

path to fixing the spending and debt problems our country is facing. As I have said before, there is not much of a difference between a \$1.5 trillion deficit and a \$1.6 trillion deficit—both will lead us to a debt crisis from which we may not recover.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### RECOGNIZING LAUREL COUNTY, KENTUCKY

Mr. MCCONNELL. Mr. President, I rise today to give recognition to one of the Commonwealth's most unique and historic areas, Laurel County, KY, which celebrated its 185th birthday on March 5, 2011. Located in Kentucky's eastern coal country, Laurel County was named after the trees that grow along the banks of the Laurel River. A county full of rich history and tradition dating back before the Civil War years, Laurel County first established their government and began business in 1826. Organized through a general assembly, it was the 18th county created in the Commonwealth.

London, the largest town in Laurel County, also celebrated its 185th birthday this year on March 6. Although named after London, England, the town's festive characteristics gave it a name in its own light. In proximity to beautiful landscapes which were explored by the likes of Daniel Boone and Levi Jackson, the two parks that bear their names, the Daniel Boone National Park and the Levi Jackson Wilderness Road State Park, have been hailed as two of the most sought-after vacation spots in the country. Cumberland Falls State Resort Park as well as numerous hiking and bike trails also showcase some of the best scenery the Bluegrass State has to offer. Well-known names such as national bestselling author Silas House, former University of Kentucky star and NBA basketball player Jeff Sheppard, and the infamous Kentucky Fried Chicken founder Colonel Harland David Sanders have all called Laurel County home.

Whether you are sampling a taste of fried chicken at the World Chicken Festival, enjoying a country music show at the Renfro Valley Entertainment Center on a Friday night, or tak-

ing in the scenery of the challenging Redbud Ride bike trail, Laurel County has a little something for everyone. Maybe it is a combination of these one-of-a-kind attractions, the pristine beauty of its natural landscape, and its strong sense of southern Kentucky hospitality that makes Laurel County so welcoming and intriguing. Whatever it is, it keeps people coming back for more.

Mr. President, 185 years later, these vacation crossroads still tell a story. Atop the peaks overlooking the Cumberland Gap where the small, yet crucial Battle of Wildcat Mountain was fought in the Civil War to the crystal clear waters of Laurel Lake, I am sure there will be many more stories to tell in the future.

I ask that my colleagues join me in celebrating Laurel County, Kentucky's 185th birthday. This is an exciting time for the people of Laurel County and the Commonwealth, and I send them my congratulations and best wishes for the future.

#### SBIR/STTR

Mrs. HUTCHISON. Mr. President, today, I rise to speak to an amendment I believe addresses three underlying issues in S. 493, the Small Business Innovation Research Program, SBIR, and the Small Business Technology Transfer Program, STTR, Reauthorization Act.

First, this amendment reduces the reauthorization of these programs from 8 years down to 3 years. This reauthorization bill, S. 493, makes substantial changes to the SBIR and STTR programs, and it is important for the reauthorization timeline to reflect that. The changes could dramatically improve the program, but in case there are additional changes that need to be to ensure they remain successful and effective, it is in the best interest of the participating agencies and the participants in the programs that there is an opportunity to make adjustments after a few years.

Second, my amendment strikes the mandatory increase agencies must set aside from their budgets to fund both the SBIR and STTR programs. Currently, these programs are funded through the participating agencies setting aside 2.5 percent of their total research budgets for the SBIR program and 0.3 percent for the STTR program. S. 493 would require this set aside be increased to 3.5 percent and 0.6 percent over a period of time for the SBIR and STTR programs, respectively.

In this current budget environment, when all agency budgets are feeling the pinch, increasing this mandatory set aside will mean fewer dollars are available for other research. These programs focus on commercialization of cutting edge innovation, which is critical to our country's global competitiveness. However, this mandatory increase would mean funding cuts to other life saving research. For the Na-

tional Institutes of Health this 1 percent increase to fund the SBIR program would mean there would be about \$300 million less for other NIH research, research focused on finding new cures. For example, NIH spends about \$300 million per year on prostate cancer, a little less than that on lymphoma research and spends only half of that on autism research every year.

There is no evidence that agencies must turn away high-quality applicants or underfund them because there is a lack of funding. In fact, agencies that participate in these programs currently have the discretion to spend more on the SBIR or STTR programs if they deem it appropriate. The current set aside is a floor, not a ceiling. This amendment does nothing to change that. However, I believe mandating the increase, especially in this current budget environment, especially for 8 years, could greatly disrupt Federal funding for other critical research.

The third provision of my amendment addresses the reality that bringing an idea to market is a complex process that often requires several rounds of financing. This amendment ensures that all small businesses are given an opportunity to compete for these grants regardless of their financial makeup, as long as they are a small business. Years ago there was an administrative change made to the eligibility criteria for these programs that has severely restricted the ability of quality applicants to compete for funding. That change has unilaterally excluded companies solely due to their financial structure and not due to the size of their company. Small businesses are small businesses because of the number of people they employ, not because they have received their start up money through a venture capitalist, or an angel investor or from winning the lottery. This sentiment was echoed by the Director of the Office of Science and Technology Policy, John Holdren, in a letter sent to Chairman LANDRIEU in 2009. Mr. Holdren stated that "it is critical for the U.S. economy and global competitiveness that the very best companies are sustained and the most promising small companies are not arbitrarily restricted or excluded because of their capital structure."

Arbitrary exclusion from these programs has affected small businesses all over the country. Too many times it has become a defining part of the story of too many promising small businesses. One such story is that of ActaCell, Inc. It is a company started with leading research in the lithium ion materials field from the University of Texas in 2007. When ActaCell applied for an SBIR grant through the Department of Defense, it met the new eligibility standards required by the program; both in its size and its financial structure. However, as the application was pending, ActaCell needed to secure additional financing in order to continue its operations and therefore fell

outside of these new arbitrary guidelines. The result was the Federal Government missed out on an opportunity to fund promising research, solely due to this arbitrary financial restriction.

The Austin Chamber of Commerce wrote a letter to my office with their many concerns regarding this provision. They stated that the problem is compounded by the fact that the majority venture capitalist-funded companies can house multiple unfunded ideas that are ultimately all excluded from the program. This occurs, even though research shows great promise, only because a business's overall financial structure offends this financial restriction. Their letter states that "Small businesses should not be forced to choose between the SBIR program and venture capital funding. To accelerate American technological innovation, Federal efforts must promote the importance of both public and private sector sources of capital and partnerships."

Yesterday, in front of the House Small Business Committee, another Texan told his story of how these restrictions have hurt innovation. Mr. Glenn Norem cofounded Totus Lighting Solutions, a company that manufactures and markets products that integrate surveillance with sensor monitoring on intelligent lighting platforms. Because of these arbitrary financial restrictions in the SBIR program, Mr. Norem had to choose between venture capital funding and Federal grants. When asked what impact that decision has had on his company and other companies similarly situated, he stated, that it delayed commercialization. Allowing companies to partner with all available options enables innovation, which grows companies and creates jobs.

This amendment is supported by the University of Texas, Austin Chamber of Commerce, Rice University, the Association of American Universities and the Association of Public and Land-grant Universities.

I will be proud to offer this amendment that will improve the underlying legislation and help ensure that absolute best research gets funded by American tax dollars, so that innovation can lead to commercialization as quickly as possible. Our country's job creators need us to do our jobs so they can do theirs.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—S. 627

Mr. LEAHY. Mr. President, I ask unanimous consent that the CBO cost estimate regarding S. 627 be printed in the RECORD.

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

#### S. 627—FASTER FOIA ACT OF 2011

S. 627 would establish a commission to identify methods for reducing delays in processing requests under the Freedom of Information Act (FOIA). The commission also

would investigate a recent increase in the number of exemptions from FOIA that federal agencies have issued to prevent the release of information. The 12-member commission would have one year to report its findings and recommendations to the Congress. Members would be appointed within 60 days of enactment of the legislation and would serve without pay but would be reimbursed for travel expenses. The commission would terminate 30 days after submitting its final report. The National Archives and Records Administration (NARA) would provide support to the commission, and the General Services Administration would administer any travel expenses.

Assuming appropriation of the necessary amounts, CBO estimates that implementing S. 627 would cost about \$1 million, mostly in fiscal year 2012. That estimate includes the cost of preparing the report and paying the salaries and expenses of 10 employees provided by NARA. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 627 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

APRIL 8, 2011.

Hon. PATRICK J. LEAHY,  
*Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 627, the Faster FOIA Act of 2011.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226-2860.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

#### PACIFIC NORTHWEST NATIONAL LABORATORY

Mrs. MURRAY. Mr. President, I wanted to take a few minutes to share with my colleagues a success story involving the building of a Federal laboratory project with funds from three separate Federal agencies.

Several years ago, as part of the efforts to remediate some of the excess facilities at the Hanford Nuclear Reservation in my home State of Washington, the Department of Energy decided to tear down virtually all of the laboratory facilities in the so-called 300 Area to remediate and make the area available for future industrial uses.

We all shared the goal of cleaning up the 300 Area—it is an important part of the ongoing cleanup work at Hanford. But because the 300 Area was home to approximately 1,000 scientists, engineers and support staff for the Pacific Northwest National Laboratory, PNNL, we know that we would have to find a new place for them to conduct their work.

As I am sure you know, building a replacement laboratory to accommodate 1,000 people is no easy task under any

set of circumstances. And the broad spectrum of work being done by these scientists—national security, homeland security, science research—both increased the challenge and brought a number of Federal agencies together. This unique situation brought together three agencies—the Department of Energy, the National Nuclear Security Administration and the Department of Homeland Security—to create a unique solution, building the Physical Sciences Facility.

This arrangement—three separate agencies with funding in two separate appropriations bills—isn't common in the Federal Government and isn't easy to accomplish. But with a lot of hard work, the \$225 million Physical Sciences Facility was constructed on time and within budget over 5 years' time. It has allowed the unique capabilities at PNNL to continue to be able to support critical missions for several government agencies.

I appreciate the leadership of PNNL Director Len Peters and Mike Lawrence, followed by Director Mike Kluse, who were determined to make the Physical Sciences Facility a reality. I would also like to recognize Carrie Desmond and Doug Clapp, both of whom used to work on my staff, for helping to make this project happen in the face of odds that were unbelievable at times, including budget requests that were not always sufficient to keep the project on schedule.

Unfortunately, I will not be able to attend the dedication of the new laboratory on April 19, but I will be there in spirit. I congratulate all of the people at PNNL, the Department of Energy, the National Nuclear Security Administration and the Department of Homeland Security who have worked to make the Physical Sciences Facility at the Pacific Northwest National Laboratory an important asset for the Federal Government.

#### REMEMBERING KATYN

Mr. CARDIN. Mr. President, I rise today to commemorate the lives lost in last year's plane crash near Smolensk that killed Polish President Lech Kaczynski, his wife Maria, and 94 others who represented the political, cultural, and religious leadership of Poland. Words alone offer little solace before such awesome tragedy, which is one of the reasons people must gather together before monuments and flowers to add a tangible dimension to our shapeless grief. While eloquent remarks can move the heart, we all know a smile, a gaze, or an embrace can often do more to bring comfort to the sorrowful.

Katyn has become a tragedy in three acts—the crime, the coverup, and now the crash. Surely it is fitting for us to meet, comfort each other, and remember those who died. But what lies beyond our tears? Can good come from this evil?

For the loved ones of those 96 souls who perished nearly a year ago, they