

SENATE RESOLUTION 228—EXPRESSING THE SENSE OF THE SENATE REGARDING COMING TOGETHER AS A NATION AND CEASING ALL WORK OR OTHER ACTIVITY FOR A MOMENT OF REMEMBRANCE BEGINNING AT 1:00 PM EASTERN DAYLIGHT TIME ON SEPTEMBER 11, 2011, IN HONOR OF THE 10TH ANNIVERSARY OF THE TERRORIST ATTACKS COMMITTED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001

Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. SCHUMER, Mr. CASEY, Mr. LIEBERMAN, Mr. TOOMEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, Mr. WEBB, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 228

Whereas at 8:46 AM, on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York;

Whereas 17 minutes later, at 9:03 AM, hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center;

Whereas at 9:37 AM, the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense;

Whereas at approximately 10:00 AM, the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others;

Whereas nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001;

Whereas tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed;

Whereas countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events;

Whereas the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history;

Whereas the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day;

Whereas the New York Police Department suffered 23 fatalities as a result of the terrorist attacks;

Whereas the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored;

Whereas 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day;

Whereas 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the

United States against those who seek to threaten the United States;

Whereas on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families;

Whereas the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life;

Whereas in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460);

Whereas in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

Whereas September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation;

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks;

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives;

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States;

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

(6) on the 10th anniversary of this tragic day in United States history—

(A) calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including—

- (i) media outlets;
- (ii) houses of worship;
- (iii) military organizations;
- (iv) veterans organizations;
- (v) airlines;
- (vi) airports;
- (vii) railroads;
- (viii) sports teams;
- (ix) the Federal Government;
- (x) State and local governments;
- (xi) police, fire, and other public institutions;
- (xii) educational institutions;
- (xiii) businesses; and
- (xiv) other public and private institutions;

and (B) encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 PM Eastern Daylight Time by, to the maximum extent practicable—

- (i) ceasing all work or other activity; and
- (ii) marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

SENATE RESOLUTION 229—RECOGNIZING THE HEROIC EFFORTS OF FIREFIGHTERS TO CONTAIN NUMEROUS WILDFIRES THAT HAVE AFFECTED THOUSANDS OF PEOPLE THROUGHOUT THE UNITED STATES

Mr. UDALL of Colorado (for himself, Mr. HATCH, Mr. BENNET, Mr. BEGICH, Mrs. MURRAY, Ms. CANTWELL, Mr. BINGAMAN, Mr. UDALL of New Mexico, Mr. WYDEN, Ms. MURKOWSKI, Mr. TESTER, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas every State in the United States has been affected by wildfire in 2011;

Whereas firefighters and residents have had to contend with extreme and erratic fire behavior and rapid rates of fire spread;

Whereas, as of June 12, 2011, more than 32,189 wildfires have burned more than 4,700,000 acres of land, which represents more acres burned than in all of 2010 and approximately 600,000 more acres than the 50-year average of total acres burned in the United States in an entire year;

Whereas, as of June 12, 2011—

(1) the Southwestern States have reported more than 1,600 fires that have burned more than 1,700,000 acres;

(2) the Southern States have reported more than 27,000 fires that have burned more than 2,400,000 acres;

(3) the Northern and Central Rocky Mountain States have reported 818 fires that have burned more than 250,000 acres;

(4) the State of California and Great Basin Region have reported more than 7,200 fires that have burned more than 21,000 acres;

(5) the Northwestern States and Alaska have reported more than 400 fires that have burned more than 260,000 acres; and

(6) the Eastern States have reported more than 3,500 fires that have burned more than 41,000 acres;

Whereas, as of June 29, 2011, firefighters and personnel from the Federal, State, and county levels have responded overwhelmingly to battle wildfires throughout the United States, filling more than 95,600 requests for firefighter crew members; and

Whereas the brave men and women who answered the calls for assistance have worked to minimize the displacement of thousands of residents and to protect against loss of life and property: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the heroic efforts of firefighters to contain wildfires and protect lives, homes, natural resources, and rural economies throughout the United States;

(2) encourages the people and government officials of the United States to express their appreciation to the brave men and women serving in the firefighting services throughout the United States;

(3) encourages the people and communities of the United States to be diligent in preventing and preparing for wildfires; and

(4) encourages the people of the United States to keep in their thoughts those who have experienced loss as a result of wildfire.

AMENDMENTS SUBMITTED AND PROPOSED

SA 524. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; which was ordered to lie on the table.

SA 525. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1323, *supra*; which was ordered to lie on the table.

SA 526. Mr. MCCAIN (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1323, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 524. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE REGARDING PROTECTING SMALL BUSINESS FROM ADDITIONAL TAX BURDENS.

It is the sense of the Senate that small businesses, as defined by the Small Business Administration, should be exempt from any net tax increase that is proposed or included in legislation that raises the statutory borrowing authority of the United States.

SA 525. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 1323, to express the sense of the Senate on shared sacrifice in resolving the budget deficit; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —REDUCTION OF UNNECESSARY SPENDING

SECTION 1. SHORT TITLE AND PURPOSES.

(a) **SHORT TITLE.**—This title may be cited as the “Reduce Unnecessary Spending Act of 2011”.

(b) **PURPOSE.**—The purpose of this title is to create an optional fast-track procedure the President may use when submitting rescission requests, which would lead to an up-or-down vote by Congress on the President’s package of rescissions, without amendment.

SEC. 2. RESCISSIONS OF FUNDING.

The Impoundment Control Act of 1974 is amended by striking part C and inserting the following:

“PART C—EXPEDITED CONSIDERATION OF PROPOSED RESCISSIONS

“SEC. 1021. APPLICABILITY AND DISCLAIMER.

“The rules, procedures, requirements, and definitions in this part apply only to executive and legislative actions explicitly taken under this part. They do not apply to actions taken under part B or to other executive and legislative actions not taken under this part.

“SEC. 1022. DEFINITIONS.

“In this part:

“(1) The terms ‘appropriations Act’, ‘budget authority’, and ‘new budget authority’ have the same meanings as in section 3 of the Congressional Budget Act of 1974.

“(2) The terms ‘account’, ‘current year’, ‘CBO’, and ‘OMB’ have the same meanings as in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985 as in effect on September 30, 2002.

“(3) The term ‘days of session’ shall be calculated by excluding weekends and national holidays. Any day during which a chamber of Congress is not in session shall not be counted as a day of session of that chamber. Any day during which neither chamber is in session shall not be counted as a day of session of Congress.

“(4) The term ‘entitlement law’ means the statutory mandate or requirement of the

United States to incur a financial obligation unless that obligation is explicitly conditioned on the appropriation in subsequent legislation of sufficient funds for that purpose, and the Supplemental Nutrition Assistance Program.

“(5) The term ‘funding’ refers to new budget authority and obligation limits except to the extent that the funding is provided for entitlement law.

“(6) The term ‘rescind’ means to eliminate or reduce the amount of enacted funding.

“(7) The terms ‘withhold’ and ‘withholding’ apply to any executive action or inaction that precludes the obligation of funding at a time when it would otherwise have been available to an agency for obligation. The terms do not include administrative or preparatory actions undertaken prior to obligation in the normal course of implementing budget laws.

“SEC. 1023. TIMING AND PACKAGING OF RESCISSION REQUESTS.

“(a) **TIMING.**—If the President proposes that Congress rescind funding under the procedures in this part, OMB shall transmit a message to Congress containing the information specified in section 1024, and the message transmitting the proposal shall be sent to Congress not later than 45 calendar days after the date of enactment of the funding.

“(b) **PACKAGING AND TRANSMITTAL OF REQUESTED RESCISSIONS.**—Except as provided in subsection (c), for each piece of legislation that provides funding, the President shall request at most 1 package of rescissions and the rescissions in that package shall apply only to funding contained in that legislation. OMB shall deliver each message requesting a package of rescissions to the Secretary of the Senate if the Senate is not in session and to the Clerk of the House of Representatives if the House is not in session. OMB shall make a copy of the transmittal message publicly available, and shall publish in the Federal Register a notice of the message and information on how it can be obtained.

“(c) **SPECIAL PACKAGING RULES.**—After enactment of—

“(1) a joint resolution making continuing appropriations;

“(2) a supplemental appropriations bill; or

“(3) an omnibus appropriations bill;

covering some or all of the activities customarily funded in more than 1 regular appropriations bill, the President may propose as many as 2 packages rescinding funding contained in that legislation, each within the 45-day period specified in subsection (a). OMB shall not include the same rescission in both packages, and, if the President requests the rescission of more than one discrete amount of funding under the jurisdiction of a single subcommittee, OMB shall include each of those discrete amounts in the same package.

“SEC. 1024. REQUESTS TO RESCIND FUNDING.

“For each request to rescind funding under this part, the transmittal message shall—

“(1) specify—

“(A) the dollar amount to be rescinded;

“(B) the agency, bureau, and account from which the rescission shall occur;

“(C) the program, project, or activity within the account (if applicable) from which the rescission shall occur;

“(D) the amount of funding, if any, that would remain for the account, program, project, or activity if the rescission request is enacted; and

“(E) the reasons the President requests the rescission;

“(2) designate each separate rescission request by number; and

“(3) include proposed legislative language to accomplish the requested rescissions which may not include—

“(A) any changes in existing law, other than the rescission of funding; or

“(B) any supplemental appropriations, transfers, or reprogrammings.

“SEC. 1025. GRANTS OF AND LIMITATIONS ON PRESIDENTIAL AUTHORITY.

“(a) **PRESIDENTIAL AUTHORITY TO WITHHOLD FUNDING.**—Notwithstanding any other provision of law and if the President proposes a rescission of funding under this part, OMB may, subject to the time limits provided in subsection (c), temporarily withhold that funding from obligation.

“(b) **EXPEDITED PROCEDURES AVAILABLE ONLY ONCE PER BILL.**—The President may not invoke the procedures of this part, or the authority to withhold funding granted by subsection (a), on more than 1 occasion for any Act providing funding.

“(c) **TIME LIMITS.**—OMB shall make available for obligation any funding withheld under subsection (a) on the earliest of—

“(1) the day on which the President determines that the continued withholding or reduction no longer advances the purpose of legislative consideration of the rescission request;

“(2) starting from the day on which OMB transmitted a message to Congress requesting the rescission of funding, 25 calendar days in which the House of Representatives has been in session or 25 calendar days in which the Senate has been in session, whichever occurs second; or

“(3) the last day after which the obligation of the funding in question can no longer be fully accomplished in a prudent manner before its expiration.

“(d) **DEFICIT REDUCTION.**—

“(1) **IN GENERAL.**—Funds that are rescinded under this part shall be dedicated only to reducing the deficit or increasing the surplus.

“(2) **ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.**—Not later than 5 days after the date of enactment of an approval bill as provided under this part, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

“SEC. 1026. CONGRESSIONAL CONSIDERATION OF RESCISSION REQUESTS.

“(a) **PREPARATION OF LEGISLATION TO CONSIDER A PACKAGE OF EXPEDITED RESCISSION REQUESTS.**—

“(1) **IN GENERAL.**—If the House of Representatives receives a package of expedited rescission requests, the Clerk shall prepare a House bill that only rescinds the amounts requested which shall read as follows:

“‘There are enacted the rescissions numbered [insert number or numbers] as set forth in the Presidential message of [insert date] transmitted under part C of the Impoundment Control Act of 1974 as amended.’

“(2) **EXCLUSION PROCEDURE.**—The Clerk shall include in the bill each numbered rescission request listed in the Presidential package in question, except that the Clerk shall omit a numbered rescission request if the Chairman of the Committee on the Budget of the House, after consulting with the Chairman of the Committee on the Budget of the Senate, CBO, GAO, and the House and Senate committees that have jurisdiction over the funding, determines that the numbered rescission does not refer to funding or includes matter not permitted under a request to rescind funding.

“(b) **INTRODUCTION AND REFERRAL OF LEGISLATION TO ENACT A PACKAGE OF EXPEDITED**