

Arab partners to carry out the measures authorized by the U.N. Security Council Resolution.”

The President and his military advisers and commanders have explained that the overwhelming American capabilities to destroy enemy air defenses, target command-and-control structures, jam communications signals, and monitor the battlefield would all be employed to allow NATO and the coalition to assume responsibility for the no-fly zone. It was the limited nature of our combat role that encouraged me that the President was acting within his article II authorities as Commander in Chief. And the actions by NATO over the past few days to take over command and responsibility for the no-fly zone are consistent with the President's commitment that “limited U.S. actions will set the stage for further action by our coalition partners.”

Here I am reminded of the important contribution of Secretary of Defense Robert Gates in advising the President since he came to office. The President is fortunate to be able to call upon the wisdom of this seasoned national security expert in considering our operations in Afghanistan, Iraq, and Libya. It was Secretary Gates who reminded the American people of the risks inherent in military intervention. I know his views will be critical as we transfer further responsibilities to the coalition, and I hope the administration pays close attention to what he says.

This week, NATO will consider the last part of the mission that must be transferred. What the United Nations resolution refers to as protection of civilian personnel has included attacks on Libyan ground forces and strike missions conducted by American warplanes. If U.S. military forces were to have responsibility for close air support or execute additional strike missions in support of opposition forces, then that, of course, would exceed the President's definition of a limited, supporting role. Such a mission could last indefinitely and would trigger congressional consideration of our larger role in the war.

My expectation is that the President will explain this transfer of responsibility in his speech tonight and that NATO will resolve this issue this week, ending our efforts there as the primary force.

As the commander of U.S. African Command, GEN Carter Ham has said:

Our mandate—again, our mission—is to protect civilians from attack by the regime ground forces. Our mission is not to support any opposition forces.

General Ham has also said:

We do not operate in direct support of the opposition forces.

So as President Obama addresses the Nation this evening, like many Americans, I will be listening for answers to the following questions: When will the U.S. combat role in the operation end? Will America's commitment end in days, not weeks, as the President promised? What will be the duration of

the noncombat operation, and what will be the cost? What national security interests of the United States justify the risk of American life? What is the role of our country in Libya's ongoing civil war?

The President made clear that our combat forces' role in Libya will be limited in scope and duration. Tonight, I hope he will reiterate that pledge or ask Congress before extending the duration or scope of our mission there. And, as always, our thoughts are with the brave young Americans in places such as Helmand Province and Baghdad, those in Japan helping the Japanese people recover from the natural disaster there, and with those who are once again off the shores of Tripoli.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

#### BALANCED BUDGET AMENDMENT

Mr. BOOZMAN. Mr. President, I rise to speak on the floor of this Chamber for the first time as a Senator. I am honored to have this opportunity to be a voice for Arkansans who want to change the direction our country is headed so that we still have a great nation to leave behind for future generations, just as the greatest generation did for us.

I am eager to carry out the traditions of this body and I am honored to serve alongside my distinguished colleagues. The traditions set forth and established in this Chamber have long been admired and often imitated in governments around the world. The work done here sets an example of how people of different backgrounds and expertise can come together for the betterment of this country. We need to provide results by balancing the budget, cutting the deficit, creating jobs and putting our differences aside to work for the best interests of our country. I am up for the task assigned by the American people.

We are a nation of great thinkers and innovators and I am confident the ideas proposed and debated here will put us on the continued path to success. There is no question that we have faced difficult times in our Nation's history. We have been tried and tested before. We have weathered the storms and have always emerged as a better, stronger country.

The debates and issues we face today are just as challenging as those faced by the men and women who served in this body before us. As the first Republican elected to this Arkansas Senate seat since reconstruction, it is evident that Arkansans and all Americans are anxious for new results with new leaders to move our country into the future.

When I look back at the Senators who have served the great State of Arkansas, I am inspired by their service, dedication and commitment.

Growing up in Fort Smith, in Sebastian County, we were taught at an

early age about William Sebastian. At 36, he was the youngest Senator in the 30th U.S. Congress after leading an already distinguished career as a cotton farmer, judge and State legislator.

Hattie Caraway broke the glass ceiling, becoming the first woman to serve in the U.S. Senate. She recognized the important role of agriculture to the State and requested a seat on the Agriculture Committee. There is no doubt agriculture is still critical to the State today. My predecessor, Senator Blanche Lincoln, was the first woman to chair the Agriculture Committee and I am pleased to have a seat on that same committee and be part of the debates and discussions as we formulate future agriculture policies.

Throughout history, our State has been represented in this body by a diverse group of men and women who have put Arkansas and America first and I am honored to follow in their footsteps.

Each of these individuals had their generation's crises to address. We have our own as well.

The American people are worried. And rightfully so. Some of them have to check the morning news to see if they still have a job. Still many other able-bodied, ready-to-work Americans have not received a paycheck for months, some for years now.

Between November and December of last year, unemployment rates increased in 72 of the 75 counties in my home State of Arkansas.

And these are not small hits to our communities. A plywood plant in Fordyce, a town of 5,000 closed its doors, displacing almost 350 workers. That is more than 14 percent of the town's population.

It is not any easier in the State's larger cities either. In Fort Smith, Arkansas's second largest city, a leading appliance manufacturer laid off 850 employees last year.

Even our Nation's largest retailer, and Arkansas's largest employer, is not immune to this crisis. The economic downturn forced Wal-Mart to cut hundreds of jobs in its corporate office in Bentonville.

Like much of the rest of our Nation, Arkansas's job creators are nervous. It is hard for a small business owner to invest in their business and create jobs if they are concerned about the negative impact actions in Washington will have on their bottom line.

Given the right tools and circumstances, small business owners can and will create good paying jobs for the people of Arkansas and all Americans. We need to create policies that empower the private sector. That means fostering an environment that promotes economic certainty and encourages growth and innovation.

We can see results of the combined efforts of city, county, State and Federal leaders with Mitsubishi's decision to build a wind-turbine manufacturing plant in Fort Smith. The region's business leaders spent more than a year

competing with more than 60 other U.S. cities to attract Mitsubishi, resulting in as many as 400 new good-paying jobs in the Fort Smith community.

This is how we stimulate the economy.

Unfortunately, instead of taking that approach to creating a business-friendly environment in our communities, Washington's agenda over the past few years has created a climate of uncertainty.

From past experience, I know this hampers the private sector's ability to create jobs.

Before entering public service, I practiced optometry at a clinic my brother-in-law and I started in Rogers, AR. Over the course of 24 years, our little clinic grew from 5 employees to 85 employees and is now a leading provider of eye care in northwest Arkansas. We were able to grow over the years because we could plot our course with some degree of certainty. While no one can see the future, we could, with a fair degree of confidence, understand what our tax burden would be, what our energy costs would be and what our health care costs would be.

What we are hearing today from small business owners and investors is the exact opposite. They are afraid to invest any capital, because they don't know what their taxes will be; afraid to hire another employee because they are nervous about what that does to their health care costs; and afraid to expand until they know how big their energy bill is going to be.

Compound that uncertainty with the excessive spending, and you have a recipe for a disaster. While Americans tighten their belts, they watch in disbelief as Washington throws taxpayer money around with reckless abandon.

The extent of this problem is documented in a recent report by the Government Accountability Office. The report highlights wasteful spending by revealing a number of duplicative programs within the Federal Government which come with a price tag estimated to be in the billions.

There is simply no room for wasteful spending, especially when much of that money is not ours. Forty cents of every dollar we spend is borrowed, much of which is owed to countries that are not always friendly to us, countries like Saudi Arabia and China, the latter of which now owns more than \$1 trillion of our debt.

In testimony before Congress, ADM Mike Mullen said the greatest threat to our sovereignty is not Iran; not al-Qaida; not radical Islam, it is our national debt. He is right. We simply cannot continue to operate at this pace.

We cannot continue to add billions to our already staggering national debt. This year alone, the Federal Government will spend \$3.7 trillion while only collecting \$2.2 trillion. It does not take an advanced math degree to understand that 3 is greater than 2.

The average American family doesn't have the luxury to spend beyond its means. Their government should not, and does not, either. We must as a nation quit spending money we do not have.

The only way we will get a handle on this situation is to reform the manner in which we budget and allocate Federal dollars. It is time we put mechanisms in place to stop the government from spending beyond its means.

This is why one of the first bills I signed my name onto after taking the oath of office was Senator RICHARD SHELBY's balanced budget amendment. Senator SHELBY has been a champion on this front for a number of years, introducing this bill every session of Congress since 1987. Imagine what the country would look like if it had passed when he first proposed it. Now, more than ever, it is an idea that's time has come and I look forward to working with the Senator from Alabama to get some sort of spending cap like a balanced budget amendment passed.

This is a catalyst for change. It holds us to spending limits and forces changes in the manner in which taxpayer money is allocated.

We are at a crossroads in our country. We cannot keep kicking the can down the road. The "tax, borrow, spend" philosophy is not creating jobs; it is only creating more debt for our children and grandchildren.

We owe it to the generations of Americans who have made sacrifices in order for our country to prosper and that means working together to solve our problems.

No matter what political views we hold, at the end of the day we are all Americans who are committed to seeing our country succeed.

As a child, I learned that commitment from my dad who retired as a master sergeant in the Air Force. He followed in the steps of his dad who served in the Armed Forces during World War I and World War II.

We have a great ability through the power of this office that allows us to help Americans with issues they are facing. For our veterans who return home, a Senate office can be a huge resource. That is what helped my mom's dad when he returned home at the end of WWI. After surviving being gassed as the war wound down, his lungs did not function properly and he reached out to Senator Davis to help him with his disability.

Today, as our servicemembers return from tours in Afghanistan and Iraq, we have the same responsibilities to the men and women who fight for our freedoms and interests of our country.

No matter what major legislative crisis we are facing, we have a responsibility to these brave men and women. And the debates that take place in this body are no doubt of great importance, but so is each constituent who is having trouble with a Federal agency. In some cases, we are their last resort to

overcome a major obstacle in their lives and each and every case that comes before us must be given our undivided attention.

When I was first elected to Congress as a Member of the House in 2001, former Congressman John Paul Hammerschmidt, who represented the Third District of Arkansas for 26 years, gave me some excellent advice. He said: "John, always remember, now that the election is over, there are no more Republicans, no more Democrats, only the people of Arkansas and you need to take care of them." That is the key to good governing and good public service. Nobody embodied that more than John Paul. He was and is a dedicated public servant and has been a wonderful mentor during my time on Capitol Hill.

I think Arkansas's new congressional delegation is going to make John Paul proud. Certainly our senior Senator MARK PRYOR has embodied John Paul's mantra of taking care of the people of Arkansas. I have enjoyed working with Senator PRYOR while serving the third district of Arkansas and appreciate his leadership. I believe our delegation, working together, will be able to make a difference for the people of Arkansas and for our Nation.

The Senators who served Arkansas before Senator PRYOR and myself and those who have sat at these very desks understood their desk never belonged to them personally. It has always belonged to the American people. My name, carved in the desk, will always remind me that I am here to serve them. I am humbled and honored that the people of Arkansas have selected me to work from this desk for the next 6 years, and I will never forget why. I am here to be their voice, address their needs, and help tackle the great challenges we face as a nation. I look forward to working with each and every one of my colleagues to accomplish our mutual goals to keep our country on the path of prosperity.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. McCONNELL. Mr. President, I congratulate our colleague from Arkansas on his first speech and remark at how fortunate the people of Arkansas are to have him here representing them. I was particularly interested in the history lesson he taught us about various individuals who served the State of Arkansas both in the seat he now holds and other positions of responsibility. Again, on behalf of all Senators, I congratulate the junior Senator from Arkansas for his initial speech.

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. CARDIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. CARDIN pertaining to the introduction of S. 657 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

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

### OBAMACARE

Mr. KYL. Mr. President, last Wednesday marked the 1-year anniversary of the deeply flawed health care bill. The worst aspect of that bill is that it will lead to health care rationing by the Federal Government. That is the delay and denial of care in order to control costs. The words "ration," "withhold coverage" and "delay access to care" of course are not found anywhere in the bill. But new Federal rules that aim to reduce health care costs will inevitably result in delayed or denied tests, treatments, and procedures deemed too expensive and in less innovation in the development of drugs, devices, and treatments. Many of the decisions will be based on information provided by a new entity called the Patient-Centered Outcomes Research Institute, sometimes referred to as the PCORI. That will conduct comparative effectiveness research.

Comparative effectiveness research weighs the effectiveness of two or more health care services or treatments. The goal is to provide patients and doctors with better information regarding the risks and benefits of, for example, a drug versus a surgery for a particular situation. The problem is not with the merits of the research but whether the research should be used by the government to determine treatments and services covered by one's insurance. The health care law actually empowers the Secretary of Health and Human Services to do just that, to use this comparative effectiveness research when making coverage determinations.

Section 6301 of ObamaCare states:

The Secretary may [ . . . ] use evidence and findings from research conducted [ . . . ] by the Patient-Centered Outcomes Research Institute.

That means the government, not patients and doctors, has the power to make health care decisions that affect you. A bureaucrat decides if your health care is an effective use of government resources without regard to the patient's individual needs and medical history. The end result is the government inevitably interferes with access to care. That is rationing, and it is wrong.

While ObamaCare includes limited safeguards for how this research may

be used—appreciating the dangers involved—there is nothing that prohibits the government from taking it into account when, for example, making Medicare coverage decisions.

In fact, when asked whether the Federal CER agency should be involved in cost determinations, Donald Berwick, the President's recess-appointed head of the Centers for Medicare and Medicaid, responded:

The social budget is limited.

Ask citizens in Britain how well the system is working in their country. Britain's National Institute for Health and Clinical Excellence—called NICE—routinely uses comparative effectiveness research to make cost-benefit calculations.

Last year, NICE rejected a cutting-edge drug, Avastin, used to treat bowel cancer because it said the drug's limited effectiveness for extending life—they said 6 weeks; but up to 5 months according to the chief executive of the organization, Beating Bowel Cancer—they said it did not justify the cost. As Mike Hobday, head of policy at the charity, Macmillan Cancer Support, told Britain's Daily Telegraph:

We think this is devastating news for cancer patients with metastatic colorectal cancer, especially as this drug could have a significant impact on peoples' quality of life. Although a few extra weeks or months might not sound much to some people it can mean an awful lot to a family affected by cancer.

Likewise, in August 2008, NICE recommended against coverage of four expensive drugs for advanced kidney cancer. NICE considered the drugs clinically beneficial in specific situations but concluded they "were not cost-effective within their licensed indications."

Health care in Britain is also routinely delayed. Several years ago, the country's National Health Service launched an "End Waiting, Change Lives" campaign—"End Waiting, Change Lives." The campaign's goal was to reduce a patient's wait time to 18 weeks from referral to treatment. That is 4½ months, and that is an improvement.

Government-run health care systems that ration care are the reason many Europeans and Canadians come to the United States each year to get treatments denied to them in their own countries.

Access to the highest quality care and the sacred doctor-patient relationship are the cornerstones of U.S. health care—the very things Americans value most and that the health care law jeopardizes.

So I will join Senators COBURN, BARRASSO, ROBERTS, and CRAPO in introducing the Preserving Access to Targeted, Individualized, and Effective New Treatments and Services Act of 2011. That is also known as the PATIENTS Act.

The PATIENTS Act does not prohibit comparative effectiveness research; rather, it is a propatient firewall that protects patients' access to high-quality

care by prohibiting the Federal Government from using comparative effectiveness research to delay or deny care.

Additionally, the bill would require comparative effectiveness research to account for differences in the treatment response and preferences of patients, genomics and personalized medicine and the unique needs of health disparity populations and it would clarify that nothing shall be construed as affecting the FDA Commissioner's authority to respond to drug safety concerns.

All Americans deserve personalized treatment and should be able to get the care they and their doctors decide is best for them. No Washington bureaucrat should interfere with that right by substituting the government's judgment for that of a physician.

The administration has repeatedly promised that the health care law will not result in rationing. Well, if that promise is true, they should have no problem supporting the PATIENTS Act.

I urge my colleagues to join us in cosponsoring this important legislation.

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.

Ms. LANDRIEU. 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.

### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

### SBIR/STTR REAUTHORIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.