

Bruno faced unique challenges while attempting to accomplish their dream and receive funding for their first store. Initially, they pursued loans from about 20 banks but were turned down by all of them. However, with persistence and determination, they were able to acquire a \$225,000 SBA-backed loan which covered the majority of their startup costs.

Their premier store, The Gelato Fiasco, opened in 2007, and has served more than 450 flavors since its start. Even with the complex challenges of trying to grow during these tough economic times, Bruno and Josh's initial success allowed them to garner additional support from Coastal Enterprises Inc., CEI, a local community development financial institution. CEI granted this small business a \$140,000 loan through a new crowdfunding initiative established by Starbucks CEO Howard Schultz called "Create Jobs for USA." The Gelato Fiasco utilized these critical funds to expand to a second location in Portland, ME, buy equipment, and hire at least 10 new employees to help staff it.

As this small firm continues to grow, introducing more customers to their gelato treat, the shop diligently produces 25 to 35 different flavors each morning in their store. Despite the tumultuous economy, Josh and Bruno remain focused on ensuring the fun-loving experience and quality of their gelato are consistent. Their remarkable vision has become a reality as their Italian style ice cream has continued to find its way throughout Maine and New England in various coffeehouses, restaurants, and grocery freezer cases.

Despite difficult economic times and the obstacles faced by young entrepreneurs, the dynamic duo of Bruno Tropeano and Josh Davis has clearly fostered a winning strategy. I am proud to extend my praise to Josh and Bruno and everyone at The Gelato Fiasco for their entrepreneurial spirit and successful company. I offer my best wishes for their future endeavors.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 10:58 a.m., a message from the House of Representatives, delivered by

Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 491. An act to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the national forest, and for other purposes.

H.R. 2157. An act to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes.

H.R. 2947. An act to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and ordered placed on the calendar:

S. 2366. A bill to extend student loan interest rates for undergraduate Federal Direct Stafford Loans.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 491. An act to modify the boundaries of Cibola National Forest in the State of New Mexico, to transfer certain Bureau of Land Management land for inclusion in the national forest, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2157. An act to facilitate a land exchange involving certain National Forest System lands in the Inyo National Forest, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2947. An act to provide for the release of the reversionary interest held by the United States in certain land conveyed by the United States in 1950 for the establishment of an airport in Cook County, Minnesota; to the Committee on Energy and Natural Resources.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-5807. A communication from the Acting Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, Selected Acquisition Reports (SARs) for the quarter ending December 31, 2011 (DCN OSS 2012-0567); to the Committee on Armed Services.

EC-5808. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Marc E. Rogers, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5809. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Richard Y. Newton III, United States Air

Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5810. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General William T. Lord, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5811. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Donald J. Hoffman, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-5812. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-5813. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals and accompanying reports relative to the National Defense Authorization Act for Fiscal Year 2013; to the Committee on Armed Services.

EC-5814. A communication from the Acting Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the 2011 annual report relative to the STARBASE Program; to the Committee on Armed Services.

EC-5815. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-5816. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-5817. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List" (RIN0694-AF61) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-5818. A communication from the Director of Congressional Affairs, Office of Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Condition-Monitoring Techniques for Electric Cables Used in Nuclear Plants" (Regulatory Guide 1.218) received in the Office of the President of the Senate on April 19, 2012; to the Committee on Environment and Public Works.

EC-5819. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Interpretations; Removal of Part 8" (RIN3150-AJ02) received in the Office of the President of the Senate on April 19, 2012; to the Committee on Environment and Public Works.

EC-5820. A communication from the Director of Congressional Affairs, Nuclear Reactor

Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Revision 4 to the Standard Technical Specifications" (NUREG-1430, -1431, -1432, -1433, and -1434) received in the Office of the President of the Senate on April 23, 2012; to the Committee on Environment and Public Works.

EC-5821. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Hawaii State Implementation Plan" (FRL No. 9634-1) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5822. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Removal of the 1980 Consent Order for the Maryland Slag Company" (FRL No. 9664-2) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5823. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Unregulated Contaminant Monitoring Regulation (UCMR 3) for Public Water Systems" (FRL No. 9660-4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5824. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arizona; Update to Stage II Gasoline Vapor Recovery Program; Change in the Definition of 'Gasoline' to Exclude 'E85'" (FRL No. 9661-3) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5825. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Underground Storage Tank Program: Approved State Program for the State of Oregon" (FRL No. 9615-4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5826. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Approval of Substitution for Transportation Control Measures" (FRL No. 9662-8) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5827. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Direct Final Approval of Hospital/Medical/Infectious Waste Incinerators State Plan for Designated Facilities and Pollutants: Illinois" (FRL No. 9663-4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5828. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Direct Final Approval of Hospital/

Medical/Infectious Waste Incinerators State Plan for Designated Facilities and Pollutants: Indiana" (FRL No. 9663-2) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5829. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modification of Significant New Uses of Tris Carbamoyl Triazine; Technical Amendment" (FRL No. 9344-7) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5830. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 9345-4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5831. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 9343-4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5832. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination to Stay and Defer Sanctions, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9665-5) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5833. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Eastern Kern and Santa Barbara County Air Pollution Control Districts" (FRL No. 9652-4) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5834. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Missouri and Illinois; St. Louis; Determination of Attainment by Applicable Attainment Date for the 1997 Ozone National Ambient Air Quality Standard (NAAQS)" (FRL No. 9666-2) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5835. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Determination of Attainment of the One-hour Ozone Standard for the Springfield Area" (FRL No. 9664-8) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5836. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Guidelines Establishing Test Proce-

dures for the Analysis of Pollutants Under the Clean Water Act; Analysis and Sampling Procedures" (FRL No. 9664-6) received in the Office of the President of the Senate on April 24, 2012; to the Committee on Environment and Public Works.

EC-5837. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Reporting Interest Paid to Nonresident Aliens" ((RIN1545-BJ01) (TD 9584)) received in the Office of the President of the Senate on April 23, 2012; to the Committee on Finance.

EC-5838. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Application of the Normal Retirement Age Requirements to Governmental Plans" (Notice 2012-29) received in the Office of the President of the Senate on April 23, 2012; to the Committee on Finance.

EC-5839. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Federal Disability Insurance Trust Funds, transmitting, pursuant to law, a report relative to the Federal Disability Insurance (DI) Trust Fund becoming inadequate within the next 10 years; to the Committee on Finance.

EC-5840. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-019, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-5841. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-023, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-5842. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-007, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-5843. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period December 1, 2011 through January 31, 2012; to the Committee on Foreign Relations.

EC-5844. A communication from the Presiding Governor of the Broadcasting Board of Governors, transmitting, pursuant to law, the Board's Annual Report for 2011; to the Committee on Foreign Relations.

EC-5845. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Fourth Biennial Report to Congress on Evaluation, Research, and Technical Assistance Activities Supported by the Promoting

Safe and Stable Families Program"; to the Committee on Health, Education, Labor, and Pensions.

EC-5846. A communication from the Secretary of Health and Human Services, transmitting, a report relative to the Administration's proposal for the reauthorization of the Medical Device User Fee Act (MDUFA); to the Committee on Health, Education, Labor, and Pensions.

EC-5847. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, reports entitled "The National Healthcare Quality Report 2011" and "The National Healthcare Disparities Report 2011"; to the Committee on Health, Education, Labor, and Pensions.

EC-5848. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Information for Certain Intellectual Property Rights Enforced at the Border" (RIN1515-AD87) received in the Office of the President of the Senate on April 18, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-5849. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "Executive Summary" of the "2011 Annual Report of the Director of the Administrative Office of the U.S. Courts" and "Judicial Business of the United States Courts" and the Uniform Resource Locators (URL) for the complete copies of those reports; to the Committee on the Judiciary.

EC-5850. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, a report relative to the memorial construction; to the Committee on Rules and Administration.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-76. A joint resolution adopted by the Legislature of the State of Maine urging the President of the United States and the United States Congress to review portions of the National Defense Authorization Act; to the Committee on Armed Services.

### HOUSE PAPER NO. 1397

We, your Memorialists, the Members of the One Hundred and Twenty-fifth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

Whereas, the United States Congress passed the National Defense Authorization Act for fiscal year 2012 on December 15, 2011, and the President of the United States signed the Act into law on December 31, 2011; and

Whereas, the Act directs the Armed Forces of the United States to detain any person who is captured in the course of hostilities authorized by the federal Authorization for Use of Military Force Against Terrorists and who is determined to be a member of or part of al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda and to have participated in the course of planning or carrying out an attack against the United States or its coalition partners; and

Whereas, the disagreements and uncertainty in interpretation of the law has raised

significant concerns about due process for United States citizens; and

Whereas, the prospect of the indefinite detention of United States citizens violates, without due process of law, basic rights enshrined in the United States Constitution, such as the right to seek a writ of habeas corpus, the right to petition for a redress of grievances, the right to be free from unreasonable searches and seizures and the right to counsel; and

Whereas, it is crucial to national security that funding contained in the National Defense Authorization Act for the Department of Defense and members of the military and their dependents remain intact; and

Whereas, the members of this Legislature have taken an oath to uphold the United States Constitution and the Constitution of Maine: Now, therefore, be it

*Resolved*, That We, your Memorialists, most respectfully urge and request that the President of the United States and the United States Congress amend the National Defense Authorization Act to clarify that any provisions contained within will not deprive United States citizens of the rights of due process; and be it further

*Resolved*, That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

POM-77. A resolution adopted by the House of Representatives of the State of Michigan memorializing Congress to reject the recommendations of the United States Department of Defense to remove the A-10 Thunderbolt II force from the 127th Wing of the Air National Guard at Selfridge Air National Guard Base; to the Committee on Armed Services.

### HOUSE RESOLUTION NO. 211

Whereas, The federal mission of the Air National Guard is to maintain well-trained, well-equipped units available for prompt mobilization during war and to provide assistance during national emergencies; and

Whereas, The Michigan Air National Guard exemplifies this federal mission and provides well-trained citizen-aimen to the United States Air Force; and

Whereas, Utilizing the highly-trained and experienced citizen-aimen of the Michigan Air National Guard is significantly more economical for the United States Department of Defense than utilizing active military units; and

Whereas, The Michigan Air National Guard provides protection of life and property, and preserves peace, order, and public safety in the state of Michigan, by providing emergency relief support during natural disasters; conducting search and rescue operations; providing support to civil defense authorities; and maintaining vital public services and counterdrug operations in the state; and

Whereas, The Michigan Air National Guard, being the air force militia of the state, has a long and proud history with the state of Michigan; and

Whereas, The Selfridge Air National Guard Base dates back to 1917, and currently hosts 20 units from all branches of the United States military, as well as the United States Coast Guard and the United States Customs and Border Patrol; and

Whereas, The 127th Wing flies KC-135 Stratotankers, which provide aerial refueling capabilities around the globe in support of Air Mobility Command, and A-10 Thunderbolt II, which provide support to Air Combat Command. Additionally, the 127th Wing sup-

ports the Air Force Special Operations Command with its 107th Weather Flight; and

Whereas, The A-10 Thunderbolt II mission was transferred to Selfridge Air National Guard Base from the Battle Creek Air National Guard Base following the 2005 Base Realignment and Closure Commission recommendations; and

Whereas, The Department of Defense has proposed the removal of all 24 of the A-10 Thunderbolt II aircraft from the 127th Wing and replacing them with four additional KC-135 Stratotankers; and

Whereas, Approximately 650 personnel are attached to the A-10 Thunderbolt II mission; and

Whereas, It is unknown how many support personnel will be necessary to service the additional KC-35 Stratotankers; and

Whereas, Removing the A-10 Thunderbolt II mission could affect more than 600 families in and around Macomb County; and

Whereas, The removal of the A-10 Thunderbolt II mission could make the Selfridge Air National Guard Base vulnerable to closure in future Base Realignment and Closure Commission recommendations; and

Whereas, The Selfridge Air National Guard Base is one of the busiest, most diverse military installations in the United States, encompassing approximately 680 buildings, runways measuring 9,000 and 4,870 feet, over a million square yards of taxiway and paved aircraft parking ramps, 39 miles of paved roads, and seven miles of railroad track; and

Whereas, Recent military construction improvements to Selfridge include \$5.2 million to replace the Control Tower/Radar Approach Control Center and \$9.8 million for an infrastructure upgrade; and

Whereas, The Selfridge Air National Guard Base is essential to the local economy, as nearly 3,000 full-time civilian and military personnel work at the base, in addition to approximately 3,000 members of the Air and Army National Guard and the reserve components of the United States military who are stationed at the base; and

Whereas, Portions of the Selfridge Air National Guard Base have previously been targeted for closure in 1995 and 2005; and

Whereas, The defense industry is vital to the economy of Macomb County; and

Whereas, The loss of the Selfridge Air National Guard Base will have a significant impact on the local community, with the loss of employment positions, local revenue, and a significant source of community pride; and

Whereas, The military presence in Michigan has already been significantly reduced by the United States Department of Defense with the 1977 decision to close Kincheloe Air Force Base in Chippewa County, the 1991 decision to close the Wurtsmith Air Force Base in Iosco County, the 1993 decision to close the K.I. Sawyer Air Force Base in Marquette County, and the 2005 decision to close the United States Army Garrison at Selfridge Air National Guard Base; and

Whereas, Losses to the 127th Wing of the Air National Guard at Selfridge Air National Guard Base will have immeasurable consequences for the state of Michigan, both in terms of economic ramifications, as well as in terms of community pride and disaster readiness: Now, therefore, be it

*Resolved by the House of Representatives*, That we urge the Congress of the United States to reject the United States Department of Defense recommendations to remove the A-10 Thunderbolt II aircraft from the 127th Wing of the Air National Guard at Selfridge Air National Guard Base; and be it further

*Resolved*, That copies of this resolution be transmitted to the United States Secretary of Defense, President of the United States Senate, the Speaker of the United States