

“(B) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

“(C) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

“(4) If a venture capital operating company controlled by a business with more than 500 employees (in this paragraph referred to as a ‘VCO under large business control’) has an ownership interest in a business concern that is owned in majority part by venture capital operating companies, the business concern is eligible to receive an award under the SBIR or STTR program only if—

“(A) not more than two VCOs under large business control have an ownership interest in the business concern; and

“(B) the VCOs under large business control do not collectively own more than 20 percent of the business concern.

“(5) The term ‘venture capital operating company’ means a business concern—

“(A) that—

“(i) is a venture capital operating company, as that term is defined in regulations promulgated by the Secretary of Labor; or

“(ii) is an entity that—

“(I) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); or

“(II) is an investment company, as defined in section 3(a)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-3), that is not registered under such Act because of an exemption under paragraph (1) or (7) of section 3(c) of such Act; and

“(B) that is organized or incorporated and domiciled in the United States, or controlled by a business concern that is incorporated and domiciled in the United States.”.

SA 291. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 1363, making appropriations for the Department of Defense for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. The Continuing Appropriations Act, 2011 (Public Law 111-242) is further amended—

(1) by striking the date specified in section 106(3) and inserting “April 15, 2011”;

(2) by adding after section 294, as added by the Additional Continuing Appropriations Amendments, 2011 (section 1 of Public Law 112-6), the following new sections:

“SEC. 295. Notwithstanding section 101, amounts are provided for ‘Department of Transportation—Office of the Secretary—Transportation Planning, Research, and Development’ at a rate for operations of \$9,800,000.

“SEC. 296. Notwithstanding section 101, amounts are provided for ‘Department of Transportation—Federal Aviation Administration—Facilities and Equipment’ at a rate for operations of \$2,927,500,000.

“SEC. 297. Notwithstanding section 101, amounts are provided for ‘Department of Transportation—Federal Aviation Administration—Research, Engineering, and Development’ at a rate for operations of \$187,000,000.

“SEC. 298. Notwithstanding section 101, amounts are provided for ‘Department of Transportation—Federal Railroad Administration—Capital Assistance for High Speed Rail Corridors and Intercity Passenger Rail Service’ at a rate for operations of \$1,000,000,000.

“SEC. 299. Notwithstanding section 101, amounts are provided for ‘Department of

Transportation—Federal Railroad Administration—Railroad Research and Development’ at a rate for operations of \$35,100,000.

“SEC. 300. Notwithstanding section 101, amounts are provided for ‘Department of Transportation—Federal Transit Administration—Capital Investment Grants’ at a rate for operations of \$1,720,000,000.

“SEC. 301. Notwithstanding section 101, amounts are provided for ‘Department of Transportation—Federal Transit Administration—Research and University Research Centers’ at a rate for operations of \$64,200,000.

“SEC. 302. Notwithstanding section 101, amounts are provided for ‘Department of Housing and Urban Development—Public and Indian Housing—Public Housing Operating Fund’ at a rate for operations of \$4,626,000,000.

“SEC. 303. Notwithstanding sections 101 and 226, amounts are provided for ‘Department of Housing and Urban Development—Community Planning and Development—Community Development Fund’ at a rate for operations of \$4,230,068,480, of which \$0 shall be for grants for the Economic Development Initiative (EDI), \$0 shall be for neighborhood initiatives, and \$0 shall be for grants specified in the last proviso of the last paragraph under such heading in title II of division A of Public Law 111-117: *Provided*, That the second and third paragraphs under such heading in title II of division A of Public Law 111-117 shall not apply to funds appropriated by this Act.”.

This Act may be cited as the “Further Additional Continuing Appropriations Amendments, 2011”.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 14, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing on S. 636, a bill to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes; S. 703, the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011; and S. 546, the Little Shell Tribe of Chippewa Indians Restoration Act of 2011.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent that on Tuesday April 12, 2011, at 11 a.m., the Senate proceed to executive session to consider the following nominations: Calendar Nos. 45 and 46; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, Calendar No. 45 be confirmed, and the Senate proceed to vote, without intervening action or debate, on Calendar No. 46; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements be printed in the RECORD; that the President be immediately notified of the Senate’s action,

and the Senate then resume legislative session.

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

MEASURE READ THE FIRST TIME—S. 783

Mr. DURBIN. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (S. 783) to provide an extension of time for filing individual income tax returns in the case of a Federal Government shutdown.

Mr. DURBIN. Mr. President, I now ask for a second reading, and in order to place the bill on the calendar under the provision of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

SIGNING AUTHORITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate majority whip be authorized to sign duly enrolled bills or joint resolutions on Friday, April 8, and Saturday, April 9.

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

ORDERS FOR TUESDAY, APRIL 12, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, April 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; further, at 11 a.m., the Senate proceed to executive session to consider Calendar No. 45, the nomination of Vincent Briccetti, of New York, to be U.S. District Judge for the Southern District of New York, and Calendar No. 46, the nomination of John Kronstadt, of California, to be U.S. District Judge for the Central District of California, as provided for under the previous order; finally, I ask unanimous consent that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mr. DURBIN. Mr. President, Senators should expect a rollcall vote at approximately 12 noon on the confirmation of the Kronstadt nomination. The Briccetti nomination will be confirmed by consent.

ADJOURNMENT UNTIL TUESDAY,
APRIL 12, 2011, at 10 A.M.

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 11:57 p.m., adjourned until Tuesday, April 12, 2011, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXPORT—IMPORT BANK OF THE UNITED STATES

WANDA FELTON, OF NEW YORK, TO BE FIRST VICE PRESIDENT OF THE EXPORT—IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE LINDA MYSLIWIY CONLIN, TERM EXPIRED.

SEAN ROBERT MULVANEY, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT—IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2015, VICE BIJAN RAFIEKIAN, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

TIMOTHY G. MASSAD, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE HERBERT M. ALLISON, JR., RESIGNED.

UNITED STATES INTERNATIONAL TRADE COMMISSION

DAVID S. JOHANSON, OF TEXAS, TO BE A MEMBER OF THE UNITED STATES INTERNATIONAL TRADE COMMISSION FOR A TERM EXPIRING DECEMBER 16, 2018, VICE CHARLOTTE A. LANE, TERM EXPIRED.

DEPARTMENT OF STATE

JAMES HAROLD THESSIN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

NATIONAL SCIENCE FOUNDATION

WILLIAM CARL LINEBERGER, OF COLORADO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2016, VICE KATHRYN D. SULLIVAN, TERM EXPIRED.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

BARBARA JEANNE ELLS, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2016, VICE LISA GENEVIEVE NASON, TERM EXPIRED.

DEBORAH DOWNING GOODMAN, OF OKLAHOMA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2014, VICE JEANNE GIVENS, TERM EXPIRED.

CYNTHIA CHAVEZ LAMAR, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2016, (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

ANUJ CHANG DESAI, OF WISCONSIN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2011, VICE STEPHEN KING, TERM EXPIRED.

ANUJ CHANG DESAI, OF WISCONSIN, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2014, (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER SECTION 211(A)(2), TITLE 14, U.S. CODE:

To be lieutenant commander

WILLIAM G. DWYER

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

JESSICA L. BOHN
THERESA L. BROOKS
LASEANTA E. STAFFORD
REBECCA A. WALTHOUR
JEREMY A. WEISS

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ROSS ELLIS HAGAN, OF CALIFORNIA
SEAN M. JONES, OF FLORIDA
SHEILA M. LUTJENS, OF FLORIDA
MARK A. MEASSICK, OF FLORIDA
THOMAS R. MORRIS, OF VIRGINIA
PAUL ANDREW SABATINE, OF OREGON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

DANIEL CABET, OF CALIFORNIA
JEFFREY A. COCHRANE, OF TEXAS
FARHAD GHAUSSY, OF CALIFORNIA
STEVEN E. HENDRIX, OF VIRGINIA
KAREN LEE KASAN, OF FLORIDA
GRACE KATHERINE LANG, OF THE DISTRICT OF COLUMBIA
HELEN MARY PATAKI, OF CALIFORNIA
LAWRENCE J. SACKS, OF MISSOURI
ZEMA SEMUNEGUS, OF FLORIDA
TODD D. SLOAN, JR., OF TEXAS
JENE CLARK THOMAS, OF TEXAS

DEPARTMENT OF STATE

ROBERT J. GREENAN, OF ARIZONA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

ARTURO ANTONIO ACOSTA, OF NEW YORK
MARTHA LILIANA APONTE, OF FLORIDA
MOHAMMAD KAMAL AYUB, OF ARIZONA
CHRISTOPHER G. BARRETT, OF MICHIGAN
DANA ELLEN BEEGUN, OF CALIFORNIA
MORGAN J. BRADY, OF PENNSYLVANIA
JEANNE M. BRIGGS, OF MARYLAND
STEPHANIE N. BUDZINA, OF VIRGINIA
MARK JOSEPH CARRATO, OF OREGON
ADAM BRYAN COX, OF THE DISTRICT OF COLUMBIA
JERI DIBLE, OF WASHINGTON
KATIE LINDSAY DONOHOE, OF MICHIGAN
BRIAN MICHAEL DUSZA, OF CONNECTICUT
CHARLINE ASBURY EASTIN, OF FLORIDA
HARVEY A. EICHENFIELD, OF NEVADA
RANDOLPH B. FLAY, OF CALIFORNIA
SACHA FRAITURE, OF MARYLAND
CHRISTOPHER B. FROST, OF GEORGIA
CAMILLE GARCIA, OF TEXAS
ALLYSON L. GARDNER, OF MARYLAND
DEANNA ERIN GORDON, OF VIRGINIA
JAMES GULTRY, OF WISCONSIN
TODD HAMNER, OF CALIFORNIA
WARREN J. HARRITY, OF VIRGINIA
WANDA M. HENRY, OF SOUTH CAROLINA
JOSEPH HIRSCH, OF WASHINGTON
SONILA HYSI, OF MASSACHUSETTS
HUSSAIN WAHEED IMAM, OF VIRGINIA
CAROL JENKINS, OF CALIFORNIA
RONIT S. KIRSHNER—GERARD, OF CALIFORNIA
BRIAN S. LEVEY, OF VIRGINIA
DARREN A. MANNING, OF FLORIDA
MELINDA RAE MANNING, OF WASHINGTON
TERENCE A. MILLER, OF THE DISTRICT OF COLUMBIA
MONICA J. MOORE, OF TENNESSEE
KATHERINE GRACE OSBORNE—VALDEZ, OF TEXAS
LAURA PALMER PAVLOVIC, OF NEW YORK
ANUPAMA SPATIKA RAJARAMAN, OF TEXAS
MATTHEW D. REES, OF NEW JERSEY
CRAIG RIEGLER, OF VIRGINIA
JOHN PATRICK RIORDAN, OF ILLINOIS
RAND ROBINSON, OF TEXAS
DANA H. ROSE, OF COLORADO
BRYN AKEMI SAKAGAWA, OF FLORIDA
ADAM ERIC SCHUMACHER, OF NEW YORK
SUSAN SCOTT—VARGAS, OF TEXAS
CYNTHIA L. SHARTZER, OF CALIFORNIA
RHONDA SHIRE, OF FLORIDA
HEATHER CAROLINE SMITH, OF WASHINGTON
VALERIE ANN SMITH, OF MINNESOTA
V. KATE SOMVONGSIRI, OF TEXAS
SHANDA L. STEIMER, OF MINNESOTA
VICTORIA STEIN, OF WASHINGTON
AARON M. STERN, OF VIRGINIA
GREGORY E. TAITT, OF MARYLAND
PATRICK WESNER, OF MARYLAND

DEPARTMENT OF AGRICULTURE

CHANDA V. BECKMAN, OF VIRGINIA

LEVIN S. FLAKE, OF VIRGINIA
MARK H. FORD, OF TENNESSEE
DWIGHT A. WILDER, OF WEST VIRGINIA
DAVID L. WOLF, OF MARYLAND

DEPARTMENT OF COMMERCE

MARIANNE M. DRAIN, OF WASHINGTON
JANE KITSON, OF MARYLAND

DEPARTMENT OF STATE

MEG E. RIGGS, OF MAINE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

THOMAS CASSIDY, OF NEW HAMPSHIRE
TANYA L. COLE, OF CALIFORNIA
MANOJ S. DESAI, OF FLORIDA
WILLIAM KUTSON, OF MARYLAND
ERIC P. OLSON, OF COLORADO

DEPARTMENT OF STATE

LAURA E. ANDERSON, OF SOUTH CAROLINA
AMBER AURA, OF CALIFORNIA
JASON J. BECK, OF UTAH
JEFFREY D. BOWAN, OF WASHINGTON
LAURA PYEATT BROWN, OF TENNESSEE
MARCY S BROWN, OF NEW YORK
MATTHEW CRANE BUFFINGTON, OF THE DISTRICT OF COLUMBIA
JAMES A. CATTO, OF SOUTH CAROLINA
WILLIAM PERCY COBB, JR., OF FLORIDA
HENRY CLAY CONSTANTINE IV, OF VIRGINIA
ANDREA D. COREY, OF COLORADO
BRIAN F. CORTEVILLE, OF MICHIGAN
WILLIAM EVAN COUCH, OF ALASKA
CORNELIUS C. CREMIN, OF CALIFORNIA
AMY ELIZABETH DAHM, OF TEXAS
ANGELA VERNET DALRYMPLE, OF THE DISTRICT OF COLUMBIA

MEERA DORAISWAMY, OF VIRGINIA
DAVID A. FABRYCKY, OF VIRGINIA
RICHARD ALLEN FISHER, OF VIRGINIA
KHASHAYAR MOHAMMAD GHASHGHAL, OF TEXAS
FONTA J. GILLIAM, OF NORTH CAROLINA
SANDRINE SUSAN GOFFARD, OF VIRGINIA
LESLIE NUNEZ GOODMAN, OF FLORIDA
TERESA L. GRANTHAM, OF TENNESSEE
ANDREW S. HAMRICK, OF GEORGIA
ALISON C. HANNAH, OF WASHINGTON
BRENDAN KYLE HATCHER, OF TENNESSEE
HEIDI S. HATTENBACH, OF OREGON
CRISTIN HEINBECK, OF MICHIGAN
PRASHANT HEMADY, OF PENNSYLVANIA
JACQUELYN E. HENDERSON, OF INDIANA
RALAN LUCAS HILL, OF CALIFORNIA
ROY ARTURO HINES, OF CALIFORNIA
ALICE LADENE HOLDER, OF CALIFORNIA
MATTHEW LANE HORNER, OF OREGON
WILLIAM P. HUMNICKY, OF CALIFORNIA
STEPHANIE J. HUTCHISON, OF MASSACHUSETTS
JOHN CLARK JACOBS, OF TEXAS
AMANDA SCHRADER JACOBSEN, OF WASHINGTON
KIM H. JORDAN, OF CALIFORNIA
JAMES SEAN KENNEDY, OF CALIFORNIA
TAMMY CRITTENDEN KENYATTA, OF VIRGINIA
DENEYSE ANTOINETTE KIRKPATRICK, OF TEXAS
DANIEL A. KRONENFELD, OF CALIFORNIA
RACHEL R KUTZLEY, OF OHIO
LAWRENCE PAUL LANE, OF CALIFORNIA
BRENT AARON MAIER, OF TEXAS
AMANDA JOY MANSOUR, OF THE DISTRICT OF COLUMBIA
SIOBHAN COLBY OAT—JUDGE, OF CONNECTICUT
DANIEL S. ONSTAD, OF NEW JERSEY
STEVEN LYNN OVARD, OF UTAH
NIMESH N. PARIKH, OF WASHINGTON
GARRY PIERROT, OF FLORIDA
KATHRYN E. PORTER, OF ALABAMA
RABIA Y. QURESHI, OF OHIO
CHARLES A. REYNOLDS, OF GEORGIA
DAVID M. REYNOLDS, OF FLORIDA
JUSTIN ELBERT REYNOLDS, OF IOWA
KRISTIN M. ROBERTS, OF VIRGINIA
MICHAEL E. ROSENTHAL, OF FLORIDA
LINDSEY L. ROTHENBERG, OF FLORIDA
SAMUEL F. ROTHENBERG, OF FLORIDA
GEORGE G. SARMIENTO, OF TEXAS
MELISSA SCHUBERT, OF MISSOURI
RHONDA LYNN SLUSHER, OF GEORGIA
ADAM L. SMITH, OF UTAH
KIMBERLY MARLENE STROLLO, OF FLORIDA
ERIN P. SWEENEY, OF NEW JERSEY
JUSTEN ALLEN THOMAS, OF WISCONSIN
HUNTER BARRETT TRESEDER, OF CALIFORNIA
SCOTT VANBEUGE, OF WASHINGTON
NATALIE ANGELA FAIRBANKS VAN DER HORST, OF VIRGINIA
NANCY TAYLOR VAN HORN, OF TEXAS
LILLIAN CATHERINE WAHL—TUOCO, OF NEW HAMPSHIRE
GARY W. WESTFALL, OF FLORIDA
DANIEL WALLACE WRIGHT, OF VIRGINIA
MATTHEW WRIGHT, OF TEXAS
CHADWICK JACKSON WYKLE, OF WEST VIRGINIA
MARWA M. ZEINI, OF FLORIDA

THE FOLLOWING—NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MICHAEL BURNETT, OF VIRGINIA
DANIEL GREEN, OF MARYLAND