AMENDMENT NO. 3749

At the request of Mr. TESTER, the names of the Senator from Florida (Mr. NELSON), the Senator from Nebraska (Mr. NELSON) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 3749 proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 3749 proposed to S. 3217, supra.

AMENDMENT NO. 3752

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 3752 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3754

At the request of Mrs. MURRAY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of amendment No. 3754 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3759

At the request of Mrs. HUTCHISON, the names of the Senator from Washington (Mrs. MURRAY), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 3759 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3778

At the request of Mr. UDALL of Colorado, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Illinois (Mr. BURRIS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 3778 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3791

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3791 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

AMENDMENT NO. 3797

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 3797 intended to be proposed to S. 3217, an original bill to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON:

S. 3310. A bill to designate certain wilderness areas in the National Forest System in the State of South Dakota; to the Committee on Energy and Natural Resources.

Mr. JOHNSON. Mr. President, today, I am introducing legislation to protect the Cheyenne River Valley in the Buffalo Gap National Grassland. My bill will establish the first National Grassland wilderness area in the United States and provide the public with a unique experience to enjoy these public lands.

The Cheyenne River Valley in the Buffalo Gap National Grassland includes some of the finest prairie wilderness in the United States. Located among isolated buttes and the wide Cheyenne River Valley, these lands remain largely isolated and in the form that the Native people who first inhabited these lands would recognize.

The lands of the Cheyenne River Valley—Indian Creek, Red Shirt and Chalk Hills—exhibit the characteristics of undisturbed, wild lands. Consistent with their natural character, the U.S. Forest Service identified these lands for inclusion in the Wilderness Preservation System. In fact, since 2002, the Indian Creek and Red Shirt areas have been managed by the Forest Service to preserve their wilderness qualities, including a prohibition on motorized traffic that created one of the largest roadless areas in the Great Plains. My legislation builds off the Forest Service recommendation in a manner consistent with the history and purposes of the Buffalo Gap National Grassland.

These lands also support livestock grazing, a productive use and integral part of managing the health and sustainability of native grassland. My bill safeguards existing grazing, consistent with the Wilderness Act, by directing the Forest Service to allow for the continuation of grazing.

By designating a portion of the Cheyenne River Valley as wilderness, it is possible to protect its undeveloped character from encroaching motorized recreation while providing hunters, rock collectors, campers and hikers a new way to enjoy prairie grasslands.

The public benefits from enjoying a variety of experiences on our public lands. These lands provide food and fiber and are a natural asset to be responsibly and sustainably managed. America's grasslands, with millions of acres of rangeland, can also sustain other purposes, including the solitude and primitive character of wilderness. Establishing a first-of-its-kind grasslands wilderness fills a long overlooked gap and completes the unique history and varied landscapes of our National Grasslands.

I have named this bill in honor of my friend and a great advocate for South Dakotan's open spaces, the late Tony Dean. It is his words in describing the purposes of creating a grasslands wilderness bill that I turn to for the best explanation for why this bill is necessary. Tony said:

> Let's relate wilderness from the perspective of a hunter. It does not take a rocket scientist among hunters to recognize that once the opening salvo takes place on opening morning of the big game seasons, no matter where you live, the best hunting is almost always found far from the nearest road.

That sentiment is what, in part, this legislation is aimed at creating: a place held from competition of multiple uses and development, a place where the public and future generations can enjoy a unique wilderness experience found in few places outside my great State.

By Mr. KERRY:

S. 3311. A bill to improve and enhance the capabilities of the Department of Defense to prevent and respond to sexual assault in the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mr. KERRY. Mr. President, I am deeply troubled by the increasing number of sexual assaults in the U.S. military. Not only is sexual assault a crime that is incompatible with military service, but it also undermines core values, degrades military readiness, subverts good will and forever changes the lives of victims and their families.

We know from the Defense Department's 2009 Report on Sexual Assault in the Military that the number of reported sexual assaults in the military

increased substantially last year—a trend that has continued for the last couple of years.

Unfortunately, according to the Pentagon, we also know that while improvements have been made, the number of sexual assaults in the military actually reported is far below the estimated number of assaults that have actually occurred in the military. It is estimated that only 10 to 20 percent of sexual assaults in the military are actually reported.

Obviously, more needs to be done. That is why I have introduced the Defense, Sexual Trauma Response and Good Governance, STRONG Act of 2010. This legislation builds on many of the common sense solutions that were included in the December 2009 Report on Sexual Assault in the Military, a report from the Defense Task Force on Sexual Assault in the Military Services.

The Defense STRONG Act of 2010 would guarantee legal counsel from a Judge Advocate General to all sexual assault victims, whether or not they file restricted or unrestricted reports. Currently, anyone who files a restricted report cannot seek legal counsel. Seeking legal counsel triggers an investigation, which, in turn, makes that report unrestricted—that is, it is no longer confidential and the chain of command is notified.

A directive issued by the Department of Defense in 2005 omitted Judge Advocate Generals and civilian lawyers trained in military law from the list of individuals that a victim can seek guidance and assistance from. The only individuals on the list are Sexual Assault Response Coordinator's, SARCs, Victim Advocates, VAs, health care personnel, and chaplains—none of whom are likely to have legal training. But it is my belief that the victim of a sexual assault should have the right to legal counsel no matter what.

In its report, the Defense Task Force on Sexual Assault in the Military Services also found that victims are not offered appropriate privileged communications. The report noted that there are 35 states that currently have a privilege for communications between Victim Advocates and victims of sexual assault. However, because no privilege exists in military proceedings, defense counsel are able to identify Victim Advocates as a potential defense witness in a court-martial. There have been multiple occasions in which information was obtained from Victim Advocates in court-martial proceedings and used to try to undermine the credibility of a victim with cross examinations highlighting inconsistencies in prior statements.

There are certain roles that I believe are inherently governmental and certainly one is the role of Sexual Assault Response Coordinator, which should be filled by either a uniformed servicemember or a DoD civilian employee, not a contractor. The Defense Task Force on Sexual Assault in the Military Services agreed. So this legislation would require one Sexual Assault Response Coordinator per brigade, filled by either a full-time military servicemember or a DoD civilian employee.

Moreover, this legislation also would require that Victim Advocates be either a uniformed servicemember or a DoD civilian employee. At the battalion level, there are usually two part time Victim Advocates. The Defense STRONG Act would require that there be at least one-full time Victim Advocate at each battalion, or battalion equivalent.

Another issue that has long plagued the DoD's ability to adequately respond to and prevent sexual assaults in the military is the lack of standardization amongst the services. The Defense STRONG Act would require the DoD to standardize much of their certification programs in a manner modeled after the Defense Equal Opportunity Management Institute, training Sexual Assault Response Coordinators as well as Victim Advocates. Standardization and professionalization would drastically impact readiness.

This legislation would also require the Department of Defense to develop modules specific to each level of Professional Military Education. By doing so, we could ensure that military leadership is aware of all available resources. This provision would also encourage the Department of Defense to craft each level of Professional Military Education to the level of responsibility as military leadership get promoted.

Elevating the Director of the Sexual Assault Prevention and Response Office to the Senior Executive Service level was another recommendation put forth by the Defense Task Force Report. A senior leader in this office is necessary in order to obtain resources and provide the attention this issue requires, much like the Defense Military Equal Opportunity Office and the Office of Military and Community Family Policy. Leadership at the senior level has already proven instrumental in helping advance the DoD's efforts in overcoming domestic violence and discrimination and could be just as helpful in combating sexual assaults.

While there is no magic formula for solving a problem that has long plagued the Department of Defense, I believe these provisions will strengthen the DoD's ability to respond to cases of sexual assault and prevent future cases from occurring.

By Mr. REID:

S. 3313. A bill to withdraw certain land located in Clark County, Nevada from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral and geothermal leasing or mineral materials, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Sloan Hills Withdrawal Act of 2010.

Over the past year, I have been contacted by thousands of people in southern Nevada who have voiced serious concerns about a proposed aggregate mining operation that would be located on federal land very near Henderson, Nevada. I have a simple goal with the legislation that I am introducing today. My bill will stop the development of the proposed 640-acre gravel pit by withdrawing the area from location, entry, and patent under the mining laws and disposition under all laws pertaining to mineral materials. In short, this legislation makes sure that the proposed gravel operations at Sloan Hills will not go forward.

The Bureau of Land Management, BLM, is currently evaluating a proposal for a major gravel operation at the site in question. If approved, the resulting mine would blast rock, crush gravel, kick up dust, and consume precious water resources up to 24 hours a day, every day, for 30 years. This would all be done just a few miles from numerous Henderson neighborhoods.

Citizens from all over Clark County have rallied against this project because of its potential effect on the health of residents and the toll that the blasting other operations would have on an otherwise peaceful community. Because this project would be on Federal land local governments are limited in their ability to influence the outcome of the Sloan Hills proposal. It is clear to all of us, though, that the proposed location for this gravel quarry is not in the best interest of our community.

One of the major points of concern raised by Henderson residents is the large clouds of fine particulate matter that would be generated by mining activities at the Sloan Hills site. The dust kicked up by the proposed gravel operation would undoubtedly complicate the current air quality challenges in the Las Vegas Valley and would be particularly troublesome for members of nearby, age-restricted communities that have seniors already suffering from respiratory problems. Blasting and rock-crushing operations are also expected to generate noise and vibrations that will interfere with residents' daily lives.

This bill is important to me and to the people of southern Nevada. Keeping our communities safe and healthy is critical. I appreciate your help and I look forward to working with Chairman BINGAMAN, Ranking Member MURKOWSKI and the other distinguished members of the Senate Energy Committee to move this legislation forward in the near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 3313

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 ''Sloan Hills Withdrawal Act''.

SEC. 2. WITHDRAWAL OF SLOAN HILLS AREA OF CLARK COUNTY, NEVADA.

(a) DEFINITION OF FEDERAL LAND.—In this section, the term ''Federal land'' means the land identified as the ''Withdrawal Zone'' on the map entitled ''Sloan Hills Area'' and dated May 5, 2010.

(b) WITHDRAWAL.—Subject to valid rights in existence on the date of introduction of this Act, the Federal land is withdrawn from all forms of—

(1) location, entry, and patent under the mining laws; and

(2) disposition under all laws pertaining to mineral and geothermal leasing or mineral materials.

By Ms. COLLINS (for herself and Mr. FEINGOLD):

S. 3315. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to join with my colleague from Wisconsin in introducing legislation, the Home Health Care Access Protection Act of 2010, to prevent future unfair administrative cuts in Medicare home health payment rates.

Home health has become an increasingly important part of our health care system. The kinds of highly skilled and often technically complex services that our Nation's home health agencies provide have helped to keep families together and enabled millions of our most frail and vulnerable older and disabled persons to avoid hospitals and nursing homes and stay just where they want to be—in the comfort and security of their own homes. Moreover, by helping these individuals to avoid more costly institutional care, they are saving Medicare millions of dollars each year.

That is why I find it so ironic—and troubling—that the Medicare home health benefit continually comes under attack.

The health care reform bill that was recently signed into law by the President includes $40 billion in cuts to home care over the next ten years. Moreover, these cuts are a ''double-whammy'' because they come on top of $25 billion in additional cuts to home health over the next ten years imposed by the Centers for Medicare and Medicaid Services through regulation.

These cuts are particularly disproportionate for a program that costs Medicare less than $18 billion a year. This simply is not right, and it certainly is not in the best interest of our Nation's seniors who rely on home care to keep them out of hospitals, nursing homes, and other institutions.

The payment rate cuts implemented and proposed by CMS are based on the assertion that home health agencies have intentionally ''gamed the system'' by claiming that their patients have conditions of higher clinical severity than they actually have in order to receive higher Medicare payments. This unfounded allegation of ''case mix creep'' is based on what CMS contends to be an increase in the average clinical assessment ''score'' of home health patients over the last few years.

In fact, there are very real clinical and policy explanations for why the average clinical severity of home care patients' health conditions may have increased over the years. For example, the incentives built into the hospital diagnosis-related group—or DRG—reimbursement system have led to the faster discharge of sicker patients. Advances in technology and changes in medical practice have also enabled home health agencies to treat more complicated medical conditions that previously could only be treated in hospitals, nursing homes, or inpatient rehabilitation facilities.

Moreover, this unfair payment rate cut is being assessed across the board, even for home health agencies that showed a decrease in their clinical assessment scores. If an individual home health agency is truly gaming the system, CMS should target that one agency, not penalize everyone.

The research method, data and findings that CMS has used to justify the administrative cuts also raise serious concerns about the validity of the payment rate cuts. For example, while changes in the need for therapy services significantly affect the case mix ''score,'' the CMS research methodology disregards those changes in evaluating whether the patient population has changed. Moreover, the method by which CMS evaluates changes in case mix coding is not transparent, does not allow for true public participation, and is not performed in a manner that ensures accountability to Medicare patients and providers in terms of its validity and accuracy of outcomes.

The legislation we are introducing today will establish a reliable and transparent process for determining whether payment rate cuts are needed to account for improper changes in ''case mix scoring'' that are not related to changes in the nature of the patients served in home health care or the nature of the care they received. This process will still enable the Secretary of Health and Human Services to enact rate adjustments provided there is reliable evidence that higher case mix scores are resulting from factors other than changes in patient conditions. The legislation will also prevent the implementation of future Medicare payment rate cuts in home health until the Secretary is able to justify the payment cuts through the improved process set forth in the bill.

Home health care has consistently proven to be a compassionate and cost-effective alternative to institutional care. Additional deep cuts will be completely counterproductive to our efforts to control overall health care costs. The Home Health Care Access Protection Act of 2010 will help to ensure that our seniors and disabled Americans continue to have access to the quality home health services they deserve, and I encourage all of my colleagues to sign on as cosponsors.

By Ms. COLLINS (for herself and Ms. SNOWE):

S. 3316. A bill provide for flexibility and improvements in elementary and secondary education, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I rise today to introduce the No Child Left Behind Flexibility and Improvements Act. I am pleased to be joined in this effort by my colleague from Maine, Senator SNOWE. Our legislation would give greater local control and flexibility to Maine and other states in their efforts to implement the No Child Left Behind Act, NCLB, and provides common sense reforms in the statute.

Since NCLB was enacted in 2002, I have had the opportunity to meet with numerous Maine educators to discuss their concerns with the law. In response to their concerns, in March 2004, Senator SNOWE and I commissioned the Maine NCLB Task Force to examine the implementation issues facing Maine under both NCLB and the Maine Learning Results. Our task force included members from every county in the State and had superintendents, teachers, principals, school board members, parents, business leaders, former state legislators, special education experts, assessment specialists, officials from the Maine Department of Education, a former Maine Commissioner of Education, and the Dean from the University of Maine's College of Education and Human Development.

After a year of study, the Task Force presented us with its final report outlining recommendations for possible statutory and regulatory changes to the act. These recommendations form the basis of the legislation that we are introducing today.

First, our legislation would provide greater flexibility to states in the ways that they demonstrate student progress in meeting state education standards. Specifically, it would permit states to use a cohort growth model, which tracks the progress of the same group of students over time. It would also permit the use of an ''indexing'' model, where progress is measured based on the number of students whose scores improve form, for example, a ''below-basic'' to a ''basic'' level, and not simply on the number of students who cross the ''proficient'' line.

Second, our legislation would provide schools with better notice regarding possible performance issues, allowing schools a chance to identify and work with a particular group of students before being identified. It would expand the existing ''safe-harbor'' provisions to allow more schools to qualify for this important protection. The changes made in our bill are in keeping with what assessment experts and teachers know—that significant gains in academic achievement tend to occur gradually and over time.

Third, our legislation would allow the members of a special education student's IEP team to determine the best assessment for that individual student, and would permit the student's performance on that assessment to count for all NCLB purposes.

One reason this change is so important for Maine is that we have small student populations and Maine has chosen a very small subgroup size—only 20 students. I was concerned to hear reports that in some schools, special education students fear that they are being blamed for their school not making adequate yearly progress. While the statute explicitly prohibits the disaggregation of student data if it would jeopardize student privacy, I am concerned to hear that this is not working out in practice.

This legislative change is also based on principles of fairness and common sense. Many times, it simply does not make sense to require a special needs student to take a grade-level assessment that everyone knows he or she is not ready to take. Many special education students are referred for special education services precisely because they cannot meet grade-level expectations. Allowing the IEP team to determine the best test for each special student will bring an important improvement to the Act while still ensuring accountability.

Fourth, the legislation addresses my concern about the statute's current requirement that all schools reach 100 percent proficiency by 2013–2014. Our bill would require the Secretary of Education to review progress by the states toward meeting this goal every three years, and would allow him to modify the time-line as necessary.

Fifth, our legislation would provide new flexibility for teachers of multiple subjects at the secondary school level to help them meet the ''highly qualified teacher'' requirements. Unfortunately, the current regulations place undue burdens on teachers at small and rural schools who often teach multiple subjects due to staffing needs, and on special education teachers who work with students on a variety of subjects throughout the day. Under the bill, provided these teachers are highly qualified for one subject they teach, they will be provided additional time and less burdensome avenues to satisfy the remaining requirements.

Our legislation is a comprehensive effort to provide greater flexibility and common sense modifications to address the key NCLB challenges facing Maine. Our goals remain the same as those in NCLB: a good education for each and every child; well-qualified, committed teachers in every classroom; and increased transparency and accountability for every school. I look forward to working with my colleagues on these issues during the upcoming NCLB reauthorization process.

By Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. DURBIN, Mr. GREGG, Mr. LIEBERMAN, and Mr. DODD):

S.J. Res. 29. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003; to the Committee on Foreign Relations.

Mr. MCCONNELL. Mr. President, today I rise to introduce a joint resolution that would renew sanctions against the Burmese junta. As in years past, I am joined in this effort by my good friend Senator FEINSTEIN. Senators MCCAIN, DURBIN, GREGG, and LIEBERMAN are original cosponsors of this bipartisan legislation and continue to be leaders on the issue.

Renewing sanctions against the military regime in Burma is as timely and as important as ever. Over the past year, the regime has not only made clear that it has no intention of reforming, it is also trying to stand up a new sham constitution and to legitimize itself in the eyes of the world through a sham election. In my view, the United States must deny the regime that legitimacy.

By way of background, a little history is in order. For nearly half a century, Burma has been under some kind of military rule, and every popular effort to reverse that situation has failed. In 1988, military authorities violently put down a popular uprising. Two years later, the Burmese people went to the polls and handed an overwhelming victory to the prodemocracy opposition, and the junta ignored the results. It never seated these popularly elected candidates. It jailed prodemocracy leaders, such as Aung San Suu Kyi, and it has maintained its brutal rule ever since.

In response to these events, the United States established on a bipartisan basis various sanctions against the Burmese regime. These include a 1997 Executive order; the annual import ban, which has been renewed annually since 2003; and restrictions on Burmese jade, which were enacted in 2008.

On a number of occasions since 1990, the United States and the U.N. have attempted to engage Burma diplomatically. These include, during the Clinton administration, a delegation led by Deputy Assistant Secretary of State Thomas Hubbard; various efforts by former U.S. Ambassador to the U.N. Madeleine Albright; and two trips to Burma by then-Congressman Bill Richardson in the mid-1990s.

Other diplomatic efforts included Assistant Secretary of State Christopher Hill's ''roadmap'' in 2006, and overtures made by the United States through China in 2007. In 2008, ADM Timothy Keating met with Burmese officials as part of United States efforts to provide humanitarian assistance in the wake of Cyclone Nargis.

The U.N., for its part, has dispatched a human rights envoy to Burma 15 times and special envoys 26 times over the past two decades. U.N. Secretary General Ban Ki-Moon has visited Burma on two occasions.

None of these efforts has yielded anything in the way of reform. Indeed, when Burmese citizens, led by Buddhist monks, took to the streets in peaceful protest against the government and its policies in the fall of 2007, these prodemocracy protesters, much like their predecessors, were brutally suppressed.

Nonetheless, the regime has sought at various times to save face internationally. In response to this last major challenge to its authority in the fall of 2007, for example, the regime unveiled a proposed constitution. But a quick look at the document shows that it could scarcely have been less democratic. It precluded Suu Kyi from participating in the electoral process and ensured that the charter may not be amended without the military's blessing. The noted constitutional law professor, David Williams, of Indiana University, told the Senate Foreign Relations Committee last year it was ''one of the worst constitutions [he had] ever seen.''

What is more, the vote to adopt this constitution took place 2 years ago in the immediate aftermath of Cyclone Nargis, the worst natural disaster in modern Burmese history, and international election observers were not permitted access to the country during the vote. If the regime was interested in legitimacy, holding a vote such as this in the middle of a natural disaster without election observers is not exactly the way to do it.

The results of this vote were roundly condemned, and for good reason. Still, despite widespread condemnation of this constitution and the circumstances surrounding its adoption, some held out hope that a subsequent election law might lead to democratic reform. But those hopes were dashed earlier this year when the regime actually issued the long-awaited election law. Among other things, the law would force the democratic opposition, the National League for Democracy, to expel Suu Kyi if the party chose to enter any of its candidates in the upcoming national election and it forbids political prisoners and Buddhist monks from political participation.

The deadline for registering candidates and political parties under the new law is later this week, and parties that fail to register before then will be deemed illegal. In other words, the law's practical effect would be to sideline Burma's most prominent democratic reformer and force its leading opposition party out of business.

We also get periodic press reports of ties between Burma and North Korea, including a particularly alarming report in recent days about an alleged weapons transfer from Pyongyang.

Last year, the Obama administration initiated a review of United States policy with respect to Burma. As a result of that review, the administration decided it is time for the United States to take another run at engaging the regime. That is why last summer Secretary Clinton reportedly proposed to

her Burmese counterpart at an international conference in Southeast Asia that the United States remove its investment ban on Burma in exchange for the unconditional release of Suu Kyi. Whatever the merits of this overture, this was a serious offer from a high ranking U.S. official aimed at improving bilateral relations.

Yet not only was Secretary Clinton's offer ignored and Suu Kyi not freed, the regime actually extended Suu Kyi's detention for another year and a half, and several months later, the junta denied her appeal. It was shortly after that that the regime released the anti-democratic election law I just referred to. So however well intentioned, the administration's policy of engagement has, unfortunately, met with the same fate as earlier engagement efforts, notwithstanding the fig leaves the regime occasionally holds out as supposed proof of its willingness to reform.

Clearly, the regime craves legitimization of its rule. Why else would it suddenly move to finalize the constitution it had been working on intermittently for 14 years after its rule was challenged by the nonviolent Saffron Revolution in the fall of 2007? They did it for the same reason they trotted out a transparently flawed election law earlier this year: They wanted to provide the appearance of reform where there was none. But they cannot have it both ways. If the regime wants legitimization, it must show real progress.

Secretary Clinton's policy review toward Burma concluded that engagement along with sanctions might produce results where sanctions alone had failed. Although we have yet to see any positive results from engagement, the administration itself concedes that sanctions should remain in place. But the administration, to its credit, has been quite candid about the lack of tangible progress by the regime.

Assistant Secretary of State Kurt Campbell acknowledged as much after the release of the Burmese election law. He said:

[T]he U.S. approach was to try to encourage domestic dialogue between the key stakeholders . . . and the recent promulgation of the election criteria doesn't leave much room for such a dialog.

It should be noted parenthetically the absence of any tangible result from engagement has nothing to do with the work of American diplomats. It has everything to do with the type of regime we are dealing with in Burma. But, again, the fact remains that no progress—none—has been made.

Legitimacy is the one thing the regime cannot impose by force. But if legitimacy is what it wants, a first step would be credible elections. At this point there is no reason to believe that is even possible under the current constitution, under the current election law, and in the current political climate in Burma.

Renewing sanctions is important because it denies the junta the legitimacy it so craves. A sanctions regime says to the junta and the world, in no uncertain terms, the United States does not view this government as having the support of its citizens. It says the United States will not be a party to recognizing the junta's attempts to overturn the democratic elections of 1990, the last true expression of the Burmese voters.

Sanctions should remain in place against the junta for the same reason the term ''Burma'' is used by friends of democracy instead of the junta's chosen name of ''Myanmar''—because Myanmar is the name of a government that has not been chosen by its people.

In short, sanctions should remain in place because lifting sanctions would give the regime precisely what it wants; namely, legitimacy.

I strongly urge my colleagues to support sanctions renewal against the Burmese regime.

Mr. DODD. Mr. President, let me commend the minority leader for his comments on Burma. It was a good education for me here to listen to it. I ask unanimous consent that I be added as a cosponsor to the legislation.

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

Mr. MCCONNELL. I thank my friend from Connecticut.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 29

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress approves the renewal of the import restrictions contained in section 3(a)(1) and section 3A(b)(1) and (c)(1) of the Burmese Freedom and Democracy Act of 2003.

Mrs. FEINSTEIN. Mr. President, I rise today once again with Senator MCCONNELL to introduce a joint resolution renewing the ban on all imports from Burma for another year.

We are proud to be joined by Senators MCCAIN, DURBIN, GREGG, and LIEBERMAN and we look forward to swift action by the Senate, House, and the President on this important matter.

Now, more than ever, the people of Burma need to know that we stand by them and support their vision of a free and democratic Burma.

On May 6th, the National League for Democracy, NLD, led by Nobel Peace Prize Laureate and political prisoner Aung San Suu Kyi, will cease to exist.

Let me be clear: the NLD is not shutting down out of its own free will.

It is being forced to disband by an unjust and undemocratic constitution and election law, both drafted in secret and behind closed doors by the ruling military junta, the State Peace and Development Council, SPDC, to solidify its grip on power.

Let me explain.

Under the terms of the new constitution, 25 percent of the seats must be set aside for the military.

Think about that: before any vote has been cast, the military is guaranteed a quarter of the seats in the new 440 member House of Representatives.

How will this new institution be any different from the current military regime?

If that is not enough to raise doubts about the military's commitment to a truly representative government, it should also be pointed out that last week the regime's Prime Minister, Thein Sein, and 22 cabinet ministers resigned from the army to form a new ''civilian'' political party, the Union Solidarity and Development Party.

Any seats won by this new ''party'' in the upcoming elections will be in addition to the 25 percent set aside for active military members.

Does anyone really believe the regime has embraced democracy and the concept of civilian rule? Unfortunately, it will be business as usual for the people of Burma and the democratic opposition.

What about Suu Kyi and her National League of Democracy, winners of the last free parliamentary elections in 1990?

First, last month, the regime, which never allowed the NLD to assume power, officially annulled its 1990 victory.

Second, under the new constitution, as a convicted ''criminal'' Suu Kyi is barred from running in the elections.

Finally, under the terms of the election law, in order to participate in the upcoming parliamentary elections and remain legally active, a political party has to cut ties with any members who are convicted criminals.

Thus, the NLD had to either kick Suu Kyi out of the party and participate in the elections or face extinction.

It should come as no surprise that the NLD refused to turn its back on Suu Kyi and give its stamp of approval to the regime's sham constitution and electoral law.

I applaud their courage and their devotion to democracy, human rights, and the rule of law.

While I am saddened to see the regime close its doors, the spirit and the principles of the NLD will live on in the hearts and minds of the people.

I know they will one day be able to elect a truly representative government.

As Tin Oo, the NLD's deputy leader and former political prisoner said: ''We do not feel sad. We have honor. One day we will come back; we will be reincarnated by the will of the people.''

This is a clear message to the regime that an illegitimate constitution and election law cannot suppress the unyielding democratic aspirations of the people of Burma.

Now, we must send our own signal to the regime that its quest for legitimacy has failed.

We must send our own signal to the democratic opposition that we stand in solidarity with them and we will not abandon them.

Now is the time to renew the import ban on all products from Burma for another year.

Let me be clear—I am disappointed that the ban has not moved Burma any closer to national reconciliation and a democratic government.

Indeed, as I have noted, the regime has taken several steps in the wrong direction.

But we have the opportunity to review these sanctions every year.

Last year we passed legislation allowing the sanctions to be renewed, once a year, for up to three more years until 2012.

Simply put, if we fail to renew the import ban, we will reward the military regime for its decades' long record of oppression.

We will reward them for keeping the true leader of Burma, Suu Kyi, behind bars and under house arrest for the better part of 20 years.

We will reward them for forcing the National League for Democracy to close its doors.

We will reward them for 2,100 political prisoners, the use of child soldiers, the persecution of ethnic minorities, the use of rape as an instrument of war, the use of torture, the use of forced labor, and the displacement of civilians.

Indeed, the standards for lifting the sanctions are clear. The regime must make ''substantial and measureable progress'' towards ending violations of internationally recognized human rights; releasing all political prisoners; allowing freedom of speech and press; allowing freedom of association; permitting the peaceful exercise of religion; and bringing to a conclusion an agreement between the SPDC and the National League for Democracy and Burma's ethnic nationalities on the restoration of a democratic government.

By every measure, the regime has failed to even come close to meeting these conditions. So we must act to renew the import ban.

But we cannot act alone.

I urge the United Nations and the international community to follow our lead and put pressure on the regime to abandon this process, release political prisoners, and draft a truly democratic and representative constitution.

I urge my colleagues to support this joint resolution.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 514—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 11TH ANNUAL NATIONAL CHARTER SCHOOLS WEEK, TO BE HELD MAY 2 THROUGH MAY 8, 2010

Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. BAYH, Mr. BURR, Mr. CARPER, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GREGG, Mr. LIEBERMAN, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 514

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 respond to the needs of communities, families, and students in the United States, and 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 4,956 charter schools are operating nationwide, serving more than 1,600,000 students;

Whereas, in fiscal year 2010 and the 16 previous fiscal years, Congress has provided a total of more than $2,734,370,000 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 give parents the freedom to choose public schools, routinely measure parental satisfaction levels, and 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;

Whereas the President has called for doubling the Federal support for charter schools, including replicating and expanding the highest performing charter models to meet the dramatic demand created by the more than 365,000 children on charter school waiting lists; and

Whereas the 11th annual National Charter Schools Week is to be held May 2, through May 8, 2010: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education, the impressive strides made in closing the persistent academic achievement gap in the United States, and improving and strengthening the public school system in the United States;

(2) supports the ideals and goals of the 11th annual National Charter Schools Week, a week-long celebration to be held May 2 through May 8, 2010, 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.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3815. Mr. DORGAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, to promote the financial stability of the United States by improving accountability and transparency in the financial system, to end ''too big to fail'', to protect the American taxpayer by ending bailouts, to protect consumers from abusive financial services practices, and for other purposes; which was ordered to lie on the table.

SA 3816. Mr. CHAMBLISS (for himself, Mr. SHELBY, Mr. MCCONNELL, Mr. GREGG, Mr. CRAPO, Mr. JOHANNS, Mr. COCHRAN, Mrs. HUTCHISON, Mr. CORNYN, Mr. ROBERTS, Mr. BENNETT, Mr. VITTER, and Mr. THUNE) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3817. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3818. Mr. MENENDEZ (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3819. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3820. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3821. Mr. BROWN of Ohio submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself and Mrs. LINCOLN)) to the bill S. 3217, supra; which was ordered to lie on the table.

SA 3822. Mr. REID (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 3739 proposed by Mr. REID (for Mr. DODD (for himself