in the RECORD.

There being no objection, the article was ordered to appear in the RECORD as follows:

[From the Sentinel-Echo: Silver Edition, November 2011]

HE'S DONE IT ALL

(By Carol Mills)

He has been a first responder in many ways—firefighter, rescue worker, sheriff's deputy, coroner, and jailer.

Ruben Curtis ''R.C.'' Walker joined the London Fire Department in 1952, and has been a volunteer fireman for the city or county most of his life.

He has also been with the London-Laurel County Rescue Squad most of the time.

''I've really enjoyed being a firefighter. I've always been helpful on the rescue squad whether I was with the city or county. I remember rescuing this fellow out of an electric line. When they were clearing the bottom out to put the new sanitation system in, I got a call from the funeral home they found somebody they thought was dead down there. He was putting a new blade on a bulldozer and he swung his boom around and he got it into 6,900 volts of electricity. I jumped in the truck and pulled it away from the electric line. The door was open on the truck, so I took a running go and jumped in. He was passing in and out, but he wasn't dead.''

Back then, the funeral homes transported patients to the hospital because the ambulance service was established on Jan. 1, 1977.

''It's just wonderful that I could be of help to somebody. I've been through a lot of situations. I devoted the biggest majority of my life to fire and rescue. My son, Steven, is a sergeant in the state police and my son, Stewart, is chief of the city police.

''Gilmore Phelps was chief in 1952, and he talked me into joining the fire department with them,'' Walker recalled. ''I was working around a florist and a grocery store here in town, Acton's Grocery, here on Main Street. I was with the city in '54 when I starting working at House Funeral Home on East Fourth Street.''

In 1958, Walker left House Funeral Home, but he was still with the city fire department. He started working with Laurel Funeral Home on South Main Street where the Laurel Judicial Center is now.

''There used to be a big home there and we used it,'' he recalled. ''And I sold cars for a while. In the meantime, while I was at Laurel Funeral Home, they talked me into starting the county fire department.''

Walker was appointed the first Laurel County fire chief when the department was organized in 1962, a position now held by Tommy Johnston. Walker was chief for 18-and-a-half years before stepping down after getting injured.

In the meantime in 1965, he opened the Bowling-Walker Funeral Home on Dixie Street where the London-Laurel County Farmers Market is now. He sold out his part in the funeral business after he had back surgery.

While at Bowling-Walker, he was a deputy coroner and, when he ran for sheriff in 1966, he was the coroner. He has been a deputy with the Laurel County Sheriff's Office, too.

''That's why my boys picked up the police business.''

He then ran for Laurel County Sheriff in 1970.

''I won the nominee on the Republican (ticket) out of 14 and then the Democrats beat me in the fall,'' Walker recalled. ''I then went back to House Funeral Home in 1973 and worked until '80. In 1982, I went to work for Laurel Funeral Home, which had moved to (Ky.) 192 on the hill behind the school, Laurel County High.''

Walker was Laurel County jailer from 1989 until 1993. When he was elected, he came back to the London Fire Department and has been there ever since.

Walker has been married to his wife, Marie, for 25 years and he has another son, Eddie, who lives in Texas, and a daughter, Deborah Greenwall, an attorney in Louisville.

''I've got a good relationship with the children and grandbabies,'' Marie Walker said.

Now at 77, Walker does not actively fight fires, but continues to participate in any of the department's other activities.

''I don't do much. They kind of take care of me. Some of them call me 'Pap.' ''

ASIAN-PACIFIC AMERICAN HERITAGE MONTH 2012

Mrs. FEINSTEIN. Mr. President, I rise today to honor the Asian and Pacific Islander community in the United States and celebrate the tremendous contribution these Americans have made to our Nation.

There are an estimated 17.3 million residents of Asian descent in our country and 5.6 million Asian-Pacific Americans living in California. I am proud that our State has the largest Asian population in the country.

California also boasts the highest number of Asian-owned businesses at 508,969, and the U.S. Armed Forces has more than 265,000 Asian-American veterans.

In 1977, Senators DANIEL INOUYE and Spark Matsunaga of Hawaii introduced a resolution in the Senate and President Jimmy Carter signed a joint resolution officially establishing Asian-Pacific American Heritage Week to honor the first Japanese immigrants to the United States and the Chinese individuals who worked on the Transcontinental Railroad. In 1992, May was officially designated Asian-Pacific American Heritage Month.

This year's Asian-Pacific American Heritage Month theme, ''Striving for Excellence in Leadership, Diversity and Inclusion,'' is embodied in the accomplishments of numerous Asian-Pacific Americans.

In Congress, my colleagues, Senators DANIEL INOUYE and DANIEL AKAKA, are joined by California Representatives JUDY CHU, MIKE HONDA, and DORIS MATSUI as examples of good public servants.

A number of California cities are led by Asian-Pacific Americans, including: Mayor Ling-Ling Chang of Diamond Bar, Mayor Edwin Lee of my hometown of San Francisco, Mayor Jean Quan of Oakland, Mayor Richard Sun of San Marino, Mayor Jeremy Yamaguchi of Placentia, and Mayor Vincent Yu of Temple City.

Additionally, it is appropriate to acknowledge the outstanding contributions of Asian-Pacific Americans who sit on the bench in California.

Judge Edward M. Chen just finished his first year as a U.S. district court judge in San Francisco.

Associate Justice Goodwin Liu was recently appointed to the Supreme Court of California.

Judge Jacqueline H. Nguyen has served with distinction as the first Vietnamese-American Federal judge since 2009, and was nominated to the Ninth Circuit Court of Appeals in 2011. She has won confirmation to the Ninth Circuit, which makes her the first Asian-American female Federal appellate judge in the Nation.

Public service is by no means the only area in which Asian-Pacific Americans have made great strides forward.

National Basketball Association phenomenon Jeremy Lin, a California native, has provided inspiration well beyond the Asian-Pacific American community. From young children to adults, the Harvard-educated athlete has proven to millions that no dream is too big to achieve.

Asian-Pacific American Heritage Month is particularly relevant in 2012, as we recognize the 70th anniversary of the Japanese-American relocation during World War II, under Executive Order 9066.

I remember this shameful page in our history. As a young girl, my father took me to the Tanforan Racetrack, near San Francisco, which was a staging point for Japanese Americans en route to more permanent detention centers. Seeing the barbed wire, and the men, women, and children housed in horse stables and small buildings on the infield of the racetrack was an experience I will never forget.

It is important that our Nation acknowledge mistakes, no matter how far in the past. I am proud to have cosponsored and voted in support of a resolution expressing congressional regret for decades of legislation targeting Chinese people for physical and political exclusion, as well as reaffirming the commitment of the Senate to preserve civil rights and constitutional protection of all Asian-Pacific Americans.

The future of the Asian-Pacific American community is bright, and I have no doubt it will see many triumphs in the years ahead. Today, it is my honor to recognize the ongoing determination, ambition, and success of Asian-Pacific Americans during Asian-Pacific American Heritage Month.

TAIWAN'S PRESIDENTIAL INAUGURATION

Mr. WYDEN. Mr. President, on May 20 the world will see an encouraging sight. On that day, President Ma Ying-jeou of the Republic of China will be sworn in for a second term on the island of Taiwan. I was so pleased to see yet another free, fair, democratic election take place on January 14. I want to take a moment to wish President Ma and the people of Taiwan success and prosperity as their young democracy continues to flourish and serve as an example for other countries in the region.

The difference in governance can be striking when Taiwan is compared to some of its neighbors in the region. Taiwan's experiment with democracy is less than two decades old, but it has demonstrated spectacular progress, holding direct democratic elections in every Presidential election since 1996. The people of Taiwan vigorously exercise their right to vote—three out of every four Taiwanese citizens voted in the January elections—and they feel empowered to petition their government, voice their grievances, peacefully assemble, and, in general, enjoy many of the political freedoms that Americans hold dear.

Taiwan is an important economic partner of the United States and is a robust and growing market for American exports. Just last month, as chair of the Senate Finance Subcommittee on International Trade, I held a hearing on agricultural export opportunities to Asia. As Asia continues to experience impressive economic growth, it is important to remember that Taiwan is the sixth largest destination for American agricultural exports. More can be done to improve bilateral trade between our two countries though, and I hope President Ma and his colleagues in the Legislative Yuan will move quickly to resolve the outstanding issues surrounding American beef imports.

President Ma made good progress in his first 4 years in improving cross-strait relations and has worked hard to promote peace and prosperity in the region. I commend both sides' work in developing and signing the Economic Cooperation Framework Agreement between the People's Republic of China and the Republic of China. I am confident that President Ma will continue to work to ensure cross-strait stability and cultivate an environment free from intimidation.

The people of Taiwan have much to be proud of as they celebrate the inauguration of President Ma. The relationship between the people of the United States and the people of Taiwan is based on shared values and common interests. I look forward to seeing Taiwan grow and prosper, and want the Taiwanese people to know that they have an unshakeable ally in the United States as they continue forward as a young democracy.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. MARTHA SMITH

● Mr. CARDIN. Mr. President, today I wish to recognize the accomplishments of Martha Smith, Ph.D., who is retiring as president of Anne Arundel Community College, AACC, in Anne Arundel County, MD. For 18 years, Dr. Smith has been the visionary and driving force behind many of the accomplishments of AACC. Her tireless dedication and unwavering enthusiasm have been instrumental in bringing extraordinary educational opportunities to the students of AACC. Under her leadership, AACC has grown to meet the needs of students and employers in Anne Arundel County and throughout the State of Maryland. The college has focused on high-growth industries and opportunities presented by the base realignment and closure, BRAC, process. As a result, its enrollment has increased from 40,000 to 53,000 students and the number of degree and certificate programs has nearly doubled. The campus locations have grown to include Glen Burnie and Arundel Mills, as well as nine new buildings.

Dr. Smith has led AACC's growth and success by keeping her finger on the pulse of workforce trends, student goals, and employer needs. This year, she announced nine new associate's degree programs in fields such as juvenile justice and early childhood education. Under her leadership, AACC opened the Centers for Cyber and Professional Training and Applied Learning and Technology and introduced a new degree in information systems security, evincing the increased demand for highly trained cyber security professionals. In response to the growing needs of Maryland's health care and tourism industries, Dr. Smith has overseen the expansion of the physician assistant certificate program and she cut the ribbon on AACC's new Hospitality, Culinary Arts and Tourism Institute.

Dr. Smith's considerable expertise and leadership in the areas of workforce development and education has enabled her to serve in many leadership roles with local, State, and national organizations. As a passionate advocate for high-quality, affordable education for all students who want to pursue higher education, her role on national community college and workforce investment boards has been instrumental in building partnerships and making changes that have strengthened the community college system and enabled more students to be successful. During Dr. Smith's tenure, AACC has garnered numerous awards and honors, including Community College of the Year from the National Alliance for Business.

I ask my colleagues to join me in congratulating Dr. Smith on her 18 years of accomplishments as president of Anne Arundel Community College, in thanking her for her inspired leadership and public service, and in wishing her well in her retirement.●

RECOGNIZING SACO & BIDDEFORD SAVINGS INSTITUTION

● Ms. SNOWE. Mr. President, it is my privilege and honor to recognize and commend Saco & Biddeford Savings Institution, the oldest bank in Maine, which this month celebrates its milestone 185th anniversary.

Saco & Biddeford Savings Institution, located in Saco, ME, opened its doors on May 23, 1827. It is hard to believe, but at that time—7 years after Maine was granted Statehood—relatively few banks existed in the United States and none in Maine. However, in February of 1827, 48 citizens of Saco changed this path by appealing to the State legislature for a banking charter. Since that time, this community bank has taken remarkable strides and made breakthrough achievements, including opening the first branch of any bank in Maine. Further, in 1922, it began encouraging Maine's youth to save and learn the value of fiscal responsibility when it started the first school savings program in the State's history.

Whether a customer is interested in personal banking, obtaining a mortgage, or even starting or investing in a small business, Saco and Biddeford Savings offers a broad array of services and products. Today, this bank has expanded beyond Saco and includes locations in Biddeford, Old Orchard Beach, Scarborough, South Portland, and Westbrook. As the eleventh largest Maine-based community bank for total assets, it continues to grow, recently announcing total assets of over $759 million. Notably, Saco & Biddeford Savings continues to be a leader in the community, employing 165 individuals, and was named by Best Companies Group in 2011 as one of the ''Best Places to Work in Maine.''

As is evidenced by their remarkable success for nearly two centuries, this financial institution is highly regarded for its impeccable customer service and outstanding charitable contributions. In 2011 alone, Saco & Biddeford Savings donated nearly $350,000 to local charities. Already, in 2012, this community bank has donated to 14 local food pantries and meal programs and assisted with the Project Heat Telethon which ultimately raised $223,550 to assist Maine families with fuel costs. Saco & Biddeford Savings' generosity to the community demonstrates why Southern Maine has embraced this organization for 185 years.

Throughout our Nation's great history, we have experienced tremendous highs and lows, particularly in our financial sector. While this has presented unique challenges to banking establishments, Saco & Biddeford Savings Institution's ability to thrive and prosper for 185 years is a monumental achievement. I am proud to extend my congratulations to everyone at Saco & Biddeford Savings Institution on their 185th anniversary. I offer my best wishes for their continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 298. An act to designate the facility of the United States Postal Service located at 500 East Whitestone Boulevard in Cedar Park, Texas, as the ''Army Specialist Matthew Troy Morris Post Office Building''.

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

H.R. 2079. An act to designate the facility of the United States Postal Service located at 10 Main Street in East Rockaway, New York, as the ''John J. Cook Post Office''.

H.R. 2213. An act to designate the facility of the United States Postal Service located at 801 West Eastport Street in Luka, Mississippi, as the ''Sergeant Jason W. Vaughn Post Office''.

H.R. 2244. An act to designate the facility of the United States Postal Service located at 67 Castle Street in Geneva, New York, as the ''Corporal Steven Blaine Riccione Post Office''.

H.R. 2660. An act to designate the facility of the United States Postal Service located at 122 North Holderrieth Boulevard in Tomball, Texas, as the ''Tomball Veterans Post Office''.

H.R. 2767. An act to designate the facility of the United States Postal Service located at 8 West Silver Street in Westfield, Massachusetts, as the ''William T. Trant Post Office Building''.

H.R. 3004. An act to designate the facility of the United States Postal Service located at 260 California Drive in Yountville, California, as the ''Private First Class Alejandro R. Ruiz Post Office Building''.

H.R. 3246. An act to designate the facility of the United States Postal Service located

at 15455 Manchester Road in Ballwin, Missouri, as the ''Specialist Peter J. Navarro Post Office Building''.

H.R. 3247. An act to designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the ''Lance Corporal Matthew P. Pathenos Post Office Building''.

H.R. 3248. An act to designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the ''Lance Corporal Drew W. Weaver Post Office Building''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 2:15 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. 4097. An act to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 1302. An act to authorize the Administrator of General Services to convey a parcel of real property in Tracy, California, to the City of Tracy.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 105. Concurrent resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

H. Con. Res. 106. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 117. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

H. Con. Res. 118. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run.

MEASURES DISCHARGED

The following concurrent resolution was discharged from the Committee on the Budget pursuant to Section 300 of the Congressional Budget Act, and placed on the calendar:

S. Con. Res. 44. 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.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

H.R. 2050. An act to authorize the continued use of certain water diversions located on National Forest System land in the Frank Church-River of No Return Wilderness and the Selway-Bitterroot Wilderness in the State of Idaho, and for other purposes.

H.R. 2240. An act to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

H.R. 4628. An act to extend student loan interest rates for undergraduate Federal Direct Stafford Loans.

H.R. 4849. An act to direct the Secretary of the Interior to issue commercial use authorizations to commercial stock operators for operations in designated wilderness within the Sequoia and Kings Canyon National Parks, and for other purposes.

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–5959. A communication from the Deputy Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Specification for 15kV and 25kV Primary Underground Power Cable'' (7 CFR Part 1728) received in the Office of the President of the Senate on April 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5960. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Cocoa Beach, FL'' ((RIN2120–AA66) (Docket No. FAA–2012–0099)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5961. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Columbia, SC'' ((RIN2120–AA66) (Docket No. FAA–2011–1196)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5962. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Area Navigation (RNAV) Routes; Seattle, WA'' ((RIN2120–AA66) (Docket No. FAA–2011–1358)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5963. A communication from the Attorney Advisor, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Value Engineering'' (RIN2125–AF40) received in the Office of the President of the Senate on April 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5964. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to certifications granted in relation to the incidental capture of sea turtles in commercial shrimping operations; to the Committee on Commerce, Science, and Transportation.

EC–5965. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, the Commission's 2011 Annual Report to the President and Congress; to the Committee on Commerce, Science, and Transportation.

EC–5966. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Agency Rules of Practice'' (RIN2126–AB38) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5967. 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; General Electric Company (GE) Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2006–25738)) received in the Office of the President of the Senate on April 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5968. 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; Mooney Aviation Company, Inc. (Mooney) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0275)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5969. 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; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0272)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5970. 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; Rolls-Royce Deutschland Ltd and Co KG Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2012–0288)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5971. 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; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0273)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5972. 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; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1225)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5973. 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; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1224)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5974. 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; Agusta S.p.A. Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2012–0355)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5975. 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; DG Flugzeugbau GmbH Sailplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1342)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5976. 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; Pratt and Whitney Division Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1194)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5977. 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; Pratt and Whitney (PW) Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2011–1176)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5978. 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; Bombardier, Inc. Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1090)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5979. 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; Cessna Aircraft Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1414)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5980. 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; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2007–27223)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5981. 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; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–1324)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5982. 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; Cessna Aircraft Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0913)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5983. 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; Sikorsky Aircraft Corporation Helicopters'' ((RIN2120–AA64) (Docket No. FAA–2011–1113)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5984. 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; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0025)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5985. 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; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2007–0109)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5986. 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; Bombardier, Inc. Model BD–100–1A10 (Challenger 300) Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1064)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5987. 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; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2009–0908)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5988. 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; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–1060)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5989. 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; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2010–0858)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5990. 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; Lockheed Martin Corporation/Lockheed Martin Aeronautics Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0723)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5991. 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; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0296)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5992. 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; Airbus Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2012–0331)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5993. 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; The Boeing Company Airplanes'' ((RIN2120–AA64) (Docket No. FAA–2011–0303)) received during adjournment of the Senate in the Office of the President of the Senate on April 30, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5994. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Railroad Workplace Safety; Adjacent-Track On-Track Safety for Roadway Workers'' (RIN2130–AB96) received in the Office of the President of the Senate on April 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC–5995. A communication from the Principal Deputy General Counsel, Office of the General Counsel, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Standards of Ethical Conduct for Employees of the Bureau of Consumer Financial Protection'' ((RIN3209–AA15) (Docket No. CFPB–2012–0016)) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5996. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Further Definition of 'Swap Dealer,' 'Security-Based Swap Dealer,' 'Major Swap Participant,' 'Major Security-Based Swap Participant' and 'Eligible Contract Participant''' (RIN3235–AK65) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC–5997. A communication from the Deputy Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Pennsylvania Regulatory Program'' (Docket No. PA–155–FOR) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2012; to the

Committee on Energy and Natural Resources.

EC–5998. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Iowa Regulatory Program'' (Docket No. IA–016–FOR) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2012; to the Committee on Energy and Natural Resources.

EC–5999. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oklahoma Regulatory Program'' (Docket No. OK–033–FOR) received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2012; to the Committee on Energy and Natural Resources.

EC–6000. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the authorization of the Minnesota River, Marsh Lake Ecosystem Restoration project; to the Committee on Environment and Public Works.

EC–6001. A communication from the Senior Counsel for Regulatory Affairs, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Application, Review, and Reporting Process for Waivers for State Innovation'' (RIN1505–AC30) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Finance.

EC–6002. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 ''Joint Communique'' and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 ''Joint Statement''; to the Committee on Foreign Relations.

EC–6003. A communication from the Acting Executive Secretary, U.S. Agency for International Development (USAID), a report relative to a vacancy in the position of Assistant Administrator, Bureau for Africa, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on April 27, 2012; to the Committee on Foreign Relations.

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–87. A resolution adopted by the House of Representatives of the State of Michigan urging Congress to reconsider the recommendations of the 2012 United States Air Force Structure Change Report and to deliver no fewer than four C–27J aircraft to the 110th Airlift Wing of the Air National Guard as previously committed; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 215

Whereas, The Michigan Air National Guard, being the air force militia of the state, has a long and proud history with the state of Michigan and the city of Battle Creek; and

Whereas, The Battle Creek Air National Guard Base is currently home to the 110th Airlift Wing of the Air National Guard, which currently hosts a flying mission of C–21 passenger aircraft, and the 110th Air Operations Group, which provides critical support to the 17th Air Force, or United States Air Forces Africa; and

Whereas, The units of the 110th Airlift Wing of the Air National Guard have had a history in Battle Creek, Michigan, since 1947; and

Whereas, The 110th Airlift Wing is a tremendous source of civic pride in the greater Battle Creek area, as it has been one of the most decorated Air National Guard units in the nation, receiving the Air Force Outstanding Unit Award in 1992, 1998, 2000, 2004, and 2011, an honor bestowed on fewer than 10 percent of Air Force units annually; and

Whereas, The citizens of Battle Creek have, over the years, committed unmatched support for the Air National Guard in Battle Creek, including in 1984 by a 4 to 1 majority when voters pledged to extend the runway from 7,003 to 10,003 feet to meet the needs of the Air National Guard, in 2006 when the city's economic development authority purchased 74 acres of residentially zoned, vacant property to preclude encroachment, and when Battle Creek proactively contributed resources and sought matching funds for the construction of a new air traffic control tower to address line of sight issues and construct a parallel runway to enhance safety; and

Whereas, The defense industry, including the Battle Creek Air National Guard Base, the Hart-Dole-Inouye Federal Center, and the Fort Custer Army National Guard Base, is integral to the local community, and its components are vital, both as symbols of civic pride and as cornerstones of the local economy; and

Whereas, The defense industry is vital to the economy of the city of Battle Creek, with approximately 3,000 local jobs tied to defense; and

Whereas, The Battle Creek Air National Guard Base contributes $22.2 million in total wages and salaries and a total of $26 million in gross regional product to Calhoun County; and

Whereas. More than $22 million in taxpayer funding has been invested in the Battle Creek Air National Guard Base from 2001 to 2011, $16.7 million of which represents the federal share and $5.2 million of which was invested by the state of Michigan. The 110th Airlift Wing has been the recipient of $477 million in operational funding from 2001 to 2011, including military construction, personnel, and operations and maintenance; and

Whereas, The existing infrastructure and trained personnel at the Battle Creek Air National Guard base are ideally suited to support the C–27J, and the Battle Creek Air National Guard base is second to no other location in the nation for C–27J mission support; and

Whereas, C–27J aircraft based in Southwest Michigan, due to its central location, will provide superior response capabilities in FEMA Region 5 and the region served by the 51st Civil Support Team; and

Whereas, Locating an MQ–1/9 RSO element at the Battle Creek Air National Guard Base instead of the previously committed C–27J aircraft would result in a loss of approximately 70 jobs with the 110th Airlift Wing; and

Whereas, Delivering neither the four C–27J aircraft or an MQ–I/9 RSO element to the Battle Creek Air National Guard Base would result in significant harm to the economy of the city of Battle Creek, as well as jeopardizing the significant investments made by die citizens of Michigan and the United States by making the Battle Creek Air National Guard Base vulnerable to future Base Closure and Realignment Commission (BRAC) recommendations; and

Whereas, The Battle Creek Air National Guard Base has already been targeted for closure by the BRAC Commission. In 2005, as a result of recommendations by the BRAC Commission, the Battle Creek Air National Guard Base lost 161 jobs and a squadron of A–10 Thunderbolt II aircraft was reassigned to Selfridge Air National Guard Base. The BRAC Commission also considered the closure of the Hart-Dole-Inouye Federal Center in Battle Creek, which houses integral elements of the Defense Logistics Agency of the United States Department of Defense; and

Whereas, The loss of employment positions with the 110th Airlift Wing at the Battle Creek Air National Guard Base would have a significant impact on the local economy; and

Whereas, Any negative impacts on the Battle Creek Air National Guard Base would also have other serious consequences, including potential ramifications for other organizations that utilize W.K. Kellogg Airport, including the Western Michigan University College of Aviation; and

Whereas, The Michigan House of Representatives has already urged the United States Department of Defense to deliver no fewer than four C–27J aircraft to the 110th Airlift Wing of the Air National Guard in Battle Creek; and

Whereas, Any negative impact on the 110th Airlift Wing of the Air National Guard at the Battle Creek Air National Guard Base will have immeasurable consequences for the city of Battle Creek and the state of Michigan, both in terms of economic ramifications, as well as in terms of community pride and disaster readiness: Now, therefore, be it

Resolved by the House of Representatives, That we urge the Congress of the United States to reconsider the recommendations of the 2012 United States Air Force Structure Change Report and to deliver no fewer than four C–27J aircraft to the 110th Airlift Wing of the Air National Guard as previously committed or, in the event that such aircraft are not currently available, to deliver an MQ–1/9 RSO element to the Battle Creek Air National Guard Base until such time as no fewer than four C–27J aircraft become available, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, United States Secretary of Defense, 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–88. A memorial adopted by the Legislature of the State of Florida urging Congress to repeal the Sarbanes-Oxley Act of 2002; to the Committee on Banking, Housing, and Urban Affairs.

SENATE MEMORIAL NO. 1822

Whereas, the Sarbanes-Oxley Act was enacted on July 30, 2002, in Pub. L. No. 107–204, and

Whereas, the stated purpose of the act is ''to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws . . . ,'' and

Whereas, this federal legislation was passed with the best of corrective intentions after the discovery of corporate fraud and accounting scandals that cost investors and retirees billions of dollars, and

Whereas, the Sarbanes-Oxley Act, in spite of the good intentions that motivated its passage, has created an extremely complex maze of federal regulations that are costly and damaging to public companies and diminish the companies' ability to compete against foreign financial entities that are not subject to its regulations, and

Whereas, the costs that businesses must bear to comply with the extensive provisions of the Sarbanes-Oxley Act are unnecessary and crippling, disproportionately affecting smaller businesses, and

Whereas, financial market scholars have observed that the Sarbanes-Oxley Act has produced the unfortunate consequence of discouraging American businesses from listing with New York stock exchanges and listing instead in England where the markets and stock exchanges are less heavily regulated, and

Whereas, the Sarbanes-Oxley Act is a very costly example of Federal Government intrusion that imposes unnecessary regulatory costs on American businesses and interferes with basic free market principles, and

Whereas, instead of preventing fraud and ensuring transparency, the extensive regulations created by the Sarbanes-Oxley Act have thwarted the creation of new public companies, driven business away from domestic stock markets, and cost the industrial sector billions of dollars: Now therefore, be it

Resolved, by the Legislature of the State of Florida, That the Congress of the United States is urged to repeal the Sarbanes-Oxley Act of 2002 to remove the damaging obstacles that the act has created for American public companies and replace it with reasonable non-intrusive measures to protect investors; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–89. A memorial adopted by the Legislature of the State of Florida urging Congress to pass H.R. 2918, the Taiwan Policy Act of 2011; to the Committee on Foreign Relations.

SENATE MEMORIAL NO. 1486

Whereas, H.R. 2918, the Taiwan Policy Act of 2011, was introduced on September 14, 2011, and is currently pending before the 112th Congress, and

Whereas, H.R. 2918 seeks to encourage and strengthen the commercial, cultural, and other interests between the people of the United States and Taiwan, as set forth in the Taiwan Relations Act which was enacted in 1979 (Public Law 96–8; 22 U.S.C. ss. 3301 et seq.) and which has served for 33 years as the foundation of United States-Taiwan relations, and

Whereas, we are reminded that the Taiwan Relations Act has functioned to ensure peace and stability in the Western Pacific and that it continues to be a priority of the United States to maintain that international stability, and

Whereas, this nation must be vigilant to encourage the secure future of Taiwan and must do all that is within our ability to encourage the military self-defense capabilities of Taiwan, and

Whereas, economically, Taiwan is the ninth largest trading partner with the United States and that trade translated into approximately $57 billion in 2010, and

Whereas, both nations realize that it is in the best economic interests of the United States and in the national security interests of Taiwan that these two nations continue to cultivate the intricate ties between them: Now therefore, be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is urged to pass H.R. 2918, the ''Taiwan Policy Act of 2011,'' in recognition that the passage of the act is a necessary step toward nurturing and maintaining the diverse interests that bind the people of the United States and the people of Taiwan; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. COONS:

S. 2839. A bill to extend the temporary suspension of duty on 2-amino-4-methoxy-6-methyl-1,3,5-triazine; to the Committee on Finance.

By Mr. COONS:

S. 2840. A bill to extend the temporary suspension of duty on 2-methyl-4-methoxy-6-methylamino-1,3,5-triazine; to the Committee on Finance.

By Mr. SCHUMER:

S. 2841. A bill to suspend temporarily the duty on certain PCBTF with antioxidant; to the Committee on Finance.

By Mr. SCHUMER:

S. 2842. A bill to suspend temporarily the duty on certain PCBTF with acid acceptor; to the Committee on Finance.

By Mr. SCHUMER:

S. 2843. A bill to suspend temporarily the duty on certain PCBTF; to the Committee on Finance.

By Mr. SCHUMER:

S. 2844. A bill to suspend temporarily the duty on certain PCBTF with corrosion inhibitor; to the Committee on Finance.

By Mr. SCHUMER:

S. 2845. A bill to suspend temporarily the duty on metal screw type bases designed for high intensity discharge (HID) lamps; to the Committee on Finance.

By Mr. SCHUMER:

S. 2846. A bill to suspend temporarily the duty on preformed iodide pellets or powder composed of iodides of dysprosium, thallium sodium, holmium, thulium and calcium; to the Committee on Finance.

By Mr. SCHUMER:

S. 2847. A bill to suspend temporarily the duty on polycrystalline alumina tubes and shaped bodies designed for high intensity discharge (HID) lamps; to the Committee on Finance.

By Mr. SCHUMER:

S. 2848. A bill to suspend temporarily the duty on cermets for ceramic discharge lamps; to the Committee on Finance.

By Mr. SCHUMER:

S. 2849. A bill to suspend temporarily the duty on frit rings composed of dysprosium oxide, dysprosium monosilicate, and mullite; to the Committee on Finance.

By Mr. SCHUMER:

S. 2850. A bill to suspend temporarily the duty on ceramic bases designed for high intensity discharge (HID) lamps, with metal locking pins to allow passage of an electrical current; to the Committee on Finance.

By Mr. SCHUMER:

S. 2851. A bill to suspend temporarily the duty on polycrystalline alumina discharge tubes prefilled with metal halide salts and designated for high intensity discharge (HID) lamps; to the Committee on Finance.

By Mr. SCHUMER:

S. 2852. A bill to suspend temporarily the duty on certain PCBTF with antistatic; to the Committee on Finance.

By Mr. PRYOR:

S. 2853. A bill to extend the temporary suspension of duty on Ipconazole; to the Committee on Finance.

By Mr. PRYOR:

S. 2854. A bill to extend the temporary suspension of duty on triacetonamine; to the Committee on Finance.

By Mr. PRYOR:

S. 2855. A bill to extend the temporary suspension of duty on Bifenazate; to the Committee on Finance.

By Mr. PRYOR:

S. 2856. A bill to extend the temporary suspension of duty on Butralin; to the Committee on Finance.

By Mr. PRYOR:

S. 2857. A bill to extend the temporary suspension of duty on Paraquat dichloride (1,1′-dimethyl-4,4′-bipyridinium dichloride); to the Committee on Finance.

By Mr. PRYOR:

S. 2858. A bill to suspend temporarily the duty on paraquat dichloride and inerts; to the Committee on Finance.

By Mr. PRYOR:

S. 2859. A bill to extend the temporary suspension of duty on Pentaerythritol tetrakis[3-(dodecylthio)propionate] (CAS No. 29598–76–3); to the Committee on Finance.

By Mr. PRYOR:

S. 2860. A bill to suspend temporarily the duty on 4,4′-methylene bis(2-chloroaniline); to the Committee on Finance.

By Mr. PRYOR:

S. 2861. A bill to suspend temporarily the duty on 2,2′-(2-methylpropylidene) bis(4,6-dimethylphenol); to the Committee on Finance.

By Mr. PRYOR:

S. 2862. A bill to suspend temporarily the duty on Daminozide; to the Committee on Finance.

By Mr. PRYOR:

S. 2863. A bill to suspend temporarily the duty on 4,4′-butylidenebis[3-methyl 6 tert butylphenol]; to the Committee on Finance.

By Mr. PRYOR:

S. 2864. A bill to suspend temporarily the duty on 2,2′-methylenebis[4 methyl 6 tert butylphenol]; to the Committee on Finance.

By Mr. PRYOR:

S. 2865. A bill to suspend temporarily the duty on bis(2,3-dibromopropyl ether) of Tetrabromobisphenol A; to the Committee on Finance.

By Mr. PRYOR:

S. 2866. A bill to suspend temporarily the duty on 4,4′-thiobis[2-(1,1-di-methylethyl)-5-methyl-phenol]; to the Committee on Finance.

By Mr. PRYOR:

S. 2867. A bill to suspend temporarily the duty on 2,5-bis(1,1-dimethylpropyl)-1,4-benzenediol; to the Committee on Finance.

By Mr. PRYOR:

S. 2868. A bill to extend the temporary suspension of duty on Phosphoric acid, tris(2-ethylhexyl) ester; to the Committee on Finance.

By Mr. PRYOR:

S. 2869. A bill to extend the temporary suspension of duty on N,NN-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenylpropionamide)) (CAS No. 23128–74–7); to the Committee on Finance.

By Mr. PRYOR:

S. 2870. A bill to extend the temporary suspension of duty on 2-(4-Tert-butylphenoxy)cyclohexylprop-2-ynyl sulfite (Propargite) (CAS No. 2312–35–8); to the Committee on Finance.

By Mr. PRYOR:

S. 2871. A bill to extend the temporary suspension of duty on etridiazole; to the Committee on Finance.

By Mr. BAUCUS:

S. 2872. A bill to sextend the temporary reduction of duty on certain golf bag bodies; to the Committee on Finance.

By Mr. BAUCUS:

S. 2873. A bill to suspend temporarily the duty on 3-trifluoromethyl-4-nitrophenol; to the Committee on Finance.

By Mr. BAUCUS:

S. 2874. A bill to suspend temporarily the duty on fabrics of man-made fibers consisting of one or two layers of expanded poly-

tetrafluoroethylene sheeting layered between an outer knit fabric wholly of nylon and another outer woven fabric containing by weight 65 percent or more of micro fiber polyester; to the Committee on Finance.

By Mr. BAUCUS:

S. 2875. A bill to suspend temporarily the duty on diaper pads with an outer layer of water-resistant laminated knitted fabric of polyester and with other fabric layers of either blends of hemp and cotton or polyester microfleece; to the Committee on Finance.

By Mr. BAUCUS:

S. 2876. A bill to suspend temporarily the duty on diaper pads with an outer layer of water-resistant laminated knitted fabric of polyester and with a layer or layers of certified organic cotton; to the Committee on Finance.

By Mr. BAUCUS:

S. 2877. A bill to suspend temporarily the duty on diaper pads with an outer layer of water-resistant laminated knitted fabric of polyester with an inner layer or layers of certified organic cotton; to the Committee on Finance.

By Mr. BAUCUS:

S. 2878. A bill to suspend temporarily the duty on diaper shells each having a water-resistant outer layer of laminated knitted fabric of polyester and a lining of mesh fabric wholly of polyester; to the Committee on Finance.

By Mr. BAUCUS:

S. 2879. A bill to renew the temporary suspension of duty on vulcanized rubber felt-bottom boots for actual use in fishing waders; to the Committee on Finance.

By Mr. BAUCUS:

S. 2880. A bill to extend the temporary suspension of duty on vulcanized rubber lug bottom boots for actual use in fishing waders; to the Committee on Finance.

By Mr. BAUCUS:

S. 2881. A bill to suspend temporarily the duty on certain glass snow globes; to the Committee on Finance.

By Mr. BAUCUS:

S. 2882. A bill to suspend temporarily the duty on certain acrylic snow globes; to the Committee on Finance.

By Mr. BAUCUS:

S. 2883. A bill to renew the temporary suspsension of duty on certain footwear consisting of an outer sole affixed to an incomplete or unfinished upper; to the Committee on Finance.

By Ms. STABENOW (for herself, Mr. WHITEHOUSE, and Mr. BROWN of Ohio):

S. 2884. A bill to provide an incentive for businesses to bring jobs back to America; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mrs. HUTCHISON, Mr. CORNYN, Mr. PRYOR, and Mr. BOOZMAN):

S. 2885. A bill to amend title 10, United States Code, to provide for the award of the Purple Heart to members of the Armed Forces who are killed or wounded in a terrorist attack perpetrated within the United States; to the Committee on Armed Services.

By Mr. MENENDEZ:

S. 2886. A bill to suspend temporarily the duty on 3-amino-1,2-propanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2887. A bill to reduce temporarily the duty on Trilon MGDA; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2888. A bill to reduce temporarily the duty on Tinopal; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2889. A bill to extend the temporary suspension of duty on capers, prepared or preserved by vinegar or acetic acid, in containers holding 3.4 kg or less; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2890. A bill to extend the temporary suspension of duty on pepperoncini, prepared or preserved otherwise than by vinegar or acetic acid, not frozen; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2891. A bill to extend temporary reduction of duty on pepperoncini, prepared or preserved by vinegar; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2892. A bill to extend the temporary suspension of duty on capers, prepared or preserved by vinegar or acetic acid, in immediate containers holding more than 3.4 kg; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2893. A bill to provide for the reliquidation of certain entries of top-of-the-stove stainless steel cooking ware from the Republic of Korea between January 1, 1999 and January 22, 2003, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2894. A bill to suspend temporarily the duty on butane, 1-chloro; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2895. A bill to suspend temporarily the duty on 1,3,5-triazine, 2,4,6-tris(2-propenyloxyl)-; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2896. A bill to suspend temporarily the duty on hexane, 1,6-dichloro-; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2897. A bill to provide for the reliquidation of certain entries of orange juice from Brazil, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2898. A bill to suspend temporarily the duty on cyasorb 2908; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2899. A bill to suspend temporarily the duty on HAS; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2900. A bill to suspend temporarily the duty on bis-phenol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2901. A bill to suspend temporarily the duty on cyasorb 3346; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2902. A bill to suspend temporarily the duty on cyasorb 1164; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2903. A bill to suspend temporarily the duty on 2-ethylhexyl salicylate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2904. A bill to extend the temporary suspension of duty on 2-phenylbenzimidazole-5-sulfonic acid; to the Committee on Finance.

By Mr. CONRAD:

S. 2905. A bill to reduce temporarily the duty on mixtures of Paraquat technical and Emetic PP796; to the Committee on Finance.

By Mr. CONRAD:

S. 2906. A bill to extend and modify the temporary suspension of duty on Propiconazole; to the Committee on Finance.

By Mr. CONRAD:

S. 2907. A bill to extend and modify the temporary suspension of duty on difenoconazole; to the Committee on Finance.

By Mr. CONRAD:

S. 2908. A bill to extend the temporary suspension of duty on cyprodinil; to the Committee on Finance.

By Mr. MERKLEY:

S. 2909. A bill to require closing costs to be paid by the enterprises with respect to certain refinanced mortgage loans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN:

S. 2910. A bill to suspend temporarily the duty on certain fuel injection pumps; to the Committee on Finance.

By Mr. LEVIN:

S. 2911. A bill to suspend temporarily the duty on certain pistons for marine propulsion engines; to the Committee on Finance.

By Mr. LEVIN:

S. 2912. A bill to suspend temporarily the duty on certain fuel injectors; to the Committee on Finance.

By Mr. LEVIN:

S. 2913. A bill to suspend temporarily the duty on certain plain shaft sputter bearings; to the Committee on Finance.

By Mr. LEVIN:

S. 2914. A bill to suspend temporarily the duty on certain forged steel crankshafts; to the Committee on Finance.

By Mr. LEVIN:

S. 2915. A bill to suspend temporarily the duty on certain cast-iron engine crankcases for marine propulsion engines; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2916. A bill to extend the temporary suspension of duty on methyl salicylate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2917. A bill to extend the temporary suspension of duty on Propiconazole; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2918. A bill to extend the temporary suspension of duty on mixtures of Imazalil and application adjuvants; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2919. A bill to renew the temporary suspension of duty on 2-(2'-hydroxy-5'-methacrylyloxyethylphenyl)-2 Hbenzotriazole; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2920. A bill to renew the temporary suspension of duty on Tralopyril; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2921. A bill to suspend temporarily the duty on Canagliflozin; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2922. A bill to suspend temporarily the duty on Imazalil in bulk active form as the active ingredient in fungicides for citrus fruit; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2923. A bill to suspend temporarily the duty on mixtures of Propiconazole and 3-iodo-propynol butylcarbamate and application adjuvants; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2924. A bill to renew the temporary suspension of duty on Pyrimethanil; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2925. A bill to suspend temporarily the duty on polymer, caprolactone-diethylene glycol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2926. A bill to suspend temporarily the duty on carbonic acid, dimethyl ester, polymer with 1,6-hexanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2927. A bill to extend the temporary suspension of duty on E-caprolactoneneopentylglycol copolymer; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2928. A bill to suspend temporarily the duty on helvetolide; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2929. A bill to suspend temporarily the duty on hirvenal; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2930. A bill to extend the temporary suspension of duty on dodecahydro-3a,6,6,9atetramethylnaphtho(2,1-b)furan; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2931. A bill to suspend temporarily the duty on damascenone; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2932. A bill to suspend temporarily the duty on Muscenone Delta; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2933. A bill to suspend temporarily the duty on N510; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2934. A bill to renew the temporary suspension of duty on certain viscose rayon yarn; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2935. A bill to renew the temporary suspension of duty on certain twisted yarn of viscose rayon; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2936. A bill to provide for the reliquidation of certain entries of industrial nitrocellulose from the United Kingdom; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2937. A bill to suspend temporarily the rate of duty on extract of licorice; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2938. A bill to suspend temporarily the rate of duty on certain licorice extract derivatives; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2939. A bill to extend the temporary suspension of duty on e-caprolactone-2-ethyl-2-(hydroxymethyl)-1,3-propanediol polymer; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2940. A bill to suspend temporarily the duty on poly(2,2'-bis(4-cyanatophenyl)propane); to the Committee on Finance.

By Mr. MENENDEZ:
S. 2941. A bill to suspend temporarily the duty on neon, compressed; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2942. A bill to extend the temporary suspension of duty on cerium sulfide pigments; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2943. A bill to extend the temporary suspension of duty on lutetium oxide; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2944. A bill to extend the temporary suspension of duty on mixtures of coprecipitates of yttrium phosphate and cerium phosphate; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2945. A bill to extend the temporary suspension of duty on mixtures of coprecipitates of yttrium oxide and europium oxide; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2946. A bill to provide for the reliquidation of certain entries of high-density, fiberboard-core laminate wall and floor panels, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2947. A bill to provide for the reliquidation of certain entries of polyester fleece sheet sets entered on or after January 29, 2009, and on or before October 27, 2009; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2948. A bill to extend the temporary reduction of duty on Aspirin; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2949. A bill to provide for the liquidation or reliquidation of certain entries of digital still image video cameras; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2950. A bill to extend the temporary suspension of duty on Methidathion; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2951. A bill to extend the temporary suspension of duty on Paclobutrazol; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2952. A bill to suspend temporarily the duty on certain power converter panels specifically designed for wind turbine generators; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2953. A bill to suspend temporarily the duty on certain bamboo kitchen devices; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2954. A bill to suspend temporarily the duty on certain bamboo baskets; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2955. A bill to extend the temporary suspension of duty on mixtures of cyhalothrin (cyclopropanecarboxylic acid, 3-(2-chloro-3,3,3-trifluoro-1-propenyl)-2,2-dimethyl-, cyano(3-phenoxyphenyl)methyl ester, [1a(S*), 3a(z)]-(+-)-); to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2956. A bill to suspend temporarily the duty on certain plastic children's wallets; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2957. A bill to suspend temporarily the duty on certain coupon holders; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2958. A bill to suspend temporarily the duty on certain electric wine bottle openers; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2959. A bill to suspend temporarily the duty on certain inflatable swimming pools; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2960. A bill to suspend temporarily the duty on Profenofos; to the Committee on Finance.

By Ms. KLOBUCHAR:
S. 2961. A bill to suspend temporarily the duty on certain switchgear assemblies and panel boards specifically designed for wind turbine generators; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2962. A bill to suspend temporarily the duty on Dragasantol; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2963. A bill to suspend temporarily the duty on Cyclogalbanat; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2964. A bill to suspend temporarily the duty on Citronitile; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2965. A bill to suspend temporarily the duty on Amberwood F; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2966. A bill to suspend temporarily the duty on Allyl Hetoate; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2967. A bill to extend the temporary suspension of duty on Frescolat MGA; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2968. A bill to extend the temporary suspension of duty on Frescolat ML; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2969. A bill to suspend temporarily the duty on Hydrolite 6; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2970. A bill to suspend temporarily the duty on Menthol-D; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2971. A bill to extend the temporary suspension of duty on neo heliopan hydro; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2972. A bill to extend the temporary suspension of duty on Allyl Cyclo Hexyl Propionate; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2973. A bill to suspend temporarily the duty on Allyl Caproate; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2974. A bill to suspend temporarily the duty on 3-Methylylbenzyl Chloride; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2975. A bill to extend the temporary suspension of duty on methyl cinnamate; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2976. A bill to suspend temporarily the duty on Ethyl Salicilate; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2977. A bill to extend the temporary suspension of duty on 1,1,2-2-tetrafluoroethene, oxidized, polymerized; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2978. A bill to extend the temporary suspension of duty on 9, 10-Anthracenedione, 2-(1,1-dimethylpropyl)- (CAS No. 32588–54–8) and 9,10-anthracenedione, 2-(1,2-dimethylpropyl)-; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2979. A bill to suspend temporarily the duty on 1,2-propanediol, 3-(diethylamino)-, polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, propylene glycol and reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene, 2-ethyl-1-hexanol-blocked, acetates (salts); to the Committee on Finance.

By Mr. MENENDEZ:
S. 2980. A bill to suspend temporarily the duty on 4,4' dichlorodiphenylsulfone; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2981. A bill to suspend temporarily the duty on diphosphoric acid, polymers with ethoxylated reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2982. A bill to suspend temporarily the duty on Neononyl Acetate; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2983. A bill to suspend temporarily the duty on Phenylethyl Isobutyrate; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2984. A bill to extend the temporary suspension of duty on trimethyl cyclo hexanol; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2985. A bill to extend the temporary suspension of duty on ethene, tetrafluoro, oxidized, polymerized reduced, methyl esters, reduced, ethoxylated; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2986. A bill to extend the temporary suspension of duty on certain magnesium peroxide; to the Committee on Finance.

By Mr. MENENDEZ:
S. 2987. A bill to suspend temporarily the duty on phosphonic acid, maleic anhydride

sodium salt complex; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2988. A bill to suspend temporarily the duty on tetrakis(hydroxymethyl) phosphonium sulfate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2989. A bill to extend the temporary suspension of duty on oxiranemethanol, polymers with reduced methyl esters of reduced polymerized oxidized tetrafluoroethylene; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2990. A bill to suspend temporarily the duty on mixtures of N-[2-(2-oxoimidazolidine-1-yl)ethyl]-2-methylacrylamide, methacrylic acid, aminoethyl ethylene urea and hydroquinone; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2991. A bill to extend the temporary suspension of duty on methoxycarbonyl-terminated perfluorinated polyoxymethylene-polyoxyethylene; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2992. A bill to extend the temporary suspension of duty on 1-propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized, reduced hydrolyzed; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2993. A bill to extend the temporary suspension of duty on 1-propene, 1,1,2,3,3,3-hexafluoro-, oxidized, polymerized; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2994. A bill to extend the temporary suspension of duty on diaminodecane; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2995. A bill to extend the temporary suspension of duty on PHBA; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2996. A bill to extend the temporary suspension of duty on thymol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2997. A bill to extend the temporary suspension of duty on majantol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2998. A bill to extend the temporary suspension of duty on hydrolite 5; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2999. A bill to extend the temporary suspension of duty on methyl salicylate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3000. A bill to extend the temporary suspension of duty on allyl isosulfocynate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3001. A bill to extend the temporary suspension of duty on Agrumex; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3002. A bill to extend the temporary suspension of duty on Anisic Aldehyde; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3003. A bill to extend the temporary suspension of duty on vinylidene chloride-methyl methacrylate-acrylonitrile copolymer; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3004. A bill to extend the temporary suspension of duty on propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-,methyl polymers with 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and reduced methyl esters of reduced polymerized, oxidized tetrafluoroethylene, compounds with trimethylamine; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3005. A bill to suspend temporarily the duty on ethene,1 chloro-1,2,2-trifluoro; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3006. A bill to suspend temporarily the duty on vinylidine fluoride-trifluoroethylene copolymer; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3007. A bill to suspend temporarily the duty on 1,1,2-2-tetrafluoroethylene, oxidized, polymerized, reduced; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3008. A bill to reduce temporarily the duty on product mixtures containing Clothianidin and Bacillus Firmus; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3009. A bill to extend the temporary suspension of duty on Mesosulfuron-methyl; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3010. A bill to extend the temporary suspension of duty on phosphoric acid, lanthanum salt, cerium terbium-doped; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3011. A bill to suspend temporarily the duty on dimethyl hydrogen phosphite; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3012. A bill to reduce temporarily the duty on product mixtures containing Fenoxaprop, Pyrasulfotole, Bromoxynil Octanoate, Bromoxynil Heptanoate, and Mefenpyr; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3013. A bill to suspend temporarily the duty on mixtures of phosphonium, tetrakis(hydroxymethyl)-, chloride, polymer with urea, phosphonium, tetrakis(hydroxymethyl)-, chloride, formaldehyde; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3014. A bill to extend the temporary suspension of duty on sodium hypophosphite monohydrate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3015. A bill to extend and modify the temporary suspension of duty on Clothianidin; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3016. A bill to extend and modify the temporary reduction of duty on Triadimefon; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3017. A bill to extend the temporary suspension of duty on Spiromesifen; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3018. A bill to extend the temporary suspension of duty on 2-chlorobenzyl chloride; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3019. A bill to suspend temporarily the duty on propoxycarbazone-sodium; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3020. A bill to extend the temporary suspension of duty on Permethrin; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3021. A bill to extend the temporary suspension of duty on 4-chlorobenzaldehyde; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3022. A bill to reduce temporarily the duty on product mixtures containing Fenoxaprop, Pyrasulfotole, Bromoxynil Octanoate, Bromoxynil Heptanoate, and Mefenpyr-diethyl; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3023. A bill to suspend temporarily the duty on B-Cyfluthrin; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3024. A bill to extend the temporary suspension of duty on Cyfluthrin; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3025. A bill to extend and modify the temporary reduction of duty on B-Cyfluthrin; to the Committee on Finance.

By Mr. MENENDEZ:

S. 3026. A bill to extend the temporary suspension of duty on Propoxur; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3027. A bill to extend and modify the temporary reduction of duty on monocarboxylic fatty acids derived from palm oil; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3028. A bill to extend the temporary suspension of duty on D-Mannose; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3029. A bill to extend the temporary suspension of duty on ion-exchange resins consisting of copolymers of acrylic acid and diethylene glycol divinyl ether; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3030. A bill to extend the temporary suspension of duty on certain ion-exchange resins; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3031. A bill to extend the temporary suspension of duty on dimethyl malonate; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. BURR, Mr. CARPER, Mr. COBURN, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KIRK, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. VITTER):

S. Res. 447. A resolution congratulating the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education, and supporting the ideals and goals of the 13th annual National Charter Schools Week, to be held May 6 through May 12, 2012; considered and agreed to.

By Mr. LEE (for himself, Mr. PAUL, and Mr. DEMINT):

S. Con. Res. 44. 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; placed on the calendar.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAPO) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Nebraska

(Mr. NELSON) 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. 418

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 1166

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1166, a bill to amend the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for high gravity violations, to adjust penalties for inflation, to provide rights for victims of family members, and for other purposes.

S. 1251

At the request of Mr. CARPER, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1270

At the request of Mr. WHITEHOUSE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1270, a bill to prohibit the export from the United States of certain electronic waste, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1454

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1454, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 1461

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1461, a bill to amend the Federal Food, Drug, and Cosmetic Act to clarify the Food and Drug Administration's jurisdiction over certain tobacco products, and to protect jobs and small businesses involved in the sale, manufacturing and distribution of traditional and premium cigars.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1703

At the request of Mr. PRYOR, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 1703, a bill to amend the Department of Energy Organization Act to require a Quadrennial Energy Review, and for other purposes.

S. 1796

At the request of Mr. PRYOR, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 1796, a bill to make permanent the Internal Revenue Service Free File program.

S. 1863

At the request of Mr. MENENDEZ, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1863, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1878

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1878, a bill to assist low-income individuals in obtaining recommended dental care.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1881

At the request of Mr. WHITEHOUSE, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1881, a bill to establish an integrated Federal program to respond to ongoing and expected impacts of climate variability and change by protecting, restoring, and conserving the natural resources of the United States and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities.

S. 1984

At the request of Mr. KERRY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1984, a bill to establish a commission to develop a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect.

S. 1990

At the request of Mr. LIEBERMAN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1990, a bill to require the Transportation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 1993

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2123

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2123, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) 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. 2205

At the request of Mr. MORAN, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Nevada (Mr. HELLER), the Senator from Florida (Mr. RUBIO) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2224

At the request of Mr. CORKER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2224, a bill to require the President to report to Congress on issues related to Syria.

S. 2233

At the request of Mr. SCHUMER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) 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. 2241

At the request of Mrs. MURRAY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2241, a bill to ensure that veterans have the information and protections they require to make informed decisions regarding use of Post-9/11 Educational Assistance, and for other purposes.

S. 2280

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of 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.

S. 2288

At the request of Ms. LANDRIEU, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2288, a bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers.

S. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S. 2342

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2343

At the request of Mr. REID, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2343, a bill to amend the Higher Education Act of 1965 to extend the reduced interest rate for Federal Direct Stafford Loans, and for other purposes.

S. 2344

At the request of Mr. VITTER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2344, a bill to extend the National Flood Insurance Program until December 31, 2012.

S. 2346

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2346, a bill to amend the Farm Security and Rural Investment Act of 2002 to modify the definition of the term ''biobased product''.

S. 2366

At the request of Mr. ALEXANDER, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 2366, a bill to extend student loan interest rates for undergraduate Federal Direct Stafford Loans.

S. 2368

At the request of Mr. ENZI, his name was added as a cosponsor of S. 2368, a bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on midnight rules during a President's final days in office, and for other purposes.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 2554

At the request of Mr. LEAHY, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2554, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 38

At the request of Mr. GRAHAM, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S.J. Res. 38, a joint resolution disapproving a rule submitted by the Department of Labor relating to the certification of nonimmigrant workers in temporary or seasonal nonagricultural employment.

S. RES. 380

At the request of Mr. GRAHAM, the name of the Senator from Washington (Ms. CANTWELL) 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.

At the request of Mr. THUNE, his name was added as a cosponsor of S. Res. 380, supra.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 447—CONGRATULATING THE STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS OF CHARTER SCHOOLS ACROSS THE UNITED STATES FOR ONGOING CONTRIBUTIONS TO EDUCATION, AND SUPPORTING THE IDEALS AND GOALS OF THE 13TH ANNUAL NATIONAL CHARTER SCHOOLS WEEK, TO BE HELD MAY 6 THROUGH MAY 12, 2012

Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. BURR, Mr. CARPER, Mr. COBURN, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KIRK, Mr. LIEBERMAN, Ms. MURKOWSKI, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 447

Whereas charter schools deliver high-quality public education and challenge all students to reach their potential;

Whereas charter schools promote innovation and excellence in public education;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that—

(1) respond to the needs of communities, families, and students in the United States; and

(2) promote the principles of quality, accountability, choice, and innovation;

Whereas, in exchange for flexibility and autonomy, charter schools are held accountable by their sponsors for improving student achievement and for the financial and other operations of the charter schools;

Whereas 40 States, the District of Columbia, and Guam have passed laws authorizing charter schools;

Whereas, as of the date of approval of this resolution, 5,275 charter schools are serving more than 2,000,000 children;

Whereas in fiscal year 2011 and the 18 previous fiscal years, Congress has provided a total of more than $3,000,000,000 in financial assistance to the charter school movement through grants for planning, startup, implementation, dissemination, and facilities;

Whereas numerous charter schools improve the achievements of students and stimulate improvement in traditional public schools;

Whereas charter schools are required to meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools;

Whereas charter schools often set higher and additional individual goals than the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools—

(1) give parents the freedom to choose public schools;

(2) routinely measure parental satisfaction levels; and

(3) must prove their ongoing success to parents, policymakers, and the communities served by the charter schools;

Whereas more than 50 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill more than 1,100 average-sized charter schools; and

Whereas the 13th annual National Charter Schools Week is scheduled to be held May 6 through May 12, 2012: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the students, parents, teachers, and administrators of charter schools across the United States for—

(A) ongoing contributions to education;

(B) the impressive strides made in closing the persistent academic achievement gap in the United States; and

(C) improving and strengthening the public school system in the United States;

(2) supports the ideals and goals of the 13th annual National Charter Schools Week, a week-long celebration to be held May 6 through May 12, 2012, in communities throughout the United States; and

(3) encourages the people of the United States to hold appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for charter schools.

SENATE CONCURRENT RESOLUTION 44—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. LEE (for himself, Mr. PAUL, and Mr. DEMINT) submitted the following

concurrent resolution; which was placed on the calendar:

S. CON. RES. 44

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:

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: $1,961,929,000,000.
Fiscal year 2014: $2,144,992,000,000.
Fiscal year 2015: $2,376,945,000,000.
Fiscal year 2016: $2,558,632,000,000.
Fiscal year 2017: $2,715,114,000,000.
Fiscal year 2018: $2,846,304,000,000.
Fiscal year 2019: $2,984,528,000,000.
Fiscal year 2020: $3,135,231,000,000.
Fiscal year 2021: $3,292,091,000,000.
Fiscal year 2022: $3,453,764,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2013: $308,529,000,000.
Fiscal year 2014: $409,619,000,000.
Fiscal year 2015: $441,979,000,000.
Fiscal year 2016: $460,171,000,000.
Fiscal year 2017: $483,239,000,000.
Fiscal year 2018: $511,287,000,000.
Fiscal year 2019: $541,052,000,000.
Fiscal year 2020: $579,382,000,000.
Fiscal year 2021: $621,407,000,000.
Fiscal year 2022: $667,810,000,000.

(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: $3,269,496,000,000.
Fiscal year 2014: $3,224,788,000,000.
Fiscal year 2015: $3,346,856,000,000.
Fiscal year 2016: $3,398,941,000,000.
Fiscal year 2017: $3,556,922,000,000.
Fiscal year 2018: $3,726,387,000,000.
Fiscal year 2019: $3,934,486,000,000.
Fiscal year 2020: $4,100,004,000,000.
Fiscal year 2021: $4,248,159,000,000.
Fiscal year 2022: $4,411,172,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2013: $3,311,724,000,000.
Fiscal year 2014: $3,266,962,000,000.
Fiscal year 2015: $3,365,480,000,000.
Fiscal year 2016: $3,407,980,000,000.
Fiscal year 2017: $3,552,489,000,000.
Fiscal year 2018: $3,716,960,000,000.
Fiscal year 2019: $3,916,975,000,000.
Fiscal year 2020: $4,080,281,000,000.
Fiscal year 2021: $4,218,719,000,000.
Fiscal year 2022: $4,378,447,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2013: $651,795,000,000.
Fiscal year 2014: $394,970,000,000.
Fiscal year 2015: $218,535,000,000.
Fiscal year 2016: $30,347,000,000.
Fiscal year 2017: $30,624,000,000.
Fiscal year 2018: $43,345,000,000.
Fiscal year 2019: $25,554,000,000.
Fiscal year 2020: $58,950,000,000.
Fiscal year 2021: $122,373,000,000.
Fiscal year 2022: $171,316,000,000.

(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: $16,687,208,000,000.
Fiscal year 2014: $17,282,608,000,000.
Fiscal year 2015: $17,705,767,000,000.
Fiscal year 2016: $17,971,116,000,000.
Fiscal year 2017: $18,223,074,000,000.
Fiscal year 2018: $18,473,929,000,000.
Fiscal year 2019: $18,727,530,000,000.
Fiscal year 2020: $18,933,497,000,000.
Fiscal year 2021: $19,058,907,000,000.
Fiscal year 2022: $19,106,426,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2013: $11,856,466,000,000.
Fiscal year 2014: $12,353,582,000,000.
Fiscal year 2015: $12,668,280,000,000.
Fiscal year 2016: $12,794,224,000,000.
Fiscal year 2017: $12,858,947,000,000.
Fiscal year 2018: $12,900,730,000,000.
Fiscal year 2019: $12,953,800,000,000.
Fiscal year 2020: $12,970,225,000,000.
Fiscal year 2021: $12,919,109,000,000.
Fiscal year 2022: $12,819,071,000,000.

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: $720,436,000,000.
Fiscal year 2014: $758,457,000,000.
Fiscal year 2015: $797,609,000,000.
Fiscal year 2016: $839,879,000,000.
Fiscal year 2017: $887,426,000,000.
Fiscal year 2018: $939,147,000,000.
Fiscal year 2019: $995,537,000,000.
Fiscal year 2020: $1,032,447,000,000.
Fiscal year 2021: $1,093,921,000,000.
Fiscal year 2022: $1,153,017,000,000.

(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, $5,539,000,000.
(B) Outlays, $5,543,000,000.
Fiscal year 2014:
(A) New budget authority, $5,701,000,000.
(B) Outlays, $5,709,000,000.
Fiscal year 2015:
(A) New budget authority, $5,868,000,000.
(B) Outlays, $5,842,000,000.
Fiscal year 2016:
(A) New budget authority, $6,047,000,000.
(B) Outlays, $6,019,000,000.
Fiscal year 2017:
(A) New budget authority, $6,231,000,000.
(B) Outlays, $6,201,000,000.
Fiscal year 2018:
(A) New budget authority, $6,434,000,000.
(B) Outlays, $6,402,000,000.
Fiscal year 2019:
(A) New budget authority, $6,651,000,000.
(B) Outlays, $6,617,000,000.
Fiscal year 2020:
(A) New budget authority, $6,867,000,000.
(B) Outlays, $6,832,000,000.
Fiscal year 2021:
(A) New budget authority, $7,088,000,000.
(B) Outlays, $7,052,000,000.
Fiscal year 2022:
(A) New budget authority, $7,320,000,000.
(B) Outlays, $7,283,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2012 through 2022 for each major functional category are:

(1) National Defense (050):
Fiscal year 2013:
(A) New budget authority, $696,600,000,000.

(B) Outlays, $713,500,000,000.
Fiscal year 2014:
(A) New budget authority, $699,900,000,000.
(B) Outlays, $713,900,000,000.
Fiscal year 2015:
(A) New budget authority, $724,900,000,000.
(B) Outlays, $732,100,000,000.
Fiscal year 2016:
(A) New budget authority, $749,500,000,000.
(B) Outlays, $749,500,000,000.
Fiscal year 2017:
(A) New budget authority, $766,700,000,000.
(B) Outlays, $759,100,000,000.
Fiscal year 2018:
(A) New budget authority, $784,800,000,000.
(B) Outlays, $777,100,000,000.
Fiscal year 2019:
(A) New budget authority, $812,700,000,000.
(B) Outlays, $796,700,000,000.
Fiscal year 2020:
(A) New budget authority, $835,600,000,000.
(B) Outlays, $819,800,000,000.
Fiscal year 2021:
(A) New budget authority, $857,900,000,000.
(B) Outlays, $841,500,000,000.
Fiscal year 2022:
(A) New budget authority, $881,100,000,000.
(B) Outlays, $864,300,000,000.
(2) International Affairs (150):
Fiscal year 2013:
(A) New budget authority, $38,024,000,000.
(B) Outlays, $41,175,000,000.
Fiscal year 2014:
(A) New budget authority, $36,214,000,000.
(B) Outlays, $41,078,000,000.
Fiscal year 2015:
(A) New budget authority, $32,615,000,000.
(B) Outlays, $37,851,000,000.
Fiscal year 2016:
(A) New budget authority, $34,605,000,000.
(B) Outlays, $39,104,000,000.
Fiscal year 2017:
(A) New budget authority, $36,288,000,000.
(B) Outlays, $39,950,000,000.
Fiscal year 2018:
(A) New budget authority, $36,754,000,000.
(B) Outlays, $39,928,000,000.
Fiscal year 2019:
(A) New budget authority, $38,239,000,000.
(B) Outlays, $41,199,000,000.
Fiscal year 2020:
(A) New budget authority, $39,017,000,000.
(B) Outlays, $42,036,000,000.
Fiscal year 2021:
(A) New budget authority, $39,856,000,000.
(B) Outlays, $42,873,000,000.
Fiscal year 2022:
(A) New budget authority, $40,168,000,000.
(B) Outlays, $43,043,000,000.
(3) General Science, Space, and Technology (250):
Fiscal year 2013:
(A) New budget authority, $11,390,000,000.
(B) Outlays, $11,875,000,000.
Fiscal year 2014:
(A) New budget authority, $10,781,000,000.
(B) Outlays, $10,925,000,000.
Fiscal year 2015:
(A) New budget authority, $10,190,000,000.
(B) Outlays, $10,175,000,000.
Fiscal year 2016:
(A) New budget authority, $10,043,000,000.
(B) Outlays, $9,984,000,000.
Fiscal year 2017:
(A) New budget authority, $10,281,000,000.
(B) Outlays, $10,200,000,000.
Fiscal year 2018:
(A) New budget authority, $10,953,000,000.
(B) Outlays, $10,850,000,000.
Fiscal year 2019:
(A) New budget authority, $11,201,000,000.
(B) Outlays, $11,075,000,000.
Fiscal year 2020:
(A) New budget authority, $10,976,000,000.
(B) Outlays, $10,848,000,000.
Fiscal year 2021:
(A) New budget authority, $11,231,000,000.
(B) Outlays, $11,064,000,000.
Fiscal year 2022:
(A) New budget authority, $11,044,000,000.
(B) Outlays, $10,879,000,000.
(4) Energy (270):
Fiscal year 2013:
(A) New budget authority, $1,924,000,000.
(B) Outlays, $8,075,000,000.
Fiscal year 2014:
(A) New budget authority, $1,765,000,000.
(B) Outlays, $4,807,000,000.
Fiscal year 2015:
(A) New budget authority, $934,000,000.
(B) Outlays, $2,035,000,000.
Fiscal year 2016:
(A) New budget authority, $1,043,000,000.
(B) Outlays, $2,080,000,000.
Fiscal year 2017:
(A) New budget authority, $1,260,000,000.
(B) Outlays, $2,125,000,000.
Fiscal year 2018:
(A) New budget authority, $1,292,000,000.
(B) Outlays, $2,170,000,000.
Fiscal year 2019:
(A) New budget authority, $1,323,000,000.
(B) Outlays, $2,215,000,000.
Fiscal year 2020:
(A) New budget authority, $1,081,000,000.
(B) Outlays, $1,808,000,000.
Fiscal year 2021:
(A) New budget authority, $1,105,000,000.
(B) Outlays, $1,844,000,000.
Fiscal year 2022:
(A) New budget authority, $1,138,000,000.
(B) Outlays, $1,892,000,000.
(5) Natural Resources and Environment (300):
Fiscal year 2013:
(A) New budget authority, $24,988,000,000.
(B) Outlays, $28,975,000,000.
Fiscal year 2014:
(A) New budget authority, $23,662,000,000.
(B) Outlays, $27,094,000,000.
Fiscal year 2015:
(A) New budget authority, $20,775,000,000.
(B) Outlays, $24,013,000,000.
Fiscal year 2016:
(A) New budget authority, $22,093,000,000.
(B) Outlays, $24,128,000,000.
Fiscal year 2017:
(A) New budget authority, $23,753,000,000.
(B) Outlays, $25,075,000,000.
Fiscal year 2018:
(A) New budget authority, $25,130,000,000.
(B) Outlays, $25,172,000,000.
Fiscal year 2019:
(A) New budget authority, $26,291,000,000.
(B) Outlays, $26,137,000,000.
Fiscal year 2020:
(A) New budget authority, $26,460,000,000.
(B) Outlays, $26,216,000,000.
Fiscal year 2021:
(A) New budget authority, $27,487,000,000.
(B) Outlays, $27,199,000,000.
Fiscal year 2022:
(A) New budget authority, $27,265,000,000.
(B) Outlays, $26,961,000,000.
(6) Agriculture (350):
Fiscal year 2013:
(A) New budget authority, $9,822,000,000.
(B) Outlays, $9,775,000,000.
Fiscal year 2014:
(A) New budget authority, $9,390,000,000.
(B) Outlays, $9,357,000,000.
Fiscal year 2015:
(A) New budget authority, $8,666,000,000.
(B) Outlays, $8,620,000,000.
Fiscal year 2016:
(A) New budget authority, $8,760,000,000.
(B) Outlays, $8,710,000,000.
Fiscal year 2017:
(A) New budget authority, $8,423,000,000.
(B) Outlays, $8,375,000,000.
Fiscal year 2018:
(A) New budget authority, $8,506,000,000.
(B) Outlays, $8,456,000,000.
Fiscal year 2019:
(A) New budget authority, $8,588,000,000.
(B) Outlays, $8,537,000,000.
Fiscal year 2020:
(A) New budget authority, $8,671,000,000.
(B) Outlays, $8,618,000,000.
Fiscal year 2021:
(A) New budget authority, $9,687,000,000.
(B) Outlays, $9,621,000,000.
Fiscal year 2022:
(A) New budget authority, $9,822,000,000.
(B) Outlays, $9,753,000,000.
(7) Commerce and Housing Credit (370):
Fiscal year 2013:
(A) New budget authority, $13,261,000,000.
(B) Outlays, $950,000,000.
Fiscal year 2014:
(A) New budget authority, $1,068,000,000.
(B) Outlays, $874,000,000.
Fiscal year 2015:
(A) New budget authority, $3,900,000,000.
(B) Outlays, $814,000,000.
Fiscal year 2016:
(A) New budget authority, $5,351,000,000.
(B) Outlays, $832,000,000.
Fiscal year 2017:
(A) New budget authority, $7,049,000,000.
(B) Outlays, $2,125,000,000.
Fiscal year 2018:
(A) New budget authority, $6,172,000,000.
(B) Outlays, $2,170,000,000.
Fiscal year 2019:
(A) New budget authority, $9,910,000,000.
(B) Outlays, $3,101,000,000.
Fiscal year 2020:
(A) New budget authority, $9,579,000,000.
(B) Outlays, $3,164,000,000.
Fiscal year 2021:
(A) New budget authority, $2,999,000,000.
(B) Outlays, $3,227,000,000.
Fiscal year 2022:
(A) New budget authority, $1,185,000,000.
(B) Outlays, $2,838,000,000.
(8) Transportation (400):
Fiscal year 2013:
(A) New budget authority, $17,078,000,000.
(B) Outlays, $27,075,000,000.
Fiscal year 2014:
(A) New budget authority, $6,958,000,000.
(B) Outlays, $18,791,000,000.
Fiscal year 2015:
(A) New budget authority, $8,203,000,000.
(B) Outlays, $19,129,000,000.
Fiscal year 2016:
(A) New budget authority, $8,169,000,000.
(B) Outlays, $19,136,000,000.
Fiscal year 2017:
(A) New budget authority, $8,275,000,000.
(B) Outlays, $19,125,000,000.
Fiscal year 2018:
(A) New budget authority, $8,439,000,000.
(B) Outlays, $19,096,000,000.
Fiscal year 2019:
(A) New budget authority, $8,657,000,000.
(B) Outlays, $19,049,000,000.
Fiscal year 2020:
(A) New budget authority, $9,401,000,000.
(B) Outlays, $20,792,000,000.
Fiscal year 2021:
(A) New budget authority, $10,926,000,000.
(B) Outlays, $22,128,000,000.
Fiscal year 2022:
(A) New budget authority, $9,793,000,000.
(B) Outlays, $22,231,000,000.
(9) Community and Regional Development (450):
Fiscal year 2013:
(A) New budget authority, $10,459,000,000.
(B) Outlays, $19,000,000,000.
Fiscal year 2014:
(A) New budget authority, $8,265,000,000.
(B) Outlays, $17,043,000,000.
Fiscal year 2015:
(A) New budget authority, $8,348,000,000.
(B) Outlays, $13,838,000,000.
Fiscal year 2016:
(A) New budget authority, $10,611,000,000.
(B) Outlays, $14,144,000,000.
Fiscal year 2017:
(A) New budget authority, $12,652,000,000.
(B) Outlays, $14,875,000,000.

Fiscal year 2018:
(A) New budget authority, $14,022000,000.
(B) Outlays, $15,190,000,000.
Fiscal year 2019:
(A) New budget authority, $14,349,000,000.
(B) Outlays, $15,062,000,000.
Fiscal year 2020:
(A) New budget authority, $14,365,000,000.
(B) Outlays, $14,916,000,000.
Fiscal year 2021:
(A) New budget authority, $15,547,000,000.
(B) Outlays, $16,135,000,000.
Fiscal year 2022:
(A) New budget authority, $15,512,000,000.
(B) Outlays, $16,082,000,000.
(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2013:
(A) New budget authority, $56,341,000,000.
(B) Outlays, $57,875,000,000.
Fiscal year 2014:
(A) New budget authority, $52,978,000,000.
(B) Outlays, $53,499,000,000.
Fiscal year 2015:
(A) New budget authority, $50,710,000,000.
(B) Outlays, $50,180,000,000.
Fiscal year 2016:
(A) New budget authority, $54,699,000,000.
(B) Outlays, $54,080,000,000.
Fiscal year 2017:
(A) New budget authority, $56,797,000,000.
(B) Outlays, $56,100,000,000.
Fiscal year 2018:
(A) New budget authority, $57,622,000,000.
(B) Outlays, $56,854,000,000.
Fiscal year 2019:
(A) New budget authority, $58,400,000,000.
(B) Outlays, $57,590,000,000.
Fiscal year 2020:
(A) New budget authority, $59,907,000,000.
(B) Outlays, $59,059,000,000.
Fiscal year 2021:
(A) New budget authority, $60,799,000,000.
(B) Outlays, $59,930,000,000.
Fiscal year 2022:
(A) New budget authority, $60,885,000,000.
(B) Outlays, $60,071,000,000.
(11) Health (550):
Fiscal year 2013:
(A) New budget authority, $353,800,000,000.
(B) Outlays, $348,000,000,000.
Fiscal year 2014:
(A) New budget authority, $337,591,000,000.
(B) Outlays, $326,887,000,000.
Fiscal year 2015:
(A) New budget authority, $351,655,000,000.
(B) Outlays, $330,821,000,000.
Fiscal year 2016:
(A) New budget authority, $361,046,000,000.
(B) Outlays, $340,432,000,000.
Fiscal year 2017:
(A) New budget authority, $374,026,000,000.
(B) Outlays, $349,175,000,000.
Fiscal year 2018:
(A) New budget authority, $385,327,000,000.
(B) Outlays, $360,180,000,000.
Fiscal year 2019:
(A) New budget authority, $399,456,000,000.
(B) Outlays, $371,797,000,000.
Fiscal year 2020:
(A) New budget authority, $413,929,000,000.
(B) Outlays, $383,778,000,000.
Fiscal year 2021:
(A) New budget authority, $443,416,000,000.
(B) Outlays, $411,012,000,000.
Fiscal year 2022:
(A) New budget authority, $472,571,000,000.
(B) Outlays, $438,342,000,000.
(12) Medicare (570):
Fiscal year 2013:
(A) New budget authority, $585,288,000,000.
(B) Outlays, $585,220,000,000.
Fiscal year 2014:
(A) New budget authority, $617,452,000,000.
(B) Outlays, $617,414,000,000.
Fiscal year 2015:
(A) New budget authority, $650,316,000,000.
(B) Outlays, $650,265,000,000.
Fiscal year 2016:
(A) New budget authority, $624,673,000,000.
(B) Outlays, $624,626,000,000.
Fiscal year 2017:
(A) New budget authority, $623,319,000,000.
(B) Outlays, $623,271,000,000.
Fiscal year 2018:
(A) New budget authority, $625,754,000,000.
(B) Outlays, $625,706,000,000.
Fiscal year 2019:
(A) New budget authority, $653,437,000,000.
(B) Outlays, $653,384,000,000.
Fiscal year 2020:
(A) New budget authority, $665,758,000,000.
(B) Outlays, $665,702,000,000.
Fiscal year 2021:
(A) New budget authority, $632,639,000,000.
(B) Outlays, $632,583,000,000.
Fiscal year 2022:
(A) New budget authority, $663,152,000,000.
(B) Outlays, $663,095,000,000.
(13) Income Security (600):
Fiscal year 2013:
(A) New budget authority, $458,510,000,000.
(B) Outlays, $462,945,000,000.
Fiscal year 2014:
(A) New budget authority, $388,595,000,000.
(B) Outlays, $391,402,000,000.
Fiscal year 2015:
(A) New budget authority, $382,123,000,000.
(B) Outlays, $383,981,000,000.
Fiscal year 2016:
(A) New budget authority, $384,516,000,000.
(B) Outlays, $385,762,000,000.
Fiscal year 2017:
(A) New budget authority, $385,722,000,000.
(B) Outlays, $386,070,000,000.
Fiscal year 2018:
(A) New budget authority, $394,436,000,000.
(B) Outlays, $394,212,000,000.
Fiscal year 2019:
(A) New budget authority, $400,998,000,000.
(B) Outlays, $400,516,000,000.
Fiscal year 2020:
(A) New budget authority, $416,931,000,000.
(B) Outlays, $416,354,000,000.
Fiscal year 2021:
(A) New budget authority, $405,108,000,000.
(B) Outlays, $404,451,000,000.
Fiscal year 2022:
(A) New budget authority, $417,175,000,000.
(B) Outlays, $416,541,000,000.
(14) Social Security (650):
Fiscal year 2013:
(A) New budget authority, $53,216,000,000.
(B) Outlays, $53,296,000,000.
Fiscal year 2014:
(A) New budget authority, $31,892,000,000.
(B) Outlays, $32,002,000,000.
Fiscal year 2015:
(A) New budget authority, $35,135,000,000.
(B) Outlays, $35,210,000,000.
Fiscal year 2016:
(A) New budget authority, $38,953,000,000.
(B) Outlays, $38,991,000,000.
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, $119,099,000,000.
(B) Outlays, $119,750,000,000.
Fiscal year 2014:
(A) New budget authority, $121,154,000,000.
(B) Outlays, $121,456,000,000.
Fiscal year 2015:
(A) New budget authority, $123,497,000,000.
(B) Outlays, $123,506,000,000.
Fiscal year 2016:
(A) New budget authority, $131,075,000,000.
(B) Outlays, $130,702,000,000.
Fiscal year 2017:
(A) New budget authority, $128,369,000,000.
(B) Outlays, $127,870,000,000.
Fiscal year 2018:
(A) New budget authority, $127,819,000,000.
(B) Outlays, $127,274,000,000.
Fiscal year 2019:
(A) New budget authority, $134,992,000,000.
(B) Outlays, $134,425,000,000.
Fiscal year 2020:
(A) New budget authority, $139,848,000,000.
(B) Outlays, $139,274,000,000.
Fiscal year 2021:
(A) New budget authority, $142,925,000,000.
(B) Outlays, $142,327,000,000.
Fiscal year 2022:
(A) New budget authority, $142,670,000,000.
(B) Outlays, $142,079,000,000.
(16) Administration of Justice (750):
Fiscal year 2013:
(A) New budget authority, $47,182,000,000.
(B) Outlays, $48,925,000,000.
Fiscal year 2014:
(A) New budget authority, $45,833,000,000.
(B) Outlays, $48,070,000,000.
Fiscal year 2015:
(A) New budget authority, $45,232,000,000.
(B) Outlays, $46,805,000,000.
Fiscal year 2016:
(A) New budget authority, $46,682,000,000.
(B) Outlays, $47,840,000,000.
Fiscal year 2017:
(A) New budget authority, $47,921,000,000.
(B) Outlays, $48,875,000,000.
Fiscal year 2018:
(A) New budget authority, $48,995,000,000.
(B) Outlays, $49,910,000,000.
Fiscal year 2019:
(A) New budget authority, $50,0690,000,000.
(B) Outlays, $50,945,000,000.
Fiscal year 2020:
(A) New budget authority, $51,208,000,000.
(B) Outlays, $51,980,000,000.
Fiscal year 2021:
(A) New budget authority, $52,229,000,000.
(B) Outlays, $53,015,000,000.
Fiscal year 2022:
(A) New budget authority, $52,207,000,000.
(B) Outlays, $52,976,000,000.
(17) General Government (800):
Fiscal year 2013:
(A) New budget authority, $17,292,000,000.
(B) Outlays, $19,000,000,000.
Fiscal year 2014:
(A) New budget authority, $18,113,000,000.
(B) Outlays, $18,791,000,000.
Fiscal year 2015:
(A) New budget authority, $17,574,000,000.
(B) Outlays, $17,908,000,000.
Fiscal year 2016:
(A) New budget authority, $17,752,000,000.
(B) Outlays, $17,888,000,000.
Fiscal year 2017:
(A) New budget authority, $19,100,000,000.
(B) Outlays, $19,125,000,000.
Fiscal year 2018:
(A) New budget authority, $19,082,000,000.
(B) Outlays, $19,096,000,000.
Fiscal year 2019:
(A) New budget authority, $19,466,000,000.
(B) Outlays, $19,049,000,000.
Fiscal year 2020:
(A) New budget authority, $20,345,000,000.
(B) Outlays, $19,888,000,000.
Fiscal year 2021:
(A) New budget authority, $20,278,000,000.
(B) Outlays, $19,823,000,000.
Fiscal year 2022:
(A) New budget authority, $20,320,000,000.
(B) Outlays, $19,866,000,000.

(18) Net Interest (900):
Fiscal year 2013:
(A) New budget authority, $226,273,000,000.
(B) Outlays, $226,273,000,000.
Fiscal year 2014:
(A) New budget authority, $241,665,000,000.
(B) Outlays, $241,665,000,000.
Fiscal year 2015:
(A) New budget authority, $278,158,000,000.
(B) Outlays, $278,158,000,000.
Fiscal year 2016:
(A) New budget authority, $329,553,000,000.
(B) Outlays, $329,553,000,000.
Fiscal year 2017:
(A) New budget authority, $377,828,000,000.
(B) Outlays, $377,828,000,000.
Fiscal year 2018:
(A) New budget authority, $419,849,000,000.
(B) Outlays, $419,849,000,000.
Fiscal year 2019:
(A) New budget authority, $456,458,000,000.
(B) Outlays, $456,458,000,000.
Fiscal year 2020:
(A) New budget authority, $483,401,000,000.
(B) Outlays, $483,401,000,000.
Fiscal year 2021:
(A) New budget authority, $497,066,000,000.
(B) Outlays, $497,066,000,000.
Fiscal year 2022:
(A) New budget authority, $508,481,000,000.
(B) Outlays, $508,481,000,000.
(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, $138,200,000,000.
(B) Outlays, $138,200,000,000.
Fiscal year 2014:
(A) New budget authority, $152,800,000,000.
(B) Outlays, $152,800,000,000.
Fiscal year 2015:
(A) New budget authority, $160,700,000,000.
(B) Outlays, $160,700,000,000.
Fiscal year 2016:
(A) New budget authority, $230,400,000,000.
(B) Outlays, $230,400,000,000.
Fiscal year 2017:
(A) New budget authority, $204,200,000,000.
(B) Outlays, $204,200,000,000.
Fiscal year 2018:
(A) New budget authority, $175,400,000,000.
(B) Outlays, $175,400,000,000.
Fiscal year 2019:
(A) New budget authority, $145,800,000,000.
(B) Outlays, $145,800,000,000.
Fiscal year 2020:
(A) New budget authority, $119,800,000,000.
(B) Outlays, $119,800,000,000.
Fiscal year 2021:
(A) New budget authority, $71,000,000,000.
(B) Outlays, $71,000,000,000.
Fiscal year 2022:
(A) New budget authority, $74,000,000,000.
(B) Outlays, $74,000,000,000.

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 1 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 1 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 1 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 1 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 1 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.

SEC. 206. RESERVE FUND FOR THE REPEAL OF THE 2010 HEALTH CARE 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 1 or more bills, joint resolutions, amendments, motions, or conference reports that achieve savings by repealing the Patient Protection and Affordable Care Act of 2010. 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 2013 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 2013, $1,093,000,000,000 in new budget authority and $1,181,000,000,000 in outlays;

(2) for fiscal year 2014, $1,030,000,000,000 in new budget authority and $1,143,000,000,000 in outlays;

(3) for fiscal year 2015, $1,061,000,000,000 in new budget authority and $1,130,000,000,000 in outlays;

(4) for fiscal year 2016 $1,106,000,000,000 in new budget authority and $1,156,000,000,000 in outlays;

(5) for fiscal year 2017, $1,140,000,000,000 in new budget authority and $1,174,000,000,000 in outlays;

(6) for fiscal year 2018, $1,171,000,000,000 in new budget authority and $1,201,000,000,000 in outlays;

(7) for fiscal year 2019, $1,210,000,000,000 in new budget authority and $1,230,000,000,000 in outlays;

(8) for fiscal year 2020, $1,240,000,000,000 in new budget authority and $1,261,000,000,000 in outlays;

(9) for fiscal year 2021, $1,276,000,000,000 in new budget authority and $1,292,000,000,000 in outlays; and

(10) for fiscal year 2022, $1,299,000,000,000 in new budget authority and $1,323,000,000,000 in outlays; as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS IN THE SENATE.—After the reporting of a bill or joint resolution relating to any matter described in subsection (a)(2), or the offering of an amendment or motion thereto or the submission of a conference report thereon—

(1) 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

(2) following any adjustment under paragraph (1), 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.

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 Senate and the House of Representatives 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 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 of Representatives 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 of Representatives 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 1 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); and

(2) amend the Internal Revenue Code of 1986, that may establish a single, flat tax rate as necessary to conform with the annual revenue levels specified herein consistent with section 7(d) 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.

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 High Risk list reports of the Government Accountability Office's. 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).

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 Senate of the United States. 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 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 $457,000,000,000 for the period of fiscal years 2013 through 2022.

(B) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY.—The Committee on Agriculture, Nutrition, and Forestry shall report changes in law within its jurisdiction sufficient to reduce direct spending outlays by $563,000,000,000 for the period of fiscal years 2013 through 2022.

(C) 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 $2,652,000,000,000 for the period of fiscal years 2013 through 2022.

(D) COMMITTEE ON FINANCE.—The Committee on Finance shall report changes in laws within its jurisdiction sufficient to reduce direct spending outlays by $1,432,000,000,000 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.

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 starting in 2013 to smoothly phase down so that starting with workers born after 1985, it will reach a flat benefit of $1,200 in 2012 dollars indexed between 2012 and the year in question by the increase in average wages.

(2) Effective 2013, reduce benefits on a progressive basis for single beneficiaries with incomes over $55,000 and married couples with incomes over $110,000 so that individuals and married couples who file taxes jointly, with more than $110,000 and $165,000, respectively, in non-Social Security income will receive no benefit.

(3) From 2013 to 2022, the normal retirement age will rise to 68 for workers born in or after 1959. After 2031, the normal retirement age will be indexed to longevity, adding about 1 month every 2 years according to current projections.

(4) The normal retirement age will be increased by 4 months per year starting with individuals born in 1954 and stopping when it reaches age 68 for individuals born in or after 1959.

(5) From 2013 to 2031, the early retirement age rises to 65 for workers born in or after 1964. After 2031, the early retirement age will be indexed to longevity, adding about 1 month every 2 years according to current projections.

(6) The early eligibility age will be increased by 3 months per year starting with individuals born in 1953 and stopping when it reaches age 65 for individuals born in or after 1964.

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) In 2017, Medicare is reformed to provide a premium support payment and a selection of guaranteed health coverage options from which recipients can choose a plan that best suits their needs overseen by a separate independent agency.

(2) Preserves the traditional Medicare FFS option administered by HHS.

(3) For each region, the base Federal premium support would be initially set at 88 percent of the average of 3 lowest bids.

(4) Provides for enhanced risk adjustment to ensure continuity in coverage and market stability.

(5) Raises the age of eligibility gradually over 10 years, increasing from 65 to 68, resulting in a 3.6 month increase per year and subsequently increased or decreased based on longevity.

(6) The Federal based premium support amount would be reduced or phase out for upper income seniors and increased for lower income seniors.

SEC. 503. POLICY STATEMENT ON MEDICAID.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction enact legislation to ensure fiscal sustainability at the Federal level while protecting the most vulnerable and promoting beneficiary independence as follows:

(1) Medicaid is reformed to provide direct Federal premium support for low-income, nondisabled, nonelderly individuals.

(2) The Federal Government would provide at least $2,000 for an individual and at least $3,500 in premium support for a family and up to $9,000 for the lowest income families.

(3) Current Federal Medicaid funding for acute and long-term care services provided to the disabled and elderly (dual eligibles) would be converted into a fixed payment to the States adjusted on a per capita basis for medical inflation.

(4) States would be permitted to design and manage more appropriate care and service delivery to the disabled and elderly populations remaining in the program.

SEC. 504. POLICY STATEMENT ON TAX REFORM.

It is the policy of this concurrent resolution that Congress and the relevant committees of jurisdiction shall enact legislation to ensure the adoption of a new tax system that replaces all existing taxes collected by the Federal Government including but not limited to income, payroll, gift and estate taxes, and excises except those dedicated to specific Trust Funds, with a new flat tax featuring a consumed-income tax base structure that is economically neutral with respect to saving and investment, reduces tax complexity, and provides for a globally competitive single tax rate as follows:

(1) The new tax will have a single flat tax rate consistent with and sufficient to collect the annual revenue levels specified herein. The individual tax code shall include no deductions, exemptions, exclusions, or credits except as follows:

(A) A deduction for charitable contributions to institutions qualifying as charitable organizations under current law.

(B) An elective deduction for home mortgage interest subject to the condition that if and only if the borrow elects the deduction the lender would then owe tax on all resulting income.

(C) A deduction for higher education tuition and fees.

(D) A standard deduction for seniors equal to the sum of the flat Social Security benefit amount plus the value of the Medicare defined contributions.

(E) An exclusion for seniors of up to $10,000 in wage and salary income.

(F) The current law Earned Income Credit.

(G) A $3,500 nonrefundable tax credit for families ($2,000 for individuals) to purchase health insurance. The new individual tax would tax all income and other proceeds used for consumption and exclude all saving.

(2) The business tax code shall apply the same rate as the individual tax code, and shall levy tax on total revenue from the domestic sale of goods and services less purchases of goods and services from other firms less wages, salaries, and related employee costs. All credits currently applicable to business income would be repealed except the Alternative Simplified Credit for research and development expenditures.

(3) Individuals and businesses would be subject to taxation solely on income generated within the United States. A border tax adjustment system would be developed in consultation with the World Trade Organization to neutralize tax differences for goods and services entering and leaving the United States proper.

(4) Tax reform shall be enacted with due care through transition provisions to avoid insofar as possible retroactive tax increases or decreases arising from the accrued tax consequences of decisions made under current tax law.

SEC. 505. POLICY STATEMENT ON GOVERNMENT ASSET SALES.

(a) FINDINGS.—The Senate finds the following:

(1) The Federal Government owns and controls vast assets, including huge swaths of commercial land, especially in the West; power generation facilities; valuable portions of the electromagnetic spectrum; underutilized buildings; and financial assets.

(2) Control of these numerous and varied assets is 1 key expression of a government much too large and intrusive.

(3) Given the Federal Government's excessive spending, which has driven trillion-dollar-plus deficits for 4 straight years, and generated debt burdens that are stifling present-day economic growth and threatening the Nation's future prosperity.

(4) Divesting itself of these assets would make an important contribution to reducing Government's debt and interest costs.

(b) POLICY ON ASSET SALES.—It is the policy of this budget resolution that the House and Senate shall each develop a package of asset sales and transfers of government activities to the private sector. These proposals, which are to yield revenues or savings of at least $260,000,000,000 through fiscal year 2028, shall be submitted to the respective chambers for enactment in fiscal year 2013.

(c) ASSUMPTIONS REGARDING ASSET SALES.—The assets in the package must include, though not be limited to, the following:

(1) Land administered by the Bureau of Land Management and the Department of Agriculture.

(2) Federal buildings and other real estate.

(3) Mineral rights.

(4) Electromagnetic spectrum.

(5) Facilities administered by the Power Marketing Administrations and by the Tennessee Valley Authority.

(6) Federal loans and other financial assets.

(7) Amtrak.

(d) ASSUMPTIONS REGARDING TRANSFER OF GOVERNMENT ACTIVITIES.—Transfers of government activities to the private must include, though not be limited to, the following:

(1) The Neighborhood Reinvestment Corporation.

(2) The Government Printing Office.

(3) The Architect of the Capitol.

(4) The Bureau of Reclamation.

SEC. 506. POLICY ON REPEALING OBAMACARE.

(a) FINDINGS.—The Senate finds the following:

(1) The quality of United States health care, as well as the stability of the nation's economy and the Federal budget, depend on solving the genuine cost and delivery challenges in the health sector.

(2) But the pervasive government intrusiveness and $1,390,000,000,000 cost of Obamacare are precisely the wrong prescription for problems that have developed grown from faulty government policy, particularly on the part of the Federal Government.

(3) Obamacare will generate fewer choices, less access, and greater dependence on the Government for health care, while increasing taxes, regulation and mandates on individuals and businesses.

(4) A majority of Americans continue to oppose this one-size-fits-all ''remedy,'' a Government takeover of one sixth of the economy that was rammed through Congress despite a clear lack of consensus.

(b) POLICY ON OBAMACARE.—It is the policy of this budget resolution that Congress should repeal Obamacare and develop a fresh strategy built on a patient-centered, market-based solution.

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 policy of Congress to vote on the Regulation from 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 implemented 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 repromulgated by Congress.

(4) PROCESS REFORM.—It shall be the policy of Congress to implement regulatory process reform by instituting statutorily required 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.

SEC. 602. RESCIND UNSPENT OR UNOBLIGATED BALANCES AFTER 36 MONTHS.

It is the sense of Congress that—

(1) any adjustments of allocations and aggregates made pursuant to this resolution shall require that any unobligated or unspent allocations be rescinded after 36 months;

(2) 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; and

(3) 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.

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Subcommittee on Primary Health and Aging of the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, May 15, 2012 at 10 a.m. in SD–430 Dirksen Senate Office Building to conduct a hearing entitled ''The High Cost of High Prices for HIV/AIDS Drugs and the Prize Fund Alternative.''

For further information regarding this hearing, please contact the subcommittee on (202) 224–5480.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Wednesday, May 16, 2012 at 10 a.m. in SD–430 Dirksen Senate Office Building to conduct a hearing entitled ''Identifying Opportunities for Health Care Delivery System Reform: Lessons from the Front Line.''

For further information regarding this meeting, please contact the committee on (202) 224–7675.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, May 17, 2012 at 10 a.m. in SD–G50 Dirksen Senate Office Building to conduct a hearing entitled ''Beyond Seclusion and Restraint: Creating Positive Learning Environments for All Students.''

For further information regarding this meeting, please contact the committee on (202) 228–3453.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on May 17, 2012 in room SD–628 of the Dirksen Senate Office Building at 2:15 p.m. to conduct a hearing entitled ''Fulfilling the Federal Trust Responsibility: The Foundation of the Government-to-Government Relationship.''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on May 8, 2012, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 8, 2012, at 10 a.m., to conduct a hearing entitled ''Expanding Refinancing Opportunities to Improve the Housing Market.''

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

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on May 8, 2012, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 8, 2012, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on May 8, 2012, at 3 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Joe Mahoney, a fellow in Senator BINGAMAN's office, be granted the privilege of the floor during consideration of today's bill.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that Marissa Wizig of my staff be granted floor privileges for the duration of today's session.

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

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2012

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 358, S. 743.

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

The assistant legislative clerk read as follows:

A bill (S. 743) to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the special counsel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

[Omit the parts printed in boldface brackets and insert the part printed in italic]

S. 743

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 ''Whistleblower Protection Enhancement Act of **[**2011**]** *2012*''.

TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i), by striking ''a violation'' and inserting ''any violation''; and

(2) in subparagraph (B)(i), by striking ''a violation'' and inserting ''any violation (other than a violation of this section)''.

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—

(1) TECHNICAL AND CONFORMING AMENDMENTS.—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting ''or section 2302(b)(9) (A)(i), (B), (C), or (D)'' after ''section 2302(b)(8)'' or ''(b)(8)'' each place it appears.

(2) OTHER REFERENCES.—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221, by inserting ''or protected activity'' after ''disclosure'' each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

(i) by striking subparagraph (A) and inserting the following:

''(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

''(i) with regard to remedying a violation of paragraph (8); or

''(ii) *other than* with regard to remedying a violation of *paragraph (8)* **[**any other law, rule, or regulation**]**;''; and

(ii) in subparagraph (B), by inserting ''(i) or (ii)'' after ''subparagraph (A)''.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

''(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

''(A) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

''(B) the disclosure revealed information that had been previously disclosed;

''(C) of the employee's or applicant's motive for making the disclosure;

''(D) the disclosure was not made in writing;

''(E) the disclosure was made while the employee was off duty; or

''(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.''.

SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking ''and'' at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(D) 'disclosure' means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

''(i) any violation of any law, rule, or regulation**[**, and occurs during the conscientious carrying out of official duties**]**; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.''.

SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

''This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), *(i)* any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence, *and* (ii)**[**. For purposes of paragraph (8),**]** a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee *or applicant* could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.''.

SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.

(a) PERSONNEL ACTION.—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking ''and'' after the semicolon; and

(2) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

''(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and''.

(b) PROHIBITED PERSONNEL PRACTICE.—

(1) IN GENERAL.—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking ''or'' at the end;

(B) in paragraph (12), by striking the period and inserting ''; or''; and

(C) by inserting after paragraph (12) the following:

[''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosures that could compromise national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Control Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.' ''.

[(2) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) for implementation or enforcement—

[(A) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

[(B) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.**]**

''(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: 'These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.'.''.

(2) AGENCY WEBSITES.—Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) on the agency website, accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE EFFECTIVE DATE.—With respect to a nondisclosure policy, form, or agreement that was in effect before the effective date of this Act, but that does not contain the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) for implementation or enforcement—

(A) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement with regard to a current employee if the agency gives such employee notice of the statement; and

(B) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement after the effective date of this Act with regard to a former employee if the agency complies with paragraph (2).

(c) RETALIATORY INVESTIGATIONS.—

(1) AGENCY INVESTIGATION.—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

''(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

(2) DAMAGES.—Section 1221(g) of title 5, United States Code, is amended by adding at the end the following:

''(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.''.

SEC. 105. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

''(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or''.

SEC. 106. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

''(3)(A) A final order of the Board may impose—

''(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

''(ii) an assessment of a civil penalty not to exceed $1,000; or

''(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

''(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.''.

SEC. 107. REMEDIES.

(a) ATTORNEY FEES.—Section 1204(m)(1) of title 5, United States Code, is amended by striking ''agency involved'' and inserting ''agency where the prevailing party was employed or had applied for employment at the time of the events giving rise to the case''.

(b) DAMAGES.—Sections 1214(g)(2) and 1221(g)(1)(A)(ii) of title 5, United States Code, are amended by striking all after ''travel expenses,'' and inserting ''any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs).'' each place it appears.

SEC. 108. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 7703(b) of title 5, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

''(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.

''(B) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of ⟦2011⟧ *2012*, a petition to review a final order or final decision of the Board that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under paragraph (2).''.

(b) REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.—Section 7703(d) of title 5, United States Code, is amended to read as follows:

''(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

''(2) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of ⟦2011⟧ *2012*, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9)(A)(i), (B), (C), or (D). The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.''.

SEC. 109. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303 the following:

''§ 2304. Prohibited personnel practices affecting the Transportation Security Administration

''(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

''(1) the provisions of section 2302(b) (1), (8), and (9);

''(2) any provision of law implementing section 2302(b) (1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

''(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

''(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

''2304. Prohibited personnel practices affecting the Transportation Security Administration.
''2305. Responsibility of the Government Accountability Office.
''2306. Coordination with certain other provisions of law.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

SEC. 110. DISCLOSURE OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.

(a) DEFINITIONS.—In this subsection—

(1) the term ''agency'' has the meaning given under section 2302(a)(2)(C) of title 5, United States Code;

(2) the term ''applicant'' means an applicant for a covered position;

(3) the term ''censorship related to research, analysis, or technical information'' means any effort to distort, misrepresent, or suppress research, analysis, or technical information;

(4) the term ''covered position'' has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;

(5) the term ''employee'' means an employee in a covered position in an agency; and

(6) the term ''disclosure'' has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(b) PROTECTED DISCLOSURE.—

(1) IN GENERAL.—Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation[, and occurs during the conscientious carrying out of official duties]; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

(B) shall come within the protections of section 2302(b)(8)(B) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation[, and occurs during the conscientious carrying out of official duties]; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

(2) DISCLOSURES NOT EXCLUDED.—A disclosure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.

SEC. 111. CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.

Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: ''For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.''.

SEC. 112. ADVISING EMPLOYEES OF RIGHTS.

Section 2302(c) of title 5, United States Code, is amended by inserting '', including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures'' after ''chapter 12 of this title''.

SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

''(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to [any civil action brought in connection with] section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.

''(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a).''.

SEC. 114. SCOPE OF DUE PROCESS.

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

(b) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting '', after a finding that a protected disclosure was a contributing factor,'' after ''ordered if''.

SEC. 115. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

[(a) IN GENERAL.—

[(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information), or any successor thereto; Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code (governing disclosures of illegality, waste, fraud, abuse, or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.''.

[(2) ENFORCEABILITY.—

[(A) IN GENERAL.—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

[(B) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE DATE OF ENACTMENT.—A nondisclosure policy, form, or agreement that was in effect before the date of enactment of this Act, but that does not contain the statement required under paragraph (1)—

[(i) may be enforced with regard to a current employee if the agency gives such employee notice of the statement; and

[(ii) may continue to be enforced after the effective date of this Act with regard to a former employee if the agency posts notice of the statement on the agency website for the 1-year period following that effective date.]

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: ''These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.''.

(2) AGENCY WEBSITES.—Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under paragraph (1) on the agency website, accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) ENFORCEABILITY.—

(A) IN GENERAL.—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(B) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE EFFECTIVE DATE.—With respect to a nondisclosure policy, form, or agreement that was in effect before the effective date of this Act, but that does not contain the statement required under paragraph (1) for implementation or enforcement—

(i) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement

with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement after the effective date of this Act with regard to a former employee if the agency complies with paragraph (2).

(b) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding subsection (a), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure policy, form, or agreement shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law, consistent with the protection of sources and methods.

SEC. 116. REPORTING REQUIREMENTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) REPORT.—Not later than [40 months] *48 months* after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) CONTENTS.—The report under this paragraph shall include—

(A) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b) (8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious;

(C) an analysis of the outcome of cases described under subparagraph (A) that were decided by a United States District Court and the impact the process has on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) MERIT SYSTEMS PROTECTION BOARD.—

(1) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(2) FIRST REPORT.—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on [January 1, 2009 through] *the effective date of this Act and ending at* the end of the fiscal year [2009] *in which such effective date occurs.*

SEC. 117. ALTERNATIVE REVIEW.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

''(k)(1) In this subsection, the term 'appropriate United States district court', as used with respect to an alleged prohibited personnel practice, means the United States district court for the judicial district in which—

''(A) the prohibited personnel practice is alleged to have been committed; or

''(B) the employee, former employee, or applicant for employment allegedly affected by such practice resides.

''(2)(A) An employee, former employee, or applicant for employment in any case to which paragraph (3) or (4) applies may file an action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

''(B) Upon initiation of any action under subparagraph (A), the Board shall stay any other claims of such employee, former employee, or applicant pending before the Board at that time which arise out of the same set of operative facts. Such claims shall be stayed pending completion of the action filed under subparagraph (A) before the appropriate United States district court and any associated appellate review.

''(3) This paragraph applies in any case in which—

''(A) an employee, former employee, or applicant for employment—

''(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

''(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

''(B) no final order or decision is issued by the Board within 270 days after the date on which a request for that corrective action or appeal has been duly submitted, unless the Board determines that the employee, former employee, or applicant for employment engaged in conduct intended to delay the issuance of a final order or decision by the Board; and

''(C) such employee, former employee, or applicant provides written notice to the Board of filing an action under this subsection before the filing of that action.

''(4) This paragraph applies in any case in which—

''(A) an employee, former employee, or applicant for employment—

''(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

''(ii) files an appeal under section 7701(a) [(1)] alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

''(B)(i) within 30 days after the date on which the request for corrective action or appeal was duly submitted, such employee, former employee, or applicant for employment files a motion requesting a certification consistent with subparagraph (C) to the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case; and

''(ii) such employee has not previously filed a motion under clause (i) related to that request for corrective action *or that appeal*; and

''(C) the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case certifies that—

''(i) under *the standards* [standard] applicable to the review of motions to dismiss under rule 12(b)(6) of the Federal Rules of Civil Procedure, including rule 12(d), the request for corrective action *or the appeal* (including any allegations made with the motion under subparagraph (B)) would not be subject to dismissal; and

''(ii)(I) the Board is not likely to dispose of the case within 270 days after the date on which [a]*the* request for [that] corrective action *or the appeal* has been duly submitted; or

''(II) the case—

''(aa) consists of multiple claims;

''(bb) requires complex or extensive discovery;

''(cc) arises out of the same set of operative facts as any civil action against the Government filed by the employee, former employee, or applicant pending in a Federal court; or

''(dd) involves a novel question of law.

''(5) The Board shall grant or deny any motion requesting a certification described under paragraph (4)(ii) within 90 days after the submission of such motion and the Board may not issue a decision on the merits of a request for corrective action within 15 days after granting or denying a motion requesting certification.

''(6)(A) Any decision of the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case to grant or deny a certification described under paragraph (4)(ii) shall be reviewed on appeal of a final order or decision of the Board under section 7703 only if—

''(i) a motion requesting a certification was denied; and

''(ii) the reviewing court vacates the decision of the Board on the merits of the claim under the standards set forth in section 7703(c).

''(B) The decision to deny the certification shall be overturned by the reviewing court, and an order granting certification shall be issued by the reviewing court, if such decision is found to be arbitrary, capricious, or an abuse of discretion.

''(C) The reviewing court's decision shall not be considered evidence of any determination by the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board on the merits of the underlying allegations during the course of any action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

''(7) In any action filed under this subsection—

''(A) the district court shall have jurisdiction without regard to the amount in controversy;

''(B) at the request of either party, such action shall be tried by the court with a jury;

''(C) the court—

''(i) subject to clause (iii), shall apply the standards set forth in subsection (e); and

''(ii) may award any relief which the court considers appropriate under subsection (g), except—

''(I) relief for compensatory damages may not exceed $300,000; and

''(II) relief may not include punitive damages; and

''(iii) notwithstanding subsection (e)(2), may not order relief if the agency demonstrates by a preponderance of the evidence that the agency would have taken the same personnel action in the absence of such disclosure; and

''(D) the Special Counsel may not represent the employee, former employee, or applicant for employment.

''(8) An appeal from a final decision of a district court in an action under this subsection shall be taken to the Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.

''(9) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether under section 1214(b)(2), the preceding provisions of this section, section 7513(d), section 7701, or any otherwise applicable provisions of law, rule, or regulation.''.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 118. MERIT SYSTEMS PROTECTION BOARD SUMMARY JUDGMENT.

(a) IN GENERAL.—Section 1204(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

''(3) With respect to a request for corrective action based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542, the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board may, with respect to any party, grant a motion for summary judgment when the Board or the administrative law judge determines that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.''.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

SEC. 119. DISCLOSURES OF CLASSIFIED INFORMATION.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' after the semicolon;

(2) in subparagraph (B), by adding ''or'' after the semicolon; and

(3) by adding at the end the following:

''(C) any communication that complies with subsection (a)(1), (d), [or] *and* (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);''.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(1), by adding at the end the following:

''(D) An employee of any agency, as that term is defined under section 2302(a)(2)(C) of title 5, United States Code, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General (or designee) of the agency [of] *at* which that employee is employed.'';

(2) in subsection (c), by striking ''intelligence committees'' and inserting ''appropriate committees'';

(3) in subsection (d)—

(A) in paragraph (1), by striking ''either or both of the intelligence committees'' and inserting ''any of the appropriate committees''; and

(B) in paragraphs (2) and (3), by striking ''intelligence committees'' each place that term appears and inserting ''appropriate committees'';

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''intelligence''; and

(ii) in subparagraph (B), by inserting ''or an activity involving classified information'' after ''an intelligence activity''; and

(B) by striking paragraph (2), and inserting the following:

''(2) The term 'appropriate committees' means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, except that with respect to disclosures made by employees described in subsection (a)(1)(D), the term 'appropriate committees' means the committees of appropriate jurisdiction.''.

SEC. 120. WHISTLEBLOWER PROTECTION OMBUDSMAN.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking subsection (d) and inserting the following:

''(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

''(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

''(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and

''(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—

''(i) about prohibitions on retaliation for protected disclosures; and

''(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

''(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.

''(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1)(C) shall not apply to—

''(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); or

''(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking ''section 3(d)(1)'' and inserting ''section 3(d)(1)(A)''; and

(2) by striking ''section 3(d)(2)'' and inserting ''section 3(d)(1)(B)''.

(c) SUNSET.—

(1) IN GENERAL.—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) RETURN TO PRIOR AUTHORITY.—Upon the date described in paragraph (1), section 3(d) and section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such sections read on the day before the date of enactment of this Act.

TITLE II—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

SEC. 201. PROTECTION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

''§ 2303A. Prohibited personnel practices in the intelligence community

''(a) DEFINITIONS.—In this section—

''(1) the term 'agency' means an executive department or independent establishment, as defined under sections 101 and 104, that contains an intelligence community element, except the Federal Bureau of Investigation;

''(2) the term 'intelligence community element'—

''(A) means—

''(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

''(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

''(B) does not include the Federal Bureau of Investigation; and

''(3) the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A) with respect to an employee in a position in an intelligence community element (other than a position of a confidential, policy-determining, policymaking, or policy-advocating character).

''(b) IN GENERAL.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of an intelligence community element as a reprisal for a disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), or to the head of the employing agency (or an employee designated by the head of that agency for such purpose), which the employee reasonably believes evidences—

''(1) a violation of any law, rule, or regulation[, except for an alleged violation that occurs during the conscientious carrying out of official duties]; or

''(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

''(c) ENFORCEMENT.—The President shall provide for the enforcement of this section in a manner consistent with applicable provisions of sections 1214 and 1221.

''(d) EXISTING RIGHTS PRESERVED.—Nothing in this section shall be construed to—

''(1) preempt or preclude any employee, or applicant for employment, at the Federal Bureau of Investigation from exercising

rights currently provided under any other law, rule, or regulation, including section 2303;

''(2) repeal section 2303; or

''(3) provide the President or Director of National Intelligence the authority to revise regulations related to section 2303, codified in part 27 of the Code of Federal Regulations.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

''2303A. Prohibited personnel practices in the intelligence community.''.

SEC. 202. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) IN GENERAL.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''Not'' and inserting ''Except as otherwise provided, not'';

(2) in paragraph (5), by striking ''and'' after the semicolon;

(3) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(4) by inserting after paragraph (6) the following:

''(7) not later than 180 days after the date of enactment of the Whistleblower Protection Enhancement Act of 2011—

''(A) developing policies and procedures that permit, to the extent practicable, individuals who **[**challenge**]** in good faith *appeal* a determination to suspend or revoke a security clearance or access to classified information to retain their government employment status while such challenge is pending; and

''(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the provision of a right to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

''Any limitation period applicable to an agency appeal under paragraph (7) shall be tolled until the head of the agency (or in the case of any component of the Department of Defense, the Secretary of Defense) determines, with the concurrence of the Director of National Intelligence, that the policies and procedures described in paragraph (7) have been established for the agency or the Director of National Intelligence promulgates the policies and procedures under paragraph (7). The policies and procedures for appeals developed under paragraph (7) shall be comparable to the policies and procedures pertaining to prohibited personnel practices defined under section 2302(b)(8) of title 5, United States Code, and provide—

''(A) for an independent and impartial fact-finder;

''(B) for notice and the opportunity to be heard, including the opportunity to present relevant evidence, including witness testimony;

''(C) that the employee or former employee may be represented by counsel;

''(D) that the employee or former employee has a right to a decision based on the record developed during the appeal;

''(E) that not more than 180 days shall pass from the filing of the appeal to the report of the impartial fact-finder to the agency head or the designee of the agency head, unless—

''(i) the employee and the agency concerned agree to an extension; or

''(ii) the impartial fact-finder determines in writing that a greater period of time is required in the interest of fairness or national security;

''(F) for the use of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs in a manner consistent with the interests of national security, including ex parte submissions if the agency determines that the interests of national security so warrant; and

''(G) that the employee or former employee shall have no right to compel the production of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, except evidence necessary to establish that the employee made the disclosure or communication such employee alleges was protected by subparagraphs (A), (B), and (C) of subsection (j)(1).''.

(b) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following:

''(j) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

''(1) IN GENERAL.—Agency personnel with authority over personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee's security clearance or access determination because of—

''(A) any disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

''(i) a violation of any law, rule, or regulation**[**, and occurs during the conscientious carrying out of official duties**]**; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(B) any disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

''(i) a violation of any law, rule, or regulation**[**, and occurs during the conscientious carrying out of official duties**]**; or

''(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

''(C) any communication that complies with—

''(i) subsection (a)(1), (d), **[**or**]** *and* (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);

''(ii) subsection (d)(5)(A), (D), **[**or**]** *and* (G) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q); or

''(iii) subsection (k)(5)(A), (D), **[**or**]** *and* (G), of section 103H of the National Security Act of 1947 (50 U.S.C. 403–3h);

''(D) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

''(E) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (D); or

''(F) cooperating with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General,

if the actions described under subparagraphs (D) through (F) do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs.

''(2) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in paragraph (1) shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress.

''(3) DISCLOSURES.—

''(A) IN GENERAL.—A disclosure shall not be excluded from paragraph (1) because—

''(i) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

''(ii) the disclosure revealed information that had been previously disclosed;

''(iii) of the employee's motive for making the disclosure;

''(iv) the disclosure was not made in writing;

''(v) the disclosure was made while the employee was off duty; or

''(vi) of the amount of time which has passed since the occurrence of the events described in the disclosure.

''(B) REPRISALS.—If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from paragraph (1) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.

''(4) AGENCY ADJUDICATION.—

''(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) of this subsection may, within 90 days after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee through proceedings authorized by paragraph (7) of subsection (a), except that there shall be no appeal of an agency's suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

''(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney's fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000.

''(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall find that paragraph (1) of this subsection was

violated if a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency's assessment of the particular threat to the national security interests of the United States in the instant matter.

''(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

''(A) DEFINITION.—In this paragraph, the term 'Board' means the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of [2011] *2012*.

''(B) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination to the Board.

''(C) POLICIES AND PROCEDURES.—The Board, in consultation with the Attorney General, Director of National Intelligence, and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (B). The Director of National Intelligence and Secretary of Defense shall jointly approve any rules, regulations, or guidance issued by the Board concerning the procedures for the use or handling of classified information.

''(D) REVIEW.—The Board's review shall be on the complete agency record, which shall be made available to the Board. The Board may not hear witnesses or admit additional evidence. Any portions of the record that were submitted ex parte during the agency proceedings shall be submitted ex parte to the Board.

''(E) FURTHER FACT-FINDING OR IMPROPER DENIAL.—If the Board concludes that further fact-finding is necessary or finds that the agency improperly denied the employee or former employee the opportunity to present evidence that, if admitted, would have a substantial likelihood of altering the outcome, the Board shall remand the matter to the agency from which it originated for additional proceedings in accordance with the rules of procedure issued by the Board.

''(F) DE NOVO DETERMINATION.—The Board shall make a de novo determination, based on the entire record and under the standards specified in paragraph (4), of whether the employee or former employee received an adverse security clearance or access determination in violation of paragraph (1). In considering the record, the Board may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact. In doing so, the Board may consider the prior fact-finder's opportunity to see and hear the witnesses.

''(G) ADVERSE SECURITY CLEARANCE OR ACCESS DETERMINATION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall then separately determine whether reinstating the security clearance or access determination is clearly consistent with the interests of national security, with any doubt resolved in favor of national security, under Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information) or any successor thereto (including any adjudicative guidelines promulgated under such orders) or any subsequent Executive order, regulation, or policy concerning access to classified information.

''(H) REMEDIES.—

''(i) CORRECTIVE ACTION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the agency head to take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney's fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed $300,000. The Board may recommend, but may not order, reinstatement or hiring of a former employee. The Board may order that the former employee be treated as though the employee were transferring from the most recent position held when seeking other positions within the executive branch. Any corrective action shall not include the reinstating of any security clearance or access determination. The agency head shall take the actions so ordered within 90 days, unless the Director of National Intelligence, the Secretary of Energy, or the Secretary of Defense, in the case of any component of the Department of Defense, determines that doing so would endanger national security.

''(ii) RECOMMENDED ACTION.—If the Board finds that reinstating the employee or former employee's security clearance or access determination is clearly consistent with the interests of national security, it shall recommend such action to the head of the entity selected under subsection (b) and the head of the affected agency.

''(I) CONGRESSIONAL NOTIFICATION.—

''(i) ORDERS.—Consistent with the protection of sources and methods, at the time the Board issues an order, the Chairperson of the Board shall notify—

''(I) the Committee on Homeland Security and Government Affairs of the Senate;

''(II) the Select Committee on Intelligence of the Senate;

''(III) the Committee on Oversight and Government Reform of the House of Representatives;

''(IV) the Permanent Select Committee on Intelligence of the House of Representatives; and

''(V) the committees of the Senate and the House of Representatives that have jurisdiction over the employing agency, including in the case of a final order or decision of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, or the National Reconnaissance Office, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

''(ii) RECOMMENDATIONS.—If the agency head and the head of the entity selected under subsection (b) do not follow the Board's recommendation to reinstate a clearance, the head of the entity selected under subsection (b) shall notify the committees described in subclauses (I) through (V) of clause (i).

''(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

''(A) agency action under this section; or

''(B) action of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of [2011] *2012*.

''(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.''.

(c) ACCESS DETERMINATION DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(a)) is amended by adding at the end the following:

''(9) The term 'access determination' means the [process for determining] *determination regarding* whether an employee—

''(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry); and

''(B) possesses a need to know under that Order.''.

(d) RULE OF CONSTRUCTION.—Nothing in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall be construed to require the repeal or replacement of agency appeal procedures implementing Executive Order 12968 (60 Fed. Reg. 40245; relating to classified national security information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto, that meet the requirements of section 3001(b)(7) of such Act, as so amended.

SEC. 203. REVISIONS RELATING TO THE INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTION ACT.

(a) IN GENERAL.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) by inserting ''(1)'' after ''(b)''; and

(B) by adding at the end the following:

''(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence *and, if the establishment is within the Department of Defense, to the Secretary of Defense*. In such a case, the requirements of this section for the head of the establishment apply to [the recipient] *each recipient* of the Inspector General's transmission. [The Director of National Intelligence] *Each recipient of the Inspector General's transmission* shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement [Review] Act of [2011] *2012* regarding all transmissions under this paragraph.'';

(2) by designating subsection (h) as subsection (i); and

(3) by inserting after subsection (g), the following:

''(h) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.''.

(b) CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subparagraph (B)—

(A) by inserting ''(i)'' after ''(B)''; and

(B) by adding at the end the following:

''(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this subsection for the Director apply to the [recipient of the Inspector General's submission; and] *Director of National Intelligence.*

The Director of National Intelligence shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2012 regarding all transmissions under this clause.''; and

(2) by adding at the end the following:

''(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.''.

SEC. 204. REGULATIONS; REPORTING REQUIREMENTS; NONAPPLICABILITY TO CERTAIN TERMINATIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''congressional oversight committees'' means—

(A) the Committee on Homeland Security and Government Affairs of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Oversight and Government Reform of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the term ''intelligence community element''—

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(B) does not include the Federal Bureau of Investigation.

(b) REGULATIONS.—

(1) IN GENERAL.—**[**The**]** *In consultation with the Secretary of Defense, the* Director of National Intelligence shall prescribe regulations to ensure that a personnel action shall not be taken against an employee of an intelligence community element as a reprisal for any disclosure of information described in section 2303A(b) of title 5, United States Code, as added by this Act.

(2) APPELLATE REVIEW BOARD.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Attorney General, and the heads of appropriate agencies, shall establish an appellate review board that is broadly representative of affected Departments and agencies and is made up of individuals with expertise in merit systems principles and national security issues—

(A) to hear whistleblower appeals related to security clearance access determinations described in section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as added by this Act; and

[(B) that shall include a subpanel that reflects the composition of the intelligence committee, which shall be composed of intelligence community elements and inspectors general from intelligence community elements, for the purpose of hearing cases that arise in elements of the intelligence community.**]**

(B) that shall include a subpanel that reflects the composition of the intelligence community, which shall—

(i) be composed of intelligence community elements and inspectors general from intelligence community elements, for the purpose of hearing cases that arise in elements of the intelligence community; and

(ii) include the Inspector General of the Intelligence Community and the Inspector General of the Department of Defense.

(c) REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional oversight committees.

(d) NONAPPLICABILITY TO CERTAIN TERMINATIONS.—Section 2303A of title 5, United States Code, as added by this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall not apply **[**to adverse security clearance or access determinations**]** if the affected employee is concurrently terminated under—

(1) section 1609 of title 10, United States Code;

(2) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 403–1(m)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination;

(3) the authority of the Director of the Central Intelligence Agency under section 104A(e) of the National Security Act of 1947 (50 U.S.C. 403–4a(e)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination; or

(4) section 7532 of title 5, United States Code, if—

(A) the agency head personally terminates the individual; and

(B) the agency head—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination.

TITLE III—SAVINGS CLAUSE; EFFECTIVE DATE

SEC. 301. SAVINGS CLAUSE.

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

SEC. 302. EFFECTIVE DATE.

This Act shall take effect 30 days after the date of enactment of this Act.

Ms. STABENOW. I ask unanimous consent that the committee-reported amendments be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The bill, (S. 743), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

BRIAN A. TERRY BORDER PATROL STATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 390, H.R. 2668.

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

The assistant legislative clerk read as follows:

A bill (H.R. 2668) to designate the station of the United States Border Patrol located at 2136 South Naco Highway in Bisbee, Arizona, as the ''Brian A. Terry Border Patrol Station.''

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. I am pleased that the Senate will pass the Brian Terry Memorial Act today, and that it has the overwhelming support of my colleagues.

Agent Terry, a native of Flat Rock, MI, dedicated his life to public service and the protection of our country and its citizens. He served honorably in the U.S. Marine Corps and continued his service as a police officer with the cities of Ecorse and Lincoln Park in Michigan prior to joining the U.S. Border Patrol. He was a member of the 699th Session of the Border Patrol Academy assigned to the Naco Border Patrol Station within the Tucson Sector. Tragically, in December 2010, while on patrol 14 miles north of the U.S.-Mexico border, Agent Terry was shot and killed during an armed confrontation with suspected criminals.

Agent Terry gave everything in the defense of our country. As we sit here today, thousands of agents are putting their lives on the line to secure our borders and protect our Nation. Agent Terry exemplified that courage and heroism, and we honor him today with this legislation that will designate the station of the U.S. Border Patrol located at 2136 South Naco Highway in Bisbee, AZ, as the Brian A. Terry Border Patrol Station.

I thank my colleagues for their support of this worthy tribute to Agent Terry.

Ms. STABENOW. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

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

The bill (H.R. 2668) was ordered to a third reading, was read the third time, and passed.

CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 447, submitted early today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 447) congratulating the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education, and supporting the ideals and goals of the 13th annual National Charter Schools Week, to be held May 6 through May 12, 2012.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 447) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 447

Whereas charter schools deliver high-quality public education and challenge all students to reach their potential;

Whereas charter schools promote innovation and excellence in public education;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that—

(1) respond to the needs of communities, families, and students in the United States; and

(2) promote the principles of quality, accountability, choice, and innovation;

Whereas, in exchange for flexibility and autonomy, charter schools are held accountable by their sponsors for improving student achievement and for the financial and other operations of the charter schools;

Whereas 40 States, the District of Columbia, and Guam have passed laws authorizing charter schools;

Whereas, as of the date of approval of this resolution, 5,275 charter schools are serving more than 2,000,000 children;

Whereas in fiscal year 2011 and the 18 previous fiscal years, Congress has provided a total of more than $3,000,000,000 in financial assistance to the charter school movement through grants for planning, startup, implementation, dissemination, and facilities;

Whereas numerous charter schools improve the achievements of students and stimulate improvement in traditional public schools;

Whereas charter schools are required to meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools;

Whereas charter schools often set higher and additional individual goals than the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools—

(1) give parents the freedom to choose public schools;

(2) routinely measure parental satisfaction levels; and

(3) must prove their ongoing success to parents, policymakers, and the communities served by the charter schools;

Whereas more than 50 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill more than 1,100 average-sized charter schools; and

Whereas the 13th annual National Charter Schools Week is scheduled to be held May 6 through May 12, 2012: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the students, parents, teachers, and administrators of charter schools across the United States for—

(A) ongoing contributions to education;

(B) the impressive strides made in closing the persistent academic achievement gap in the United States; and

(C) improving and strengthening the public school system in the United States;

(2) supports the ideals and goals of the 13th annual National Charter Schools Week, a week-long celebration to be held May 6 through May 12, 2012, in communities throughout the United States; and

(3) encourages the people of the United States to hold appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for charter schools.

ORDERS FOR WEDNESDAY, MAY 9, 2012

Ms. STABENOW. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Wednesday, May 9, at 9:30 a.m.; that 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, and that the majority leader be recognized.

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

Ms. STABENOW. 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.

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

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

PROGRAM

Ms. STABENOW. Mr. President, it is the majority leader's intention to resume the motion to proceed to S. 2343, the Stop the Student Loan Interest Rate Hike Act, upon convening tomorrow. We expect to equally divide the first hour, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. STABENOW. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Wednesday, May 9, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARIA LOPEZ DE LEON, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016, VICE JAMES BALLINGER, TERM EXPIRED.

EMIL J. KANG, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018, VICE BENJAMIN DONENBERG, TERM EXPIRING.

NUCLEAR REGULATORY COMMISSION

KRISTINE L. SVINICKI, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2017. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL D. DUBIE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BOBBY V. PAGE

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. WILLIAM R. PHILLIPS II

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL LESLIE J. CARROLL
BRIGADIER GENERAL BRYAN R. KELLY
BRIGADIER GENERAL PETER S. LENNON
BRIGADIER GENERAL GARY A. MEDVIGY
BRIGADIER GENERAL DAVID W. PUSTER
BRIGADIER GENERAL MEGAN P. TATU
BRIGADIER GENERAL DANIEL L. YORK
BRIGADIER GENERAL JAMES V. YOUNG, JR.

To be brigadier general

COLONEL DOUGLAS F. ANDERSON
COLONEL DANNY C. BALDWIN
COLONEL WILLIAM P. BARRIAGE
COLONEL LEANNE P. BURCH
COLONEL MITCHELL R. CHITWOOD
COLONEL STEPHEN K. CURDA
COLONEL ARLAN M. DEBLIECK
COLONEL CHRIS R. GENTRY
COLONEL NORMAN B. GREEN
COLONEL LEWIS G. IRWIN
COLONEL PHILLIP S. JOLLY
COLONEL ROBERT A. KARMAZIN
COLONEL TROY D. KOK
COLONEL WILLIAM S. LEE
COLONEL TAMMY S. SMITH
COLONEL MICHAEL S. TUOMEY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. THOMAS H. COPEMAN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. RICHARD W. HUNT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. PAUL A. SOHL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. JOHN F. KIRBY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRIAN B. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRUCE F. LOVELESS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRIAN K. ANTONIO

CAPT. LUTHER B. FULLER III

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN JOHN D. ALEXANDER
CAPTAIN BRET C. BATCHELDER
CAPTAIN RONALD A. BOXALL
CAPTAIN ROBERT P. BURKE
CAPTAIN DAVID J. HAHN
CAPTAIN ALEXANDER L. KRONGARD
CAPTAIN ANDREW L. LEWIS
CAPTAIN BRUCE H. LINDSEY
CAPTAIN DEE L. MEWBOURNE
CAPTAIN JOHN P. NEAGLEY
CAPTAIN PARTICK A. PIERCEY
CAPTAIN MARKHAM K. RICH
CAPTAIN CHARLES A. RICHARD
CAPTAIN CYNTHIA M. THEBAUD
CAPTAIN BRAD WILLIAMSON
CAPTAIN RICKY L. WILLIAMSON