

more oil, natural gas, and other types of American fossil fuels into our energy supply today.

I would argue that there is a vital U.S.-American interest to harvest our own energy or we risk engaging in a military conflict every time those in an unstable Middle East cannot get along.

This is absolutely a critical debate. There are legitimate differences on both sides of the debate, but this is a debate that Congress should be willing to have: whether the President should have consulted and whether this is in our vital U.S.-American interest to go forward.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent to divide equally the remaining amount of morning business time.

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

(The remarks of Mr. ALEXANDER and Mr. SCHUMER pertaining to the introduction of S. 679 and the submission of S. Res. 116 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Virginia.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

HONORING OUR FEDERAL EMPLOYEES

JOSHUA BIENFANG

Mr. WARNER. Mr. President, I come to the floor again today to once more honor another great Federal employee.

I know the Presiding Officer and I, as well as some of our colleagues, recognize that in the State of New Mexico and the Commonwealth of Virginia and here in Washington, there are countless Federal employees who do great things in terms of public service and don't often get the recognition they deserve.

As we debate the balance of this year's budget and think about the in-

credible issues in front of us in terms of our debt and deficit—issues that have to be confronted—we also sometimes have to remember that our actions or our failure to act has enormous consequences on the people who defend our country, protect our homeland, or make sure the basic operations of government work. It could be making sure our Federal parks are open or making sure the folks here in Washington who are Federal police are on the job. Sometimes our failure to agree or our failure to come together on particularly the predictability of the balance of this fiscal year has an effect on their lives.

That is not the subject of my purpose of rising today, but I do think it is important to bear that in mind as I continue the tradition that was started by Senator Kaufman last year of coming to the floor on a regular basis to honor Federal employees.

Time and again, I have seen how the skills and dedication of Federal workers have yielded groundbreaking benefits for our country. Today, I wish to highlight a Federal worker who is at the forefront of modern technology.

Joshua Bienfang is a physicist at the National Institute of Standards and Technology. He created a new method of transmitting encrypted messages in a 100-percent secure way by using quantum physics. I know the Presiding Officer is an expert in quantum physics. I, unfortunately, am not. But since there are so many business operations in the great State of New Mexico, I know he is very familiar with these subjects, but I still have a great deal to learn. My understanding is that in practical terms, this means that message interceptors will be unable to capture sensitive information—critically important to protecting the homeland.

Prior to Mr. Bienfang's breakthrough, quantum cryptography was thought to be a largely experimental means of transmission. But he was able to both secure messages and speed up their delivery. In fact, this technology has set world speed records in the quantum cryptographic field. I know the Presiding Officer probably knows what those speed records are. I don't know. His background in quantum physics makes him understand that, but I think it is a very remarkable achievement.

Without a doubt, Mr. Bienfang's discovery will be greatly important to our national security as well as commerce and equally important to the privacy of medical records. His work also demonstrates the diversity of our Federal workforce. While we may have our fair share of bureaucrats, there are literally hundreds, if not thousands, of scientists and researchers doing cutting-edge work within the Federal Government and applying their intellect to benefit the American people.

I hope my colleagues will join me in congratulating Joshua Bienfang as well as those at the National Institute of Standard and Technology on their suc-

cess, which will no doubt aid Americans in the years to come.

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. WARNER. 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. WARNER. Mr. President, I ask unanimous consent that the period of the quorum calls between now and 2 p.m. be equally divided between both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. 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. 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.

Mr. BARRASSO. Mr. President, I ask unanimous consent that I be allowed to engage in a colloquy with my colleague from Texas.

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

HEALTH CARE

Mr. BARRASSO. I come to the floor as a physician who practiced medicine in Wyoming for a quarter of a century as an orthopaedic surgeon, taking care of families across the State, and to present a physician's second opinion on what has happened with the health care law people are dealing with. As NANCY PELOSI said 1 year ago: "First we have to pass it before you get to find out what's in it."

The American people are finding out what is in it and, frankly, they are not happy with it. They don't like it, they don't want to live with it, and they don't want to live under it.

One year ago, when we started this discussion, what we heard and what I believed as a physician was that what people are looking for is the care they need, from a doctor they want, at a cost they can afford.

This 2,700-page bill that is costing trillions of dollars doesn't deliver that at all. To me, it is a bill that makes it harder to create jobs. It increases the cost of care, eliminates choice, raises taxes, is locking 16 million Americans into a broken Medicaid system, and is taking \$500 billion from our seniors—not to help take care of Medicare and solve that problem but to start a whole new government entitlement program.

I was visiting with one of my colleagues, Dr. Kris Keggi, an orthopedic surgeon whom I trained under in my residency program. Just the impact on

seniors alone who need hip and knee replacements—we know when we take that kind of money away from Medicare, it doesn't make it easier for seniors to get the care they need.

Two courts have ruled—one in Virginia and one in Florida—that this health care law and the mandate that everybody in the country must buy or obtain government-approved health insurance is unconstitutional. The States are at an impasse in knowing what to do. How do they react? What will the Supreme Court decide? What kind of resources must the States commit?

That is why I am delighted to be joined on the floor by Senator HUTCHISON from Texas. I think she has the right answer. She has introduced, as an amendment to the bill we are discussing on the floor, the Save our States Act. It is an amendment to suspend implementing these health care reform measures until the lawsuits have been settled and we actually get a clear understanding.

I believe this law is unconstitutional. I ask my colleague—and I note there are quite a few Senators who have cosponsored this legislation—if she would perhaps share, as part of a second opinion, her thoughts on what the States have to live under now and what rights and opportunities the States should have.

Mrs. HUTCHISON. Mr. President, I certainly appreciate what Dr./Senator BARRASSO, from Wyoming, does for us on a regular basis. As one of the few physicians in our body—he is one of the two—he tells us the things that are happening in this health care reform bill that are hurting our health care system, hurting the quality of health care in our country, at a time when we need to assure senior citizens that Medicare cuts will not take effect. We certainly want our small businesses to hire people rather than stop at 50 because then they are going to start getting fined for not giving the government-prescribed health care that is in the health care reform act that was passed last year.

What I am doing in my amendment, as one of those pending in the bill before us, is saying: Stop. We have now had two Federal courts—one from Virginia, one from Florida—that have said this law is unconstitutional. Yet the administration is continuing to implement the law, even though it has certainly now been called into question.

I am most affected by the number of States that are having to do the same thing. Most of our State legislatures are in session right now. Every one of them—actually, I think approximately 44 States out of 50—has a budget shortfall. Yet our States are having to spend hundreds of millions of dollars to implement a law that may be declared unconstitutional.

Some States have said we are not going to implement it. But if they say that, then they are going to be in jeopardy when they are not prepared, if the law is constitutional, and they will be

paying late fees and fines for not implementing during this kind of time when we are in limbo. Some States are saying we are going to implement, but we have a budget shortfall and we would like not to be required to implement a law that may be void and we are spending millions of dollars when we need that money for education or Medicaid, frankly.

My amendment says we will stop any further implementation of this law until we know the final opinion has been rendered by the Supreme Court of the United States regarding whether the law is valid. That is it. It is simple and clear. We will let every State know they have a level playing field, that they do not have to spend the hundreds of millions of dollars now being spent on implementation, unless we know the Supreme Court has said the law is valid.

I have 36 cosponsors of my amendment, including the Senator from Wyoming, who is one of our two physicians in the Senate. I think we will have a large support because I am getting letters from organizations.

I got a letter from a group that has been formed to say we need to start over on this health care reform bill. These are people who represent the employers of America that want to be able to give their employees the health care coverage they can afford right now. It may not be the government-prescribed health care, but many are trying to do it.

The groups that have signed this letter supporting my amendment to say stop implementation now are: The Associated Builders and Contractors, the Associated General Contractors, the Electrical Contractors, the Foodservice Distributors Association, the International Franchises Association, the National Association of Manufacturers, the National Association of Wholesaler-Distributors, the National Retail Federation, the Small Business and Entrepreneurship Council, the U.S. Chamber of Commerce, the Independent Women's Voice, and the 60 Plus Association.

Those are the groups that are saying let's stop the upheaval this has caused in our country and wait and see what the Supreme Court says before we have the outlays of millions of dollars.

Most certainly, small businesses are not increasing employment because they are so concerned about the implications of the health care reform bill. Let me give the Senator from Wyoming an example from my home State of Texas, in Corpus Christi. A small business there has 34 employees. The cheapest option they have for their health insurance renewal is 44 percent more than their insurance just last year. They have just days to decide whether they can continue to offer their employees health insurance. This is in anticipation of the health care reform bill going into effect and causing these employers to have to meet these new mandates.

The insurance companies are already ratcheting up their insurance premiums in anticipation of this law. This is one of the key reasons we need to stop the implementation, until we know if this law is valid, so our businesses will have the freedom to provide affordable health care coverage to their employees.

I thank the Senator from Wyoming for coming in with his second opinion because we know he has unique experience in working with our health care system. I wish to make sure we don't do what the physicians' motto is—which is do no harm—when we haven't thought it through and don't have all the ramifications. First, do no harm. That is their motto. It is simple and clear.

I think we need to stop implementing this bill until the Supreme Court has ruled on its constitutionality.

Mr. BARRASSO. Mr. President, to follow up on that, I am so pleased to be an original cosponsor of the Save our States Act.

States are very concerned. As I heard my colleague from Texas say, 44 States are in the red right now. When we hear the complaints from Governors of both parties—they are all having to live under this law—they have great concerns. Some States, as my colleague notes, have actually applied for waivers so they don't have to live under the constraints of the law. The State of Maine has been given a waiver, 2½ million Americans have been given waivers by the Secretary of Health and Human Services. Many of those are union workers who actually supported the law. When they found out what the law was going to cost—as in the example the Senator has given from Corpus Christi—they said: We can't live under this.

To be forced to put out this expense and pay for it at a time of huge financial challenges for our States, it seems that the Save our States Act is a rational, logical, commonsense way to deal with this.

I will be home in Wyoming this weekend, very likely at a health fair, visiting with people from the communities. Health care fairs are ways to get low-cost health screenings. We know early prevention and early detection of problems are ways to keep down the cost of health care. Those are measures that work. We need to repeal and replace this health care law with things that are commonsense solutions that work. Of course, we can make it legal to allow people to buy insurance across State lines, give people individual incentives to stay healthy, allow people who buy individual health insurance to get the same tax breaks as big companies, and deal with the lawsuit abuse doctors will tell us impacts the way they practice and raises the cost of care.

There are so many things we need to do. That is why I come to the floor again with a doctor's second opinion on the health care law, saying it is time

to repeal and replace this health care law and replace it with something that works for the American people. This law we have passed and is now on the books is one I believe is unconstitutional and one that the Save our States Act will help our States deal with. This is a way that I think will help the health care of Americans who are struggling at this time to deal with the onerous requirements they see coming at them under the President's new health care law.

With that, I yield the floor and 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. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXTENSION OF MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent for the period of morning business to be extended until 3 p.m., with the time equally divided between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SBIR/STTR

Ms. LANDRIEU. Mr. President, I appreciate everyone's cooperation in trying to help us move the SBIR bill through the Senate this week. It is a very important bill. Hopefully, we can get back on that bill officially this afternoon as the leaders are negotiating about the amendments that are pending or those amendments filed against the bill. I see, at this time, the Senator from Maryland who is on the floor and wants to speak for just 1 minute about the bill and then Senator BOXER came down to speak about an amendment. Senator VITTER is also here, and I know he would like to be recognized in just a few minutes as well. Then we will alternate back and forth through morning business. There is no consent agreement at this point, but we will try to be fair to the Members, to move back and forth through the afternoon until 3 o'clock.

Mrs. BOXER. Mr. President, I ask the Senator if she will yield for a question.

Ms. LANDRIEU. The Senator would go after Senator CARDIN.

Mrs. BOXER. I wanted to clarify that.

Ms. LANDRIEU. Then Senator VITTER, if that is OK.

Mrs. BOXER. Because I have a pressing event after, I wanted to be sure.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I wish to go back to the SBIR bill itself and

compliment Senator LANDRIEU, the chairman, and Senator SNOWE, the ranking Republican member. This bill is an important one. I think it is important we get back to it and that we deal with amendments relevant to this legislation and move it forward. We have been on this bill for a period of time. It is time to move on. I urge my colleagues, let's take up the amendments that are relevant to the legislation and move it forward.

This is bipartisan legislation, passed out of committee by an overwhelming vote of Democrats and Republicans. It is a bill that will help create jobs in our community. We are talking about how America, as the President said, can outeducate, outinnovate and outbuild our competitors. We have to outinnovate. The SBIR bill makes it easier for small companies to innovate for America, to help this Nation grow, to help our economy grow. It is about jobs and innovation.

The SBIR Program provides funds for small-tech firms to innovate and grow and create jobs and for America to continue to lead the world in innovation. That is what this bill is about. It provides predictability so if you are going to go into a business, you know the program is going to be here to give the permanency of reauthorization. It provides a greater share of the pie for our smaller companies. Why? Because that is where we are going to get the job growth in America and that is where innovation is going to come from.

This is commonsense legislation we need to move forward. I know everybody has their particular amendment they want to get on that is not related at all to this bill. Let's do our small businesses a favor, let's do the American economy a favor, let's do something that can help not only create jobs but move America forward in innovation and let's get this bill moving for the sake of our economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I need to tell the American people and my colleagues who have not been following this important debate on a very good bill, I am so grateful to the Senator from Louisiana, Ms. LANDRIEU, for this bill. Unfortunately, there has been an amendment that was attached to this bill on the very first day which would stop the Environmental Protection Agency forever from enforcing the Clean Air Act as it relates to carbon pollution.

This is a first of a kind. It has never been done. It is essentially a repeal of the Clean Air Act as it involves one particular pollutant, carbon, which has been found to be an endangerment to our people. The EPA did not wake up one day and say: We think carbon is dangerous. No; the scientists in both the Bush administration and Obama administration found out carbon is a dangerous pollutant, dangerous to the health of our families. So EPA, in what

is I think a very solid way, has started to prepare to regulate carbon. They have done it in a way that has said they are not going after farms, they are not going after small business, they are going after the biggest polluters in the country.

Guess what. The friends of those polluters, right in this Senate Chamber, have decided—and they already did it in the House, the new Republican majority—they are going to stop EPA in its tracks. That is why I will ask unanimous consent to have printed in the RECORD a very good letter from the American Lung Association, the American Public Health Association, the Trust for America's Health, the Physicians for Social Responsibility, and Asthma and Allergy Foundation of America. I ask unanimous consent to have that printed in the RECORD.

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

MARCH 30, 2011.

DEAR SENATOR: Our organizations have written to you recently on legislation impacting the Clean Air Act. Today we write to express our opposition to the amendments that will come before the full U.S. Senate in the very near future.

We oppose:

1. Amendment No. 183 by Senator McConnell;
2. Amendment No. 215 by Senator Rockefeller;
3. Amendment No. 236 by Senator Baucus; and,
4. Amendment No. 265 by Senator Stabenow.

By blocking the Environmental Protection Agency's (EPA's) authority to update clean air standards, each of the above amendments, in its own way, will weaken the Clean Air Act.

If passed by Congress, these amendments would interfere with EPA's ability to implement the Clean Air Act; a law that protects public health and reduces health care costs for all by preventing thousands of adverse health outcomes, including: cancer, asthma attacks, heart attacks, strokes, emergency department visits, hospitalizations and premature deaths.

Additionally, the public strongly opposes Congress blocking EPA's efforts to implement the Clean Air Act. A recent bipartisan survey, which was conducted for the American Lung Association by the Republican firm Ayres, McHenry & Associates and the Democratic polling firm Greenberg Quinlan Rosner Research, indicates the overwhelming view of voters:

69 percent think the EPA should update Clean Air Act standards with stricter limits on air pollution;

64 percent feel that Congress should not stop the EPA from updating carbon dioxide emission standards;

69 percent believe that EPA scientists, rather than Congress, should set pollution standards.

The above amendments would strip away sensible Clean Air Act protections that safeguard Americans and their families from air pollution. We strongly urge the Senate to support the continued implementation of this vital law.

Sincerely,

CHARLES CONNOR,
President and Chief
Executive Officer,
American Lung Association.