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# *Senate*

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, as we begin today's session, we ask that Your spirit would guide the deliberations of our lawmakers. Move in their hearts, directing their thoughts and intentions to noble ends. May our Senators hear Your voice and embrace Your wisdom as they seek to keep our Nation strong and lead the world into a new era of freedom.

Lord, help our Nation's leaders stand tall for righteousness. Embue them with stamina for the long days ahead. Bind them together as prayer partners as they deal with the diversity of ideas. And, Lord, bless all who labor for liberty on Capitol Hill, and their families.

We pray in Your sacred Name. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, March 30, 2011.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
*President pro tempore.*

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Madam President, following any leader remarks, there will be a period for the transaction of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half.

Following morning business, the Senate will resume consideration of S. 493, the small business jobs bill. Rollcall votes in relation to amendments to the small business jobs bill are possible today. We hope our friends on the Republican side who are blocking will allow us to move forward on this bill. There are a number of nongermane and really nonappropriate amendments on this bill. We have agreed to go ahead and work on those. Two that are the most glaring are the 1099, which we need to resolve, and the EPA controversy we have. We are being blocked on the other side from even getting votes on these amendments.

We were told earlier in the session that what the Republicans wanted was an open amendment process. That is great, except we have an open amendment process and they will not let us vote on the bills. I hope that changes. They will not let us vote on the amendments or the bills. Anyway, if the logjam is broken, we will schedule them as soon as we can.

There will be a Senators-only briefing today regarding Libya with Secretary Clinton, Secretary Gates, and Chairman of the Joint Chiefs of Staff, Admiral Mullen. That will be at 5 p.m. in the new Visitor Center.

## BUDGET NEGOTIATIONS

Mr. REID. Madam President, as the country watches, we continue to work toward a bipartisan, bicameral agreement to keep the country running. Let me update the Senate on where we stand.

I want everyone to know how things looked from the beginning, but also let's talk about how they look right now from the negotiating table. Much of the criticism in this process has come from people who are not even sitting at the negotiating table. I am, and so is Speaker BOEHNER. I am glad he has returned to the conversation. It is obvious he has a difficult situation on his hands, and I do not envy him in that regard. He is getting a lot of pressure from the tea party folks to dig in his heels even if it hurts and destroys the recovery we have going now.

What is worse, the country does not care much about the tea party. There is a new CNN poll out today that says this very directly. Let's put it this way: The people who care about the tea party are a very small number—who care about them positively. Those who think about them negatively is very high, more than 50 percent. And that does not mean 50 percent favor the tea party. It does not. Fifty percent of the American people do not want anything to do with the tea party. Only a small percentage identify with the tea party. The interesting thing and I think the important thing to the country is that the tea party's unpopularity continues to grow because the American people see how unreasonable they are.

Let me reiterate my hope that the Republican leadership recognizes they cannot continue to be pulled to the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

right by the radical, unrealistic, unreasonable—I repeat, radical—and unpopular faction, the tea party. I have always said that once the economy gets better, they are going to fade out fairly quickly. It is getting better, and they are fading out. If people want to move the country forward, they cannot let the tea party call the shots.

Our proposal still stands. It is a number the Republicans were for before they were against it. We got that number by relying on reality, not ideology. I repeat, we know the answer lies in the middle. Neither party can pass a budget without the other party. We have already proven that. Neither Chamber can send it to the President without the other Chamber.

I look forward to getting this done so we can avoid the many terrible consequences that come with a shutdown. We do not want that to happen, and if it is up to us on this side of the aisle, it will not happen.

## RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## APPROACH TO ENERGY

Mr. MCCONNELL. Madam President, later this morning, the President is expected to outline his vision for improving our Nation's energy security. But, as we frequently have seen with this administration, what it says and what it does are often two very different things. So this morning I would like to discuss some of the things the administration has actually done when it comes to energy, and then I would like to propose some things Republicans would do differently.

It should go without saying that Americans are ready for action on this issue. With average gas prices approaching $4 a gallon in most parts of the country, growing uncertainty and unrest in the Middle East, and a jobs crisis here at home, Americans want the President to outline a serious plan today which will make us less dependent, not more, on foreign sources of oil and which stimulates job creation here. Unfortunately, what they have gotten instead are more of the same halfhearted proposals Democrats have trotted out every other time Americans get squeezed at the pump. Instead of facing the problem of higher energy prices head-on, Democrats are once again paying lipservice to those concerns with fake solutions that only aim to distract people from what they are really up to.

It is my hope that the President changes that tune today, but I am not holding my breath because we have seen how this plays out many times before. Tell a Democrat in Washington that gas prices are too high, and as if on cue they will throw together a speech or a press conference to suggest that we open an underground oil reserve that was created to deal with calamities, not market pressures; they will take you on a tour of some alternative car plant that promises to have one of its $100,000 prototypes to market 25 years down the road or they will quietly release some report to the media about how energy companies really are not working hard enough to extract oil, while schizophrenically claiming American reserves are minuscule and that more production is not the solution.

This last item is a perennial favorite of our friends on the other side. The idea here is to somehow blame energy companies for not producing enough energy on their own. What Democrats don't mention, however, is that a drilling lease is nothing more than an agreement with the government that a company has a right to explore for oil and gas in a certain area, not a guarantee that they will find it. They never see fit to mention that most of the area that could be leased is off limits thanks to the redtape factory Democrats operate here in Washington. Honestly, are we supposed to believe that the same administration that declared a blanket moratorium on all offshore drilling off the gulf coast, which chased away rigs and jobs to other countries, and which established new regulations that make getting a new drilling permit virtually impossible, now believes that energy companies aren't drilling enough?

This doesn't even pass the laugh test, but it does suggest that Democrats don't even believe their own arguments about decreased production not affecting price. It is my hope that the President acknowledges as much today—that when you shut down drilling, higher prices and fewer jobs are sure to follow.

The truth is we could use a lot more honesty on this whole issue from Democrats. Despite what some on the other side might say, Republicans are as eager as Democrats to develop alternative sources of energy. But everybody knows it will take years, if not decades, to get to the point where they will be economically viable and widely used. The President's target is decades from now. But Americans should be able to expect action now, and all they get from Democrats is a pretty picture of some far-off future we have been hearing about for decades, and not a word about the things Democrats are doing to make it harder to find and use energy we already have right here.

Initial news reports about the President's speech today mention that the administration is determined to derive 80 percent of U.S. energy from clean energy sources in the year 2035. I am sure we could generate a great deal of bipartisan support for much of what the President will call for, assuming it doesn't involve Federal mandates. But what does any of this have to do with the crisis at hand—the crisis right now? The guy who is trying to make ends meet wants to know what you are going to do for him today, not 24 years from now. But, of course, the administration doesn't have anything to say to that guy because the administration's energy policy isn't aimed at him. If it were, then the administration would be locking down domestic energy sources. It wouldn't be looking to pass new regulations through the EPA that will impose a national energy tax on every business, large and small. It wouldn't be telling our allies in Brazil that while it is great that they found oil off their coast, those who want to search for oil off our coast and on our mainland can't. In other words, it is great the Brazilians are drilling offshore but not so good that we are. It wouldn't be telling job creators in the energy industry to look elsewhere.

In his remarks today, the President is also expected to call for decreasing imports of foreign oil. Yet last week he told Brazilians that he hopes America becomes a major customer of Brazilian oil. Well, which is it? Which is it, Mr. President? Clearly, on this issue, the President is telling people what he thinks they want to hear.

Over the past 2 years, the administration has undertaken what can only be described as a war on American energy. It has canceled dozens of drilling leases, it has declared a moratorium on drilling off the gulf coast, it has increased permit fees, and it has prolonged public comment periods. In short, it has done about everything it can to keep our energy sector from growing. As a result, thousands of U.S. workers have lost their jobs as companies have been forced to look elsewhere for a better business climate.

Consider this: Three of the areas we could tap in Alaska are thought to hold enough oil to replace our crude imports from the Persian Gulf for nearly 65 years. So the problem isn't that we need to look elsewhere for our energy. The problem is that Democrats don't want us to use the energy we have. It is enough to make you wonder whether anybody in the White House has driven by a gas station lately.

No, the crisis we face is immediate and it requires immediate action, and that is why Republicans have come up with two concrete proposals that will have a positive practical effect—two things we can do to give Americans relief, job creators a reason to hire, and make all of us less dependent on foreign sources of oil.

First, let's increase American energy production by cutting the redtape and opening areas that the administration has either temporarily blocked, stalled, or closed off to production.

Let's block any new regulations that will drive up production costs for energy, including the administration's proposed new EPA regulations on carbon emissions.

The first proposal is guaranteed—guaranteed—to create jobs by unlocking our energy resources. The second has been described as one of the

best proposals for growth and job creation to make it onto the Senate docket in years. Let's be clear: The alternatives being offered by the other side are nothing more than a face-saving exercise aimed at allowing Senators who aren't serious about this issue to mislead their constituents into believing they are.

But the American people have put up with distractions and face-saving exercises long enough. They have put up with near double-digit unemployment long enough. They have heard enough about the costly big government proposals Democrats envision for the future. And frankly, they have had it. It is time to address the problems right in front of us. It is time for the President to put forth a serious plan. When it comes to energy, these problems are obvious. So are the answers. It is time for lawmakers to come together and do what we know is right.

Madam President, I yield the floor.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, 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 Republicans controlling the first half and the majority controlling the final half.

The Senator from Alabama.

## BUDGET ANALYSIS

Mr. SESSIONS. Madam President, I want to share some thoughts this morning and to report to our colleagues on the analysis done by the Congressional Budget Office of the President's budget he has submitted to us and asked that we adopt.

The budget has been roundly criticized as in no way getting us off this unsustainable path, and allowing the country to continue to head toward a financial abyss. Expert after expert, witness after witness before the Budget Committee—on which I am the ranking Republican Member—has testified to the danger we face and the need for us to take action. The Congressional Budget Office, in sum, concludes that the very insufficient reforms contained in the President's budget are more insufficient than the President has said, when properly analyzed. It is a very firm and severe rebuke to the President and his team of analysts who presented it to us. It is not good.

I believe it is probably the most erroneous budget ever submitted to Congress, in changing the numbers by $2.3 trillion in debt. In other words, the Congressional Budget Office says the budget submitted by the President, which was supposed to add to the debt some $13 trillion or so, is actually going to add $2 trillion more to the debt over 10 years, more than doubling the national debt. This is a very serious matter.

The budget presentation to the Congress continues a policy by this administration to minimize the danger of the debt crisis we face. It has been a sophisticated, long-term, continuous effort to not only say that cuts are too severe, too extreme—as the talking points go—and that, indeed, this President has things under control; that the debt crisis is not real, and we don't have to take firm action. The President does not look people in the eye and explain the true situation we are facing.

Indeed, this is the rhetoric they have used. The President has used this language; Jack Lew, his Director of the Office of Management and Budget, has used this language. They claim the budget they submitted calls on us to ''live within our means.'' His budget causes us to live within our means. They also have used this phrase, more than once: ''It only spends money that we have each year.'' Also they say that their budget ''does not add more to the debt.'' At a press conference about this, the press secretary to the White House was asked: Do you stand by these statements? What did he say? Absolutely. And when Budget Director Lew came before the Budget Committee, and I asked him about it, he stands by these statements. He didn't acknowledge they are in any way in error.

If we are going to have reform in America, if we are going to do something about the debt crisis this Nation faces, we have to be honest with one another. We have to deal honestly with the grave challenges we face. We can't be in denial. We can't continue to say we are living within our means and that we are not going to add more to our debt.

Why do I say that? Well, the President's own budget said the deficits would surge, would continue to be out there every single year, with the lowest single deficit in 10 years, according to his budget, to be $600 billion and going up in the outyears to almost $800 billion.

What does CBO say about all of this? This is what they told us after they analyzed the President's budget. Let me explain what happens. The President submits a budget to the Congress. We have our own Congressional Budget Office, and they analyze what the President proposes. They then give us a report on it and say what it means, if adopted; how it would impact our economy, how it would impact our debt, how it would impact the financing of our government. So what does CBO say? It says the President's debt-doubling budget adds more to the debt than the President claims. The score reveals the President's budget never once produces a deficit of less than $748 billion, and climbs to a deficit in the tenth year of $1.2 trillion—one thousand two hundred billion dollars.

I have been saying the lowest budget was $600 billion because that is what the President's own numbers said in the document he sent to us, but CBO says no. The CBO Director and his team, for the most part, were in place when the Democrats controlled both Houses of Congress. They are a nonpartisan group that tries to give honest numbers and do honest work. They are certainly not a Republican organization. They say the actual number was not going to be a $600 billion low annual deficit but that the lowest deficit would be $748 billion, increasing to $1.2 trillion.

You see, this is why the experts say we are on an unsustainable path. We cannot continue. How much is $1.2 trillion? Well, the highest deficit President Bush ever had was $450 billion, I believe, give or take. That was way too high, and he was roundly criticized for that. But this is three times that in the tenth year. This year, we are going to have a $1.6 trillion, $1.5 trillion deficit. In this fiscal year we will have, for the third consecutive time, a trillion dollar deficit. These are deficits the likes of which the Nation has never seen before and cannot sustain. It puts us on a path to financial instability and danger. It is a path we must get off. We can do so, but it is going to take some will. We are going to have to do some of the same things our cities and counties are doing.

Also, the CBO said that, using gimmicks, the President's budget concealed a total of $2.3 trillion in deficit spending and $1.7 trillion in increases of gross debt for the country. The debt to GDP reaches 116 percent in the 10th year.

Let's talk about that. Why is that important? Professors Rogoff and Reinhart, who testified before our committee, have written a very significant and highly regarded book. Their book, ''This Time It's Different,'' says that from a study of sovereign nations all over the world, when their debt reaches 100 percent of GDP, the economy is pulled down. It has a depressing effect on their economy. The economy will grow on average about 1 percent less than it would have grown otherwise, which is huge.

When you are talking about economic growth of 2, 3, 4 percent, to have a 1-percent reduction is a major drain on our economic growth, and growth is so critical for job creation and actually tax revenue to fund our government and get us out of the debt we are in. You cannot borrow your way out of debt. The deeper you get into debt, the more it pulls down the vitality and growth potential of your economy. We have to get off this path.

CBO says in the 10th year it will be 116. Senator CONRAD, the Democratic chairman of the Budget Committee, is very worried about this number. He

had a chart about it at our hearing recently. He showed that this year for the first time we will go over 100 percent of GDP in national debt. It is about 5 percent now, and we will go over 100 percent and will stay over it under the President's budget. Experts tell me this is unsustainable. Something bad will happen to us.

In addition, when Secretary of Treasury Geithner appeared before our committee, he acknowledged the Rogoff and Reinhart analysis. He acknowledged that this high level of debt will weaken the growth in our economy, and he added this: This level of debt creates a greater potential for an economic kickback, an economic catastrophe; another recession could occur as a result of these high debts.

CBO analysis reveals a number of other things that are disturbing because they are so plainly false, so plainly gimmicky, and so plainly designed to mislead the American people about the true nature of this budget that it, again, raises credibility questions about the White House and how they are explaining the situation we are in to the American people. They seem to be denying we are in a crisis.

For example, this budget submitted by the White House assumes there will be $315 billion for what we refer to as the doc fix in the final 8 years of this 10-year budget. But there is no source of income for that. They do not propose a tax increase. They do not propose any income that would be there. The CBO says: You cannot just assume money is going to appear when there is no source for this money. It is a manipulation of the numbers to try to hide the fact that there are no moneys available to pay the doctors the kind of income they need to continue to treat Medicare patients. If we do not do something, physicians will have their pay cut 20-percent-plus for treating Medicare patients. That is not healthy. It cannot be sustained. Physicians will not work with another 20 percent cut. They get paid less for Medicare than any other source of work they do unless it is the Federal Medicaid Program. CBO called them on it and said: No, you cannot score income when you show no source of that income.

What about transportation? There is a major increase proposed for spending on transportation next year, and their budget just assumes there will be a $328 billion income surge for transportation. It is called a transportation tax, but we are told it will not be a gas tax. I have referred to it as the ''not-gas-tax tax'' because all we know about this tax is they say it will not be a gas tax. They are talking about a $328 billion tax increase of some kind but no proposal where it would be, how it would be imposed, whether Congress would ever vote for it or not. They are not likely to vote for it, I have to tell you. CBO says that is phantom money. You need a better plan than that because otherwise your budget is just smoke and mirrors on that subject.

Remember, when we borrow money, we pay interest. The interest we paid last year was $200 billion. As the debt goes up and increases, although interest rates are very low now, they are going to increase some. According to CBO's analysis, with the debt more than doubling in the next 10 years under the budget the President has submitted to us, the annual interest is over $900 billion. That is about one-fourth of what the entire government spends today. We spend about $3.8 trillion. This is almost $1 trillion in interest in 1 year. Frankly, I think CBO's estimate of what the interest rates are going to be on our debt are probably low.

It is this kind of debt, where your debt is over 100 percent GDP, that puts you in a position where you could have a debt crisis kicking us back into another recession.

What we have to have—from the President and from our Democratic leadership here in the Senate—is an honest evaluation of where we are. The President needs to look the American people in the eye and say: We are not on a course that we can sustain. Federal Reserve Chairman Bernanke told us in January that we are on an unsustainable path. We have to get off it. About these numbers that project out here for 10 years, the doubling of the debt, Mr. Bernanke said: We are not going to get there because we will have a debt crisis before we get there, and there will be much, much harder times getting our finances in order than if we act today to get them in order. He said we wouldn't get there with these projections; they are too severe, too damaging to our economy.

Madam President, what time is left on this side?

The ACTING PRESIDENT pro tempore. The Republican side has 15 minutes.

Mr. SESSIONS. If some of my colleagues appear, I will be glad to yield the floor, but I will share a few more thoughts.

The President's budget does some other gimmicky things. He claims he has a 5-year freeze on nondefense discretionary spending. He told the American people that in the State of the Union Address. We have looked at those numbers, and it appears pretty clear that there is a 5-percent increase in the discretionary spending next year. How do they accomplish that? They reclassify all discretionary transportation funding as mandatory spending and say it is not discretionary. They just declare it is mandatory spending, and they say they have reduced discretionary spending by $7 billion. What kind of hokum is that? This is not worthy of the President of the United States and the Office of Management and Budget, coming here with a gimmick like that—just redefine discretionary spending and say it is there and say: I have a freeze in discretionary spending.

What else did they do? They hide another $9 billion in the reverse of that, in one-time mandatory savings. Actually, they use it in the discretionary account, but they do not count it as increased spending. That is $9 billion. And the President's proposed spending levels for next year will be even further out of whack as a freeze because this Congress is going to reduce the spending this year, hopefully by the full $61 billion the House has asked that we reduce it.

You say: Mr. SESSIONS, this is all partisan bickering. But it is not partisan bickering. We have bipartisan recognition in this Senate from Senator after Senator, Democrats as well as Republicans, who understand we are on an unsustainable course, and they know we need to get off this course. But I have to be critical about the President because he is not telling the American people the severity of the challenge we have and he is not proposing a plan that will actually fix it, but actually he is proposing a plan that will make it worse. This is a crisis. We have to confront this problem.

The President is going to have to move from denial to reality, to the real world, and help us develop a plan that contains spending in America just like is happening all over this country. Governor Cuomo is talking about substantial reductions in spending in New York, as is Governor Christie in New Jersey and Governor Brown in California.

I just saw my friend John McMillan, the head of agriculture and industry in the State of Alabama. He has 200 employees. He said they are going to have to reduce 60. That is almost one-third of the employees of his department. Do you think the department of agriculture and the industries of Alabama will cease to exist? I don't think so. I bet Mr. McMillan will figure out some way to perform most of the duties in his office. But he doesn't have the money, and when you don't have the money, you have to make tough decisions.

The American people understand this. When they don't have money, they don't spend. If they spend when they don't have money, they know they are taking a risk and they know it can't continue long. But this Congress does not get it. We are in a denial mode. We think we can just continue to spend forever, and we have the majority leader in the Senate whining about losing money for a cowboy poetry festival in Nevada. Give me a break. When you don't have money, you have to make decisions. That is just the plain fact.

What about next year's budget that the President proposes? The education budget next year is proposed to get an 11-percent increase over the past 2 years, which have had surging increases. Indeed, most Americans probably do not know that in this time of record deficits, over $1 trillion deficits, the last 3 years, the discretionary accounts—nondefense discretionary spending—increased 24 percent. And

next year? They want another 11 percent for education, another 9.5 percent for the Energy Department, another huge increase for transportation—the base, I believe, is over 10 percent but, including the phantom revenue, they will see around a 60 percent increase.

Under the President's request, the State Department is demanding and expecting to get over a 10-percent increase in spending. And inflation is 2 percent or less? How can we do this? The American people know this is not realistic. They know it is dangerous, and they want us to do something about it.

Frankly, I think that had something to do with the elections last fall. I think the American people were sending a message to a blind Congress that they expected us to do better on spending. Are we getting the message? We are proposing huge increases in spending next year, five times the rate of inflation in America, and we claim that is somehow frugal and living within our means. When the lowest single deficit over the next 10 years is projected to be $740-plus billion, that is unacceptable.

We have to be careful about what we say about our economy. We have to keep our economy moving forward. It is struggling. It is moving. We are having some good growth. We want to see that growth continue and expand.

The job situation is not good. We need to have at least 150,000 to 200,000 new jobs a month to stay level. That is about where we have been, 150,000 or 200,000 jobs. That is basically keeping us level. We need more job growth than that. It is better having some jobs being added than none, I acknowledge that, but it is not as strong as we need it to be.

One reason we are not having growth, as Professors Rogoff and Reinhart have told us, is the debt pulling down our economy. It is putting a cloud over our economy. The whole world is watching the United States. Are we going to go off the cliff or will this Congress rise up and put us on a path to sound fiscal policy that creates confidence in our financial situation; creates investment, growth, and jobs. That is the road we need to be on. It will be a tougher road. We will have to make some hard decisions about spending and which programs are going to get money and which ones aren't. Maybe all of them will have to take some sort of cut, but we can do that. We will get the country on the right track, and America is not going to fall into the ocean if we make some reductions in spending.

I will just point out that it is difficult to do that when we are in a political world, according to the New York Times, where anybody who proposes to reduce spending is called an extremist. Senator SCHUMER started that. He got caught on a phone call saying we should use the word ''extremist.'' Cut $61 billion out of $3,800 billion in expenditures; that is what the House has sent over here to us, a proposal that we reduce spending, under the continuing resolution, by September 30, by $61 billion out of a total of $3,800 billion the Federal Government spends.

This is extreme, we are told, and the government is going to sink into the ocean, and we cannot survive with these kind of reductions. So they had a meeting. They all were right on message, according to the New York Times. ''We are urging Mr. BOEHNER to abandon the extreme right wing,'' said Mrs. BOXER, urging the House to compromise on the scale of spending cuts and to drop proposed amendments that would deny funding for Planned Parenthood.

Another Senator said, referring to the House Republicans as ''right wing extremist friends''—he is a real nice Senator. He did not want to be too harsh, so he called them ''right wing extremist friends.'' That is better than not calling them friends, I suppose.

Another Senator decried Mr. BOEHNER as ''giving in to the extremes of his party.'' Another closed by speaking of the ''relatively small group of ideologues who are an anchor dragging down the budget-negotiating process.''

Give me a break. $61 billion. If we cannot do that, what does the world think about us? Did we really get a message from this election? Did we really understand that we are challenged now; that this is our time in history to face up to the facts that we are on an unsustainable fiscal course that will lead us, as Mr. Bernanke said, to economic disaster long before these projections come to a conclusion?

We cannot continue on this course. We have to get off this course. We owe it to every working American not to put this country back into another recession. The truth is, we can do these reductions in spending. This government is not going to sink into the ocean. We are going to continue to serve the American people. If we do it, we will get on the right path, and this economy can continue to grow knowing that we have gotten our fiscal house in order.

It is not that hard. I urge my colleagues to do so. Let's not give up on the $61 billion total reduction in spending the House has asked us to meet. Let's do it, and let's be proud of it. Let's know then that we have done something that will amount to a real change in the debt trajectory we are on.

We have calculated it. My budget staff has looked at the numbers. A $61 billion reduction in baseline spending—which is what they are proposing—over 10 years will save $860 billion. It will reduce the debt of America by almost $1 trillion. We need to do more of those kinds of things in the months ahead. If we do so, we can change the trajectory we are on.

So I urge my colleagues, do not leave here talking about splitting the baby and just seeing how little we can reduce spending. Let's go on and accept the House number. Let's embrace it. Let's make a decision to get our finances in order just like cities and counties and families are doing all over the country.

I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 675 and S. 676 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. AKAKA. I yield the floor.

## EXTENSION OF MORNING BUSINESS

Mr. AKAKA. I ask unanimous consent that the period for morning business be extended until 2 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. AKAKA. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SHARED SACRIFICE

Mr. SANDERS. Madam President, I wish to say a few words about the debate over the budget that is currently taking place here in Washington.

I wish to express a viewpoint that I think is shared by the vast majority of the people in our country. That is, No. 1, I think we all recognize the deficit of $1.6 trillion is an enormously serious problem, as is the case with a $14 trillion national debt. I think most Americans and virtually everybody in Congress understands this is an issue we have to deal with. However, at a time when this country is in the midst of severe recession; when real unemployment—not official unemployment—is close to 16 percent; when poverty in America is increasing and when we have the highest rate of childhood poverty of any major country on Earth; at a time when 50 million Americans have no health insurance at all and we are losing about 45,000 Americans every year because they don't get access to a doctor; at a time when many of our people are working longer hours for lower wages, I think what most Americans are saying is: Yes, we have to deal with the deficit, but we have to deal with it in a way that is fair and in a way that requires shared sacrifice.

It is absolutely wrong to be talking about balancing the budget and deficit reduction simply on the backs of working people, the middle class, low-income people, the sick, the elderly, the

most vulnerable people in this country. That is morally wrong and economically unwise. What we must be talking about is shared sacrifice where all segments of our society are participating in the effort to balance the budget and reduce our deficit.

While the middle class in this country is disappearing and while poverty is increasing, there is another reality this Senate must address, and that is that the people on top are doing phenomenally well. Many of my colleagues have seen articles which talk about corporate profits today being at all-time highs. The middle class is collapsing, poverty is increasing, and corporate profits are at an all-time high. Today, the wealthiest people in our country are doing phenomenally well. Our friends on Wall Street, who helped cause the recession we are in through their greed and their recklessness and illegal behavior, are now earning more money than they have ever earned before. Three out of the four largest banks today, before we bailed them out because they were too big to fail, are even bigger. So the guys on Wall Street are making more money than they did before we bailed them out, corporate profits are at record-breaking levels, and the wealthiest people in this country are doing phenomenally well.

In a recent 25-year period, 80 percent of all income went to the top 1 percent, and we now have a situation where the top 1 percent earn about 23 percent of all income in America more than the bottom 50 percent. So that is where we are: corporate profits soaring, wealthiest people doing phenomenally well. Then we have folks who come here and say, Well, we have to balance the budget. We have to move toward deficit reduction. The way we do it is on the backs of those people in the middle class, working class, lower income people who are already being beaten over the head because of the recession.

I would point out that the deficit reduction package passed by our Republican colleagues in the House would cut Head Start by $1.1 billion, throwing over 200,000 little children out of Head Start. There is a major childcare crisis in America today. We have to expand Head Start. They want to throw 200,000 kids off of Head Start.

With 50 million Americans having no health insurance—people can't get to a primary health care doctor; they are getting sick when they shouldn't be sick; they are ending up in the emergency room; they are ending up in the hospital—our Republican friends want to cut $1.3 billion from community health centers, denying 11 million patients access to primary health care. They are balancing the budget on the backs of little kids, low-income kids; balancing the budget on the backs of sick people who have no access to a doctor. College education costs are soaring. Middle-class families can't afford it. Our Republican friends want to reduce the Pell grant program—the major source of Federal funding for moderate and low-income families for sending their kids to college—by 17 percent, which would mean that over 9 million low-income college students would lose some or all of their Pell grants.

The Community Service Block Grant Program would be cut by $405 million, and that is the program that helps the poorest of the poor get by day by day. And on and on it goes.

I wish to introduce another aspect into this discussion. Not only have we given huge tax breaks to the richest people in this country, driving up the deficit—and I hear very little discussion about asking them to pay any more to help us toward deficit reduction—we have another scandal out there. Major corporation after major corporation, many of which have powerful lobbyists right here on Capitol Hill, not only pay nothing in taxes but in many cases get a refund from the IRS. I wish to list the 10 worst corporate tax avoiders: ExxonMobil, the largest oil company in the world, made $19 billion in profits in 2009. Exxon not only paid no Federal income taxes, it actually received a $156 million rebate from the IRS, according to SEC filings. So instead of throwing children off of Head Start or cutting back on community health centers, maybe—maybe—we want to ask ExxonMobil to actually pay taxes rather than get a refund.

Bank of America, No. 2, received a $1.9 billion tax refund from the IRS last year. Bank of America received a $1.9 billion tax refund, although it made $4.4 billion in profits. Maybe they might want to contribute a little bit more before we cut back, as the Republicans want, on the Social Security Administration.

Over the past 5 years, while General Electric made $26 billion in profits in the United States, it received a $4.1 billion refund from the IRS.

Chevron received a $19 million refund from the IRS last year after it made $10 billion in profits in 2009.

If you are a working stiff and making $30,000 to $40,000 a year, you are paying taxes, but if you are Chevron and you made $10 billion in profits in 2009, you don't have to pay any taxes; you get a $19 million refund. Yes, let's go after little kids; let's go after the elderly; let's go after the sick; let's go after the most vulnerable; but apparently in the Senate, we can't ask Chevron to pay taxes.

Boeing, which received a $30 billion contract from the Pentagon to build 179 airborne tankers, got a $124 million refund from the IRS last year. Valero Energy, the 25th largest company in America, with $68 billion in sales last year, received a $157 million tax refund check from the IRS.

Goldman Sachs, our good friends on Wall Street, in 2008 only paid 1.1 percent of its income in taxes, even though it earned a profit of $2.3 billion and received almost $800 million from the Federal Reserve and U.S. Treasury Department.

Citigroup last year made more than $4 billion in profits but paid no Federal income taxes.

ConocoPhillips, the fifth largest oil company in the United States, made $16 billion in profits from 2007 through 2009 and received $451 million in tax breaks through the oil and gas manufacturing deductions.

Over the past 5 years, Carnival Cruise Lines made more than $11 billion in profits, but its Federal income tax rates dropped during those years to 1.1 percent.

So the point is if you go out and you work for a living, you pay 10, 15 percent of your income in taxes. But if you are on Wall Street, if you are a major oil company and have lobbyists all over this place, not only can you avoid paying any taxes, in many cases you will actually get a tax refund from the IRS.

What is the point? The point is that at a time when we have a $1.6 trillion deficit, maybe we have to reduce that deficit not simply on the backs of working families, low-income people, children, the sick, the elderly; maybe—maybe—we might want to call for shared sacrifice. Maybe ExxonMobil and some of the large oil companies might be asked to pay something in taxes. Maybe General Electric might be asked to pay something in taxes. Maybe the wealthiest people in this country might be asked to pay something in taxes.

These are serious times for our country and we need serious answers. We need shared sacrifice.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Madam President, I ask unanimous consent to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ENERGY POLICY

Mr. BARRASSO. Madam President, I rise this morning to talk about jobs, the economy, and our Nation's energy.

In a few minutes the President will be speaking at Georgetown University about energy. I rise today to talk about the President's Environmental Protection Agency and his efforts to regulate our global climate by taxing, by using a backdoor method called cap and tax, a proposal that we will be debating here in the Senate and are debating today.

Folks back home recall the debate about cap and tax. It happened over the last few years. Yet the Environmental Protection Agency is trying do it through a backdoor method. Attempts to pass this massive energy tax on to the hard-working families all across the country have failed. It failed in Congress, and it failed because the American public has said we do not want new energy taxes.

Americans don't want to pay more for gasoline at the pump. Yet they are experiencing it every day. I saw it this past weekend in Wyoming. Week after week the price at the pump goes up. American families don't want to pay more for electricity to heat their homes and run their small businesses. Yet the President's Environmental Protection Agency is attempting to bypass this Congress and enact their own cap-and-tax policy through regulation.

Cap and tax is unacceptable to the American people. It was unacceptable 3 years ago, it was unacceptable 2 years ago, it was unacceptable last year, and it is still unacceptable today.

The EPA may think they know better than the American people. That is why this EPA must be stopped. There are different ways to stop the EPA's ongoing regulations. We have three proposals before us today, but only one is a solution. Of the other amendments, one is a surrender and another is a distraction. The McConnell-Inhofe amendment, the one I support, is an amendment that will block the EPA's attempt to enact the same cap-and-tax bill that has been defeated time and time again on Capitol Hill. That is the solution I will talk about shortly.

However, I wish to talk about the amendments I have concern with. One is the Baucus amendment. I do not support the Baucus amendment. To me, it is an attempt to surrender in the face of the EPA's dramatic regulatory overreach. It is the so-called ''agriculture exemption.''

When I talk to people in agriculture—the so-called agricultural exemption doesn't shield agricultural producers from increased fuel, increased energy, and increased fertilizer costs.

The factories, refineries, and powerplants that are the glue that holds the farming industry together and allows it to function will be hit with significant energy taxes under the Baucus amendment.

The aftershock will be felt by American small businesses and farmers across the West and the Midwest.

Farmers and small businesses will face higher electricity costs, higher gasoline costs, higher diesel costs, and higher fertilizer costs.

Everything from driving a tractor to shipping your produce to market will skyrocket.

Farms will close, and the cost of produce at the local grocery store will go up for all Americans.

We are not just seeing pain at the pump; people are paying more for gas, but they are also paying more for groceries these days. This will make that worse.

If you have any doubt about the impact the Baucus amendment will have on farms, talk to the American Farm Bureau because they oppose this amendment.

Another amendment dealing with the EPA is the Rockefeller amendment. It calls for a partial delay of EPA regulations for 2 years. This is not a delay, it is a distraction. The question is, does it truly delay the regulation of greenhouse gases? Not really. A couple are delayed—two of six—but four greenhouse gases are not. If that sounds like only a partial delay, you are correct, it is only partial.

Does the Rockefeller amendment put in safeguards to ensure the Environmental Protection Agency abides by the 2-year partial delay? No, it doesn't. The Rockefeller amendment does nothing to stop the EPA from stalling construction permits during the 2 years.

The Rockefeller amendment does nothing to prevent EPA from retroactively requiring costly mandates on small businesses, powerplants, and manufacturing facilities. It also does not prevent climate change nuisance suits, which are filed in court by groups opposed to fossil fuel development.

It seems to me the Rockefeller amendment only delays job growth, while giving a green light to EPA to proceed with regulations that will be costly to American families and to our American economy.

For those of us looking to protect jobs across the country and restore Congress's authority to determine our own energy future, this type of amendment can only be described as a partial delay. It is a distraction.

We don't need a surrender or a distraction; what we need is a solution.

The solution is the McConnell-Inhofe amendment. This amendment restores the Clean Air Act to its true meaning and congressional intent. Let me get back to that. This amendment restores the Clean Air Act to its true meaning and congressional intent.

The McConnell-Inhofe amendment blocks EPA's attempt to enact cap and tax. They are trying to do it in a backdoor route with cap and tax. But the McConnell amendment blocks EPA's attempt to enact cap and tax by blocking EPA's authority to regulate greenhouse gases under the Clean Air Act, by repealing the EPA's endangerment finding that says carbon dioxide is a threat to public health, by repealing the tailoring rule that says EPA can arbitrarily pick and choose which businesses they want to target, and also by applying it immediately to all greenhouse gases.

This is the amendment we must pass to rein in EPA and to protect jobs. This is the amendment that has been endorsed by the U.S. Chamber of Commerce, the Business Roundtable, the American Farm Bureau, and Americans for Prosperity. The list of supporters of this amendment is extensive.

We need to get serious about America's energy future. Congress needs the time to get this policy right. We need to make America's energy as clean as we can, as fast as we can, and do it without raising energy prices or hurting American families and jobs.

The McConnell-Inhofe amendment is the right solution.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

## LIBYA

Mr. ENSIGN. Mr. President, I rise to speak in reaction to President Obama's speech this week outlining what he believes to be in our Nation's interest in Libya. Last week, while working in Nevada, many of my constituents asked what my thoughts were on the military action we have taken in Libya. My answer to them was simply that I did not believe the President had outlined a vital U.S.-American interest in our engagement in Libya, and that the United States cannot afford to be the police force of the world.

This week, with the President's address to the Nation, I had hoped I would hear something to change my mind or, better yet, something that would instill confidence about the President's decision, but, unfortunately, this address provided the American people with many more questions than answers. President Obama left me wondering why any vital U.S.-American interest in Libya would justify military action.

He said refugees would stream into Tunisia and Egypt, but we often aid refugees without F–15s. He said we needed to preserve the writ of the United Nations Security Council, but he did not explain why the safety of our men and women in uniform should ever be put at the service of that body. He said we needed to show dictators across the region that they cannot use violence to cling to power, but if President Obama's policy fails to get rid of Qadhafi, that is exactly the lesson they will learn.

The President left me wondering about the definition of ''military success.'' He said our military mission is limited, but how do we know when we have hit our limit? Is it when Qadhafi poses no threat to civilians? Is it when all of Qadhafi's thugs are gone, or is it when Qadhafi steps down?

This week's address from President Obama makes it clear that we may be headed for another decade-long military operation in the Middle East. Our service men and women cannot afford to be engaged in another Middle East dispute; they are stretched thin enough as it is.

This weekend, Secretary of Defense Gates said, when asked about whether Libya is in our vital interest:

> No, I don't think [Libya] is a vital interest for the United States. . . .

So what are we doing? I understand the President may sincerely want to

save lives in Libya, but our country cannot afford to be the police force for the rest of the world. We did not step in when there was genocide in Darfur. As a matter of fact, there is a story today which I ask unanimous consent to have printed in the RECORD.

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

[From www.reuters.com, Mar. 29, 2011]

DARFURIS FEEL BETRAYED BY LIBYA NO-FLY ZONE

(By Opheera McDoom)

KHARTOUM.—People in Darfur watching how quickly a no-fly zone was imposed on Libya by the United States and its allies said they felt betrayed because U.S. President Barack Obama had broken his promise to protect them in the same way from government attacks.

The government in Khartoum is still defying a U.N. Security Council resolution by bombing rebels in Darfur.

While Darfur was a foreign policy priority for Obama during his election campaign, the festering conflict has fallen into oblivion since his election.

Sudan's President Omar Hassan al-Bashir is wanted by the International Criminal Court for genocide and war crimes in Darfur, where the United Nations estimates at least 300,000 people have died in a humanitarian crisis sparked by a brutal counter-insurgency campaign that began in 2003.

A prominent Darfuri leader said a no-fly zone would protect civilians in the isolated region.

''Right now—forget in the past—right now what is happening in Darfur is worse than in Libya,'' said Barouda Sandal of the opposition Popular Congress Party. ''The air force is bombing civilians and thousands are fleeing.''

Peacekeepers from the joint U.N.-African Union force this week confirmed aerial bombardments in areas they visited and said more than 70,000 people had fled fighting in the past few months alone, swelling miserable camps already housing more than two million people seeking refuge from the fighting.

NO-FLY ZONE

During his 2008 presidential campaign, Obama backed a no-fly zone in Sudan's west and tougher U.S. sanctions on Khartoum. But once in the White House, his special envoy eased the embargo and promised to remove Sudan from the list of state sponsors of terror.

Washington was the first capital to label Darfur's conflict genocide, infuriating Khartoum, which blames Western media for exaggerating a conflict it describes as tribal. It says 10,000 people have died in the violence.

But quick U.S. intervention in Libya on humanitarian grounds has provoked debate as to what is the standard for intervention in foreign conflicts.

''The swiftness of the international community's response to Colonel Gaddafi's bloody repression of the Libyan uprising has surprised no one more than the diplomats involved,'' journalist Rebecca Tinsley wrote in the Huffington Post.

''At the same time it has left survivors of state-sponsored massacres in Darfur, Rwanda . . . bewildered by our double standards.''

The U.S. embassy in Sudan said Washington remained engaged in Darfur, giving aid and supporting the peacekeeping mission.

''It is not inconsistent for the United States to play different roles in each vital international effort,'' it said in a written statement.

Many Darfuris believe the quick military intervention in Libya was because of its oil, rather than for humanitarian reasons.

''We are astonished that over a few weeks about 1,000 Libyans have been killed and they went in, but in Darfur they killed hundreds of thousands yet no one comes. And Darfuris are feeling very bad about this,'' said Ibrahim el-Helu, a commander from the Sudan Liberation Movement, a Darfur rebel group.

''Hundreds of Darfuris are calling me, saying let them come and drill for oil here if it means they will come and protect us too,'' he said.

Mr. ENSIGN. The headline reads:

Darfuries feel betrayed by Libya no-fly zone.

We didn't step in in Darfur. We also didn't help the people of Rwanda. The last time we did try to police a situation such as this was in Somalia, and we all know how that ended.

That is probably why we haven't intervened in the Ivory Coast, even though there are more than 1 million people who have fled their homes and hundreds of thousands have crossed into neighboring countries.

Other nations such as France wanted to take the lead on addressing the Libyan situation. I believe we should have allowed them to do so. The President's address made it clear that our military action in Libya is less about humanitarianism and more about realizing a multilateralist fantasy.

While Secretary Clinton has continued to refer to S. Res. 85 as the Senate's endorsement of the President's establishment of a no-fly zone, I would like to point out to the American people that this talking point is misleading. This is what she said:

The U.S. Senate called for a no-fly zone in a resolution that it passed, I think, on March the 1st, and that mission is on the brink of having been accomplished. And there was a lot of congressional support to do something.

This Senate resolution received the same amount of consideration that a bill to name a post office has. This legislation was hotlined. There was no debate allowed, no legislative language provided to consider. There was no vote. S. Res. 85 described a no-fly zone as a possible course of action for the U.N. Security Council's consideration. It did not instruct the U.S. Ambassador to the United Nations to take action, let alone authorize a military operation. Using the hotline process for this resolution as a congressional endorsement for the President's policy is simply not an adequate use of Congress's role in authorizing military action. The administration unilaterally developed, planned, and executed its no-fly zone policy. The President consulted with the United Nations, he consulted with NATO, he consulted with the Arab League, but he did not consult with the body that is mandated under the Constitution: the U.S. Congress. There was no congressional approval or oversight of this military commitment.

The Senate resolution simply does not authorize or endorse the use of force. It urges a multilateral body to consider a no-fly zone as a possible course of action. This is not the legal equivalent of an authorization to use force. This is not the political equivalent of that authorization. So what is it?

I believe it is a disrespectful checking of the box for congressional approval by the administration's unilateral action. As Secretary Gates has stated, there is not a vital interest for our Nation in Libya, which means now that we are engaged there, the United States is at risk of mission creep and the possibility of a ''take two'' of what happened in Somalia.

Before our military intervention, U.S. interests in Libya were minimal. Our intervention has overinflated our interests in Libya's civil war. If Qadhafi stays in power—and many believe he will—and continues to fire on innocent civilians, demands for U.S. military capabilities will go up. This sounds strikingly similar to what happened in Somalia. Furthermore, this engagement has explicitly announced our support for the rebel cause. Yet we don't even know who or what these rebels are or what their ideology is. President Obama's military strategy risks damaging our already shaky credibility in this unstable region of the world. Even with complete military success, President Obama's policy may appear to fail because he has disconnected military means—a no-fly zone—from his strategic ends—Qadhafi's removal.

The Obama administration has confused our priorities in the Middle East. Operations in Libya divert our focus from unstable situations in Syria, Yemen, and Iran, all of which are more important for U.S. interests. Operations in Libya muddle our interests and undermine our ability to lead across the region. If turmoil in Libya calls for a no-fly zone, are we prepared to make the same commitments in Syria and Iran, where we have far greater strategic interests? If not, what kind of message does this send to reformers in those countries?

Last year, when there was an uprising in Iran, the President basically said: Hands off. It is not in our interest. We can't do anything about it. What kind of a message does that send?

Some have argued that oil is the underlying reason for our engagement in Libya. Whether this is the case or not, the perception is there. Instead of lessening our dependence on dangerous foreign oil, this administration has steadfastly refused to allow the United States to tap into its own oil reserves.

In Alaska alone there are three places that would supply the United States with 65 years' worth of what we import from the Persian Gulf.

Unfortunately, as strongly as I believe in renewable energy, it is going to take us 30 to 40 years for renewable energy infrastructure to be up and running enough to start contributing significantly to our Nation's energy supply, which is why we need to act to get

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 incredible 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 success, 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 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.*

GEORGES C. BENJAMIN, MD, FACP, FACEP (E),
*Executive Director, American Public Health Association.*
DEAN E. SCHRAUFNAGEL MD,
*President, American Thoracic Society.*
BILL MCLIN,
*President and CEO, Asthma and Allergy Foundation of America.*
PETER WILK, MD,
*Executive Director, Physicians for Social Responsibility.*
JEFFREY LEVI, PHD,
*Executive Director, Trust for America's Health.*

Mrs. BOXER. They say we ''strongly oppose Congress blocking EPA's effort to implement the Clean Air Act.'' That is one of the things they say in the letter.

Then, I ask unanimous consent to have printed in the RECORD—by the way, these are new letters, yesterday one of them—a letter from Business for Innovative Climate + Energy Policy.

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

BUSINESS FOR INNOVATIVE CLIMATE + ENERGY POLICY,
*March 28, 2011.*

Re: Business Support for EPA's authority to regulate GHG emissions

DEAR SENATE MAJORITY LEADER REID AND SENATE MINORITY LEADER MCCONNELL: We are writing as major U.S. businesses to urge you to oppose all amendments or other measures that would block, delay or curtail EPA's ability to take action on the regulation of greenhouse gas emissions.

For nearly two years, our coalition, Business for Innovative Climate and Energy Policy (BICEP), has worked with Members of Congress toward passage of comprehensive climate and energy legislation, because we believe it is critical to the health of our businesses and essential for job creation and innovation in the United States.

It is important to underscore that we have always believed strongly that Congress should lead on setting climate and energy policy for the United States. However, in lieu of Congress's ability to pass a comprehensive bill, EPA's legitimate authority to regulate greenhouse gas emissions should not be constrained at this time.

We urge you and your Senate colleagues to remain focused on the vital task of passing a comprehensive climate and energy bill that will create jobs, reduce harmful emissions, encourage clean energy development and enhance national security.

Sincerely,

ANNE L. KELLY,
*Director, BICEP.*

Mrs. BOXER. The letter says ''Business Support for EPA's authority to regulate greenhouse gas emissions.'' It is a letter from Anne Kelly, who is director of this organization. She writes:

We are writing as major U.S. businesses to urge you to oppose all amendments or other measures that would block, delay or curtail EPA's ability to take action on the regulation of greenhouse gas emissions.

It is not business friendly. It is friendly, these terrible amendments, to the biggest polluters in America who today took out a full-page ad. I guess they can afford $20,000—maybe it is 50, I don't know what it costs—for a whole page, saying: ''Stopping EPA's job-killing greenhouse gas regulation.''

Of course, who are they? The Industrial Minerals Association, the National Mining Association, the National Petrochemical & Refiners Association, Petroleum Marketers Association of America, Society of Chemical Manufacturers, et cetera, et cetera.

I guess the question for us as a body is, Whom do we stand with, the biggest polluters in America or the American people, 69 percent of whom said in a bipartisan poll: ''EPA should update Clean Air Act standards with stricter air pollution limits.''

This group in this body, for whatever reason—and I respect their reasons, I just strongly disagree with them—are saying: Stop EPA, stop. Mr. President, 68 percent believe Congress should not stop EPA from enforcing Clean Air Act standards.

That is what these amendments do. I say show me one other thing besides we all love our mothers that would get 68 percent of the American people in a bipartisan vote.

Mr. President, 69 percent believe ''EPA scientists, not Congress, should set pollution standards.'' But we have Senators playing scientist, putting on their white coats, deciding what EPA should do, when it ought to be based on science. What is the science telling us? That it is dangerous to breathe in air pollution with lots of carbon in it.

I ask unanimous consent to have another letter printed in the RECORD from 1Sky, Center For Biological Diversity, Clean Air Task Force, Clean Water Action, Conservation Law Foundation, Defenders of Wildlife—I can't even take the time to read them all—Interfaith Power and Light, League of Women Voters, NRDC, Safe Climate Campaign, Sierra Club, Union of Concerned Scientists, Republicans for Environmental Protection—I love that one—Voices for Progress, World Wildlife Fund. I ask unanimous consent that be printed in the RECORD. It is dated March 30 of this year.

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

MARCH 30, 2011.

DEAR SENATOR: On behalf of the millions of members, activists, and supporters our organizations represent, we urge you to oppose all amendments to S. 493, the SBIR/STTR Reauthorization Act of 2011, that would block the Environmental Protection Agency's (EPA) ability to protect public health, including Senator McConnell's amendment (#183), Senator Rockefeller's amendment (#215), Senator Baucus's Amendment (#236), and Senator Stabenow's amendment (#265). Each of these amendments will stop the work underway to clean-up health-threatening carbon dioxide pollution, putting families across the country at risk and stifling investment in a clean energy economy.

For 40 years, the EPA has protected our health and for 40 years the Clean Air Act has been reducing dozens of different air pollutants—all while contributing to America's economic prosperity. These amendments would block the EPA's authority to do this critical job, giving big polluters a free pass to spew carbon dioxide and other pollution without limit. Stopping the EPA from doing its job now means more Americans will suffer ill health, not fewer; more clean energy jobs will be outsourced overseas, and fewer American jobs will be created here at home.

Time and again, some in industry have made dire claims in order to avoid taking responsibility for polluting our air. And time and again, the industry predictions have proven false. In fact, between 1970 and 1990 the Clean Air Act returned $42 in benefits for every dollar spent. And for every dollar spent cleaning up our air from 1990 to 2020, Americans are expected to receive 30 dollars in economic benefits. The Clean Air Act is a clear financial winner.

Medical professionals and public health organizations agree that carbon dioxide pollution is a serious public health issue. Compromising the work of the EPA means more Americans will suffer the impacts of severe asthma attacks, more children will end up in hospitals attached to respirators, and more seniors lives will be put at risk from heat waves and severe weather.

Once again, we urge you to oppose all amendments to S. 493 that would block the Environmental Protection Agency's ability to protect public health. By doing so, you will stand up for our health, our economy, and our environment. The American people deserve the cleaner air, better health, and saved lives that are made possible by the Clean Air Act.

Sincerely,

1Sky, Center for Biological Diversity, Clean Air Task Force, Clean Water Action, Conservation Law Foundation, Defenders of Wildlife, Earthjustice, Environmental Defense Fund, Environment America, Friends Committee on National Legislation.

Friends of the Earth, Interfaith Power & Light, League of Women Voters of the United States, Natural Resources Defense Council, Republicans for Environmental Protection, Safe Climate Campaign, Sierra Club, Union of Concerned Scientists, US Climate Action Network, Voces Verdes, Voices for Progress, World Wildlife Fund.

Mrs. BOXER. It says:

For 40 years the EPA has protected our health and for 40 years the Clean Air Act has been reducing dozens of different pollutants—all while contributing to America's economic prosperity.

Every single time we try to rein in pollution, special interests say: No, no, no, a thousand times no. We will stop growth. We will stop jobs. We will kill the economy. It is awful, awful, awful.

Let me give one economic fact: If you can't breathe, you can't work.

Here is a picture of a little girl suffering, struggling. I urge my colleagues who support Senator MCCONNELL to look at this. They are not here, but maybe on TV they will. Look at this picture. Is that what we want for her future?

We have another picture of a little boy. This is what is happening in this country because of the polluters who will not clean up their mess. Here is another beautiful child. We all love children. How many speeches have we had on this floor—we love children, children are our future, we will fight for our children. Do we want their future to look like this, breathing

through a device? Come on. This is clear.

You go to any school. I defy my colleagues, try this. Go to any school in your State and say: By the way, how many of you have asthma? You will see the little hands go up. Then you say: How many of you know someone with asthma? You will see half the class raise their hands. Yet what are we doing on this beautiful bill—that Senator LANDRIEU, I know, wants to have cleaned up? She doesn't want these amendments on it. Regardless of how she may feel or I may feel, we both agree we should not have these amendments on it, but so be it. We have to vote these amendments down because we are responsible for these kids. All our side is saying is very simple: The Clean Air Act has worked.

If I went up to you and I said: If you know something worked perfectly well, would you mess with it? Would you change it?

No. Why would you, if it is working well?

So let's take a look at how well the Clean Air Act is working. I know how strong the belief of the Presiding Officer is on this subject. Let's take a look at this.

In 2010, the Clean Air Act prevented 160,000 cases of premature deaths. By 2020, that number is projected to rise to 230,000 cases of premature death. So if we stay on course and we fool around with the Clean Air Act—as my Republican friends have already done in the House and I pray to God they do not succeed—we are going to see more deaths in 2020.

In 2010, the Clean Air Act prevented 1.7 million fewer asthma attacks. I showed you the picture of those children. Why do we want to mess with that? The Clean Air Act prevented 10,000 acute heart attacks. You read the stories: So-and-so went out on a heavy, bad air day, took a little jog, and collapsed.

I have to tell you, we have a success story to tell about what the Clean Air Act is doing. I will show a chart of what happened in Los Angeles. A lot of you go to my beautiful State. I know the chairman of the committee said she was just there, and it was a terrific visit to my State. We have a magnificent State. But there were times when you went to Los Angeles that you saw the air. That is not a good thing. When you see the air, that is a bad thing. The air was thick. People were told on many mornings: Do not go out unless you must. The air is so dangerous.

The Clean Air Act passed. Guess what. In 2010, we have had no mornings like that—none. We went from 166 days a year of health advisories in southern California to none in 2010. I have to say, if you show me any other law that has had this record of success, I will smile and be happy. We went from 166 days a year of smog advisories to none because of the Clean Air Act. I have already told you, we have saved lives, saved asthma attacks. We have done it all. Yet there are people in this Chamber who want to either postpone enforcing the Clean Air Act as it relates to carbon or want to stop it forever, which is the McConnell amendment and the worst amendment of them all, if I had to rate them.

I have a couple other charts to share with you and then I will close. The McConnell amendment, which is the worst of all amendments—none of them are good—they all interfere with the Environmental Protection Agency, which is supported, the EPA, by 69 percent of the people.

But the McConnell amendment is a disaster. It is the same as the Upton amendment, the Upton bill in the House, and the Inhofe bill in the Senate. The McConnell amendment—what does it do? It says that forever more, the EPA cannot do anything to regulate carbon pollution regardless of how dangerous it is, regardless of what the scientists tell us, regardless of what the physicians tell us, regardless of what the people tell us through the polls, regardless of what our communities tell us, what our States tell us, what our mayors tell us. Forever more, they are repealing the Clean Air Act as it relates to carbon pollution. Rather extreme. Outrageous. We have to beat it. We must beat it. It is so bad. It goes against the Supreme Court decision. By the way, there will be lawsuits up the wazoo if it ever becomes law, and it will not, I pray.

The Supreme Court said that if we find—scientists—that carbon pollution is dangerous, we have to regulate it. Guess what. The scientists found that carbon pollution is dangerous. They made an endangerment finding. The EPA is ready to act, I think in a judicious way. They are very mindful. They are not going after farms, they are not going after small businesses. That is not good enough for these special interests who took out this huge ad today standing against—it is a beautiful ad. It looks almost environmental, green. This is not green; it is dirty—dirty air. That is what this ad stands for—dirty air.

A lot of people did not want me to come back here because they knew I would come here and tell the truth about this. But I am here, and I am going to tell the truth every day in every way because I love my grandkids and I love everybody's grandkids. As far as I am concerned, that is why I am here—not to protect the rich polluters who make billions of dollars a year. They can clean up their act. We proved it. We proved it. We have said we do not want kids struggling for air, and we said we can do this right. We proved it. We not only proved we can clean up the air, we not only proved we can save lives, we not only proved we can save asthma attacks, we proved we can grow this economy.

I am going to close now and let my friend from Louisiana have the floor, but I have to close with this. There is a lot of talk about how this is bad for business. But the fact is, every time the polluters get up and say: Do not pass any more Clean Air Act amendments, it is going to be bad for jobs. We found out that cleaning up the environment actually creates jobs. Not only does it create jobs, it creates new technologies. Not only does it create new technologies, but those technologies are exported to the world. And I will have printed in the RECORD the number of jobs that have been created as we moved to clean up the air.

So the reason I am here—and I think it is quite a spirited discussion I am having with all of you—is because we are facing four bad amendments—four, count them, the worst being McConnell—all of which would either slow down the EPA or stop the EPA.

By the way, the McConnell amendment is so terrible that it even says EPA can no longer have anything to do with tailpipe emissions of cars, which is such an important part of the dirty air we are facing.

In closing, according to information from the Institute of Clean Air Companies—those are American companies that oppose these big polluting companies—from 1999 to 2001, the number of boilermakers in the United States increased by 6,700—a 35-percent increase—even though we said: You have to clean up the air.

The Department of Commerce shows that the U.S. environmental technology industry generated $300 billion in revenues, supported 1.7 million jobs. The air pollution control sector produced $18 billion in revenue. Small and medium-sized companies make up 99 percent of the private sector firms in this sector of the economy.

So here is what you have. You have these huge, multibillion-dollar polluters who can afford to take one-page ads, full-page ads in the Washington Post. They want to continue polluting the air, and they don't want to clean it up. And you have a whole other group of businesses that have written to us and said: Please let the EPA do its work. It saves lives, it saves our children, and it creates many jobs—new jobs, clean jobs, good jobs.

If we go down the path of the McConnell amendment and these other amendments, we are ceding our leadership in environmental clean tech to China. That is the last thing we want to do. They are already surpassing us in solar production, and we created it.

So the bill before us is a fine bill. I hope, if we have to vote for these amendments, and they do come up as part of this agreement as we move forward, we will not pass any of them and we will allow the people to have their way. Sixty-nine percent of them say: Let the EPA do its job.

I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Louisiana.

## U.S. ENERGY PRODUCTION

Mr. VITTER. Mr. President, since President Obama took office, the price

of a gallon of gasoline at the pump has risen 96 percent—96 percent, from $1.83 to now $3.60, with absolutely no end in sight. Meanwhile, and not coincidentally, the President has virtually shut down the Gulf of Mexico, he has canceled numerous energy lease sales, he has refused to act on stalled onshore permits, he has dramatically increased environmental regulations, and he has begun regulating $CO_2$ by administrative fiat. All of that has helped get us to where we are.

Today, President Obama went to Georgetown University, and at least he has begun focusing on and addressing the energy situation. I guess I give him points for that. He went to Georgetown today and delivered a speech which he called a Blueprint for a Secure Energy Future. But, like a lot of Presidential speeches, this is great-sounding rah-rah, nice title but pretty disappointing, from my point of view, on substance.

First of all, let's talk about the whole premise of the speech, a Blueprint for a Secure Energy Future. I was hopeful, on hearing about the plan for this speech, that we would be seeing an unveiling of a real energy policy, including moving in the right direction in terms of domestic production, utilizing our domestic energy resources. Unfortunately, this is more of the same. In fact, the President admits freely that this is absolutely more of the same. He says:

Today, my administration is releasing a Blueprint for a Secure Energy Future that outlines the comprehensive national energy policy we have pushed since the day I took office.

So this is simply a restatement of the last years of policy, in my opinion, clearly failed, clearly counterproductive policy that has helped get us to $3.60 at the pump and climbing.

When you look even more at the substance of the speech, it is more disappointing. The whole speech is about 51 paragraphs. Of those 51 paragraphs, I looked to see how many are about tapping our domestic traditional energy resources. Well, 6 paragraphs of 51—just a little over 10 percent. Four paragraphs were about domestic oil production, and two were about domestic natural gas production. And even those two were mostly about possibly increasing regulation on the production of natural gas from shale, making it more difficult, not accessing more of our domestic energy resources.

What is the picture on domestic oil production, those four paragraphs? Well, the President says:

To keep reducing that reliance on imports, my administration is encouraging offshore oil exploration and production.

Really? That is a news headline to my constituents in the gulf coast because every day we live a far different reality. We live the reality of an administration that has moved in the opposite direction, making domestic oil and gas production far more difficult, not easier.

Since the tragedy of the BP disaster, we have only had 7 deepwater exploratory permits issued—7 issued—compared to a comparable period before the disaster of 68, so about 10 percent. That is encouraging offshore oil and gas exploration and production? I don't think so. Since that disaster, the working rotary rigs in the gulf have fallen dramatically, from about 55 to 25. It has been cut by more than half. That is encouraging offshore oil exploration and production? I don't think so.

We need to change the policy that is virtually shutting down the gulf and stopping domestic energy production. Seven deepwater exploratory permits is not adequate. Seven, as I said, is roughly 10 percent of the rate that existed before. Of course we need to make changes, and we have. Of course we need to learn the lessons of the Deepwater Horizon explosion, and we have. But, again, seven is roughly 10 percent of the previous rate.

We need to do far better, and if we are going to really encourage that domestic production, what about production in Alaska's Beaufort Sea? EPA is sitting on those permits, not issuing those permits. As a result, Shell Oil announced that it is abandoning efforts to produce anything there. Is that what the President is talking about, encouraging oil exploration and production?

What about the lease sales he canceled? President Obama canceled the western lease sale that was scheduled. He canceled that in May of 2010. If you are serious, are you going to reverse that decision? Also, in May of 2010, the President canceled the planned Virginia lease sale. Unfortunately, in this speech, he did not reverse that policy. He is continuing that cancellation.

What about the cancellation of offshore tracts in Alaska's Cook Inlet? The President canceled that in March of this year, this month. Unfortunately, in this speech, he did not reverse that policy.

Withdrawn leases. The President's Department of the Interior has withdrawn 77 lease sales in Utah that were planned. They withdrew those in 2009. No reversal on that policy. Is that encouraging oil exploration and production?

So time and again the President has actually worked in the opposite direction—shutting down domestic production, making it more difficult, not, as he said in his speech today, ''encouraging oil exploration and production.''

We need a new energy policy, not a restated policy, not the same-old same-old from the last 2 years. We need a policy that does many things, including harnessing and accessing our enormous abundance of energy resources in this country.

You know, we Americans are not used to thinking of ourselves as energy-rich, but we are. And nonpartisan, nonbiased sources such as the Congressional Research Service say we are the most energy-rich country in the world bar none. The only country coming close to us is Russia in terms of our vast array and amount of domestic energy resources. We are out of the habit of thinking of ourselves that way for a simple reason: The Congress and this President in particular have taken 95 percent of those abundant resources and put them off limits under Federal law. No other energy-rich country does anything like that. We continue to do it even with the price at the pump rising so dramatically.

We need to stop that. We need to access our own richness, our own resources to take care of ourselves. And that is a big part of the energy plan we need, which, unfortunately, was not part of the President's Blueprint for a Secure Energy Future unveiled today, restated today, at Georgetown.

Many colleagues will join me tomorrow in introducing a bill that lays out that new energy vision to unlock the enormous potential we have here at home. The bill is called 3–D: The Domestic Jobs, Domestic Energy and Deficit Reduction Act of 2011. I am honored to be joined by between 20 and 30 colleagues—the list is still growing—who will formally introduce that act tomorrow. This is legislation aimed at our domestic energy resources, unshackling that potential, letting us get access to that enormous potential for domestic energy and, with it, great U.S. jobs, jobs right here in this country, and deficit reduction. So many of the primary challenges we face find their nexus in energy. Again, energy independence, self-reliance we need now more than ever, particularly with the unrest in the Middle East.

Secondly, jobs. We say we are trying to do everything we can to come out of this tough recession, but we are not, because the U.S. energy sector has the potential for enormous job growth. Again, we have taken a large percentage of those resources, 95 percent, and put it off limits.

With deficit reduction, along with producing more domestic energy, would come tremendous revenue to the Federal Government. After the personal income tax, this is the top source of Federal revenue—royalties on domestic energy production—second only to the personal income tax. Again, why don't we solve all of these problems—energy independence, U.S. jobs, and deficit reduction—by fully and aggressively developing our U.S. domestic energy sector?

Specifically, the 3–D bill would do six primary things. First, it mandates Outer Continental Shelf lease sales, directing the Interior Department to conduct a lease sale in each Outer Continental Shelf planning area for which there is a commercial interest. It would also consider the 2010–2015 planning area complete.

Secondly, it would open ANWR to energy production. This is a vast source of potential energy production, job creation, and deficit reduction, again, that we have put off limits through congressional and Presidential action.

Third, it would require action on stalled onshore permits, things such as

the leases that Interior withdrew in 2009 in Utah, things such as EPA inaction, actually withdrawing a CWA permit for the Spruce No. 1 mine in West Virginia, the State Department sitting on the permit issue in terms of the Keystone XL pipeline project, the EPA not issuing permits for Shell Oil operations in offshore Alaska. It would direct action in all of those areas.

Fourth, it would properly limit timeframes for environmental and judicial review. It would not change any of those review standards. It would only change the law so that those reviews could not go on ad infinitum. It would streamline the process and properly and reasonably limit those timeframes.

Fifth, it would block regulation of $CO_2$ by administrative fiat. We will have a vote soon on that issue. I am hopeful it will be a majority vote in favor of this opinion to block that regulation by administrative fiat that I espouse. This is also included in the 3–D bill.

Sixth, we would actually create an alternative energy trust fund from 25 percent of the new revenue produced from ANWR. It would capture 25 percent of that brandnew revenue for alternative energy development, research, and production. That would be positive as well.

This is the sort of domestic energy focus we need. This is the movement toward real energy security as well as job creation and deficit reduction that I would have hoped the President would have at least hinted at at Georgetown today. But he did not. His speech was the same old same old, explicitly restating what he has been doing for the last 2 years.

I urge all colleagues to join in this effort and to join in similar efforts. Americans face tough times. It is not being made any easier by the price at the pump going up. Again, since President Obama took office, that price has risen 96 percent, from $1.83 per gallon to $3.60 per gallon, and there is no end in sight. We need to access our own resources. We need to put Americans to work. We need to reduce our deficit with that extra new revenue. We can do it all by accessing U.S. domestic energy resources more fully, not putting 95 percent of those resources off limits, off the table by either Presidential fiat or congressional action.

I urge all of my colleagues to join us in this effort, to join similar efforts to give Americans real relief at the pump, to increase our energy independence, to lower the deficit, and to produce good American jobs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. REID. Mr. President, for the benefit of all Senators, we have been trying in the last 24 hours or more to work our way through the amendments to get to a vote on this most important bill we are dealing with, the small business innovation bill, a bill that has already created thousands of jobs around the country. It is an extremely important bill. We need to reauthorize this bill. It is a very small amount of money. It generates a lot of jobs. But we have been stuck.

I think we have had a breakthrough that we can at least, hopefully, work toward conclusion of this extremely difficult matter. I have spoken with one Senator who had a concern about an issue that has actually been held up—it is a Republican amendment held up by a Republican—not allowing us to have a vote on it. I think we have worked our way through that. Now the floor staff is trying to come up with a consent agreement that would work toward having a vote develop the will of the Senate on the 1099, the tax reporting requirement. Also, there are a number of amendments people wish to have votes on dealing with EPA standards. I think we are at a place where we can perhaps set up some votes.

With the difficulty of all the things we have today, including a briefing by the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs on Libya, I think realistically we will not have any votes this afternoon. Tomorrow morning we have the funeral in New York for Geraldine Ferraro. We will work very hard to set up a series of votes for tomorrow afternoon. It could be a significant number of votes. It could be 10 votes or so tomorrow afternoon, and if it has to spill over into Friday, we will have to do that. At least I think we can get the voting done tomorrow. With a little bit of good fortune, we can work with the few problems we still have outstanding and move forward with Senator LANDRIEU's bill on which she and Senator SNOWE have worked hard.

I hope this let's Senators know what we are doing. Even though it seems like nothing, there has been a lot of work that has gone into this. It is fair to say we will have no more votes today, and we will try to get something set up for tomorrow afternoon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

## ENERGY SUBSIDIES

Mr. GRASSLEY. Mr. President, often I come to the Senate floor to talk about alternative energy. Most of the time it is about biofuels. Sometimes it is about wind, because I am the author of the wind energy tax credit. Sometimes it is to speak about it. Hardly ever do I come to the floor to talk about it in regard to the attempt to amend a certain bill on the floor. I come for that purpose now, and I come to express my strong opposition to amendment No. 220 filed at the desk by Senator COBURN.

I don't find any fault with the issue Senator COBURN raises, only when it is raised. I sense from some of his arguments and press releases that it is raised to bring up the issue of energy and what energy should be subsidized or not subsidized, or whether any energy ought to be subsidized, and also maybe to point out some things that are wrong with the Tax Code. I can't find any fault with any of those motives. I only find fault, let's say, in the sense that it is being brought up to show that there are some things wrong with the Tax Code and the Tax Code ought to be reformed.

Yes, if anybody said the Tax Code was a perfect piece of work, you might think: Well, you have been in Washington too long or you don't exercise good judgment or you are not in the real world. So I think it is perfectly legitimate to bring up issues about the Tax Code, but in the sense of reform of the Tax Code, not as an isolated amendment to some other bill, for the simple reason that if you do that, with the complexity of our Tax Code—reforming it in that way—every Senator attempting to do that would be growing a long gray beard for the years it would take to do it piecemeal. Hopefully, we can get it done sometime in the context of tax reform and tax simplification, or flat tax or fair tax, and also with the corporation tax.

As to the motive for bringing up subsidies for energy, it is a perfectly legitimate subject to bring up, but it ought to be brought up in the context of a national energy policy. I believe Senator COBURN is like me. He feels if you are going to have a growing economy, you have to have a growth in the use of energy, except for possible conservation. If you are going to do more for more people, you are going to have to have an increase in the use of energy. So it is in that vein that I state my opposition to the Coburn amendment.

Senator COBURN's amendment would raise the tax on domestic energy production by repealing an incentive for the use of homegrown renewable ethanol. I am astonished, given our current situation, that there are some who would prefer less domestic energy production. With conflicts in the Middle East and crude oil over $100 a barrel, we should be on the same side.

I have always considered myself on the same side as Senator COBURN on energy issues. We should all be on the side of more domestically produced energy, and that would be nuclear, it could be alternative energy, and it

would be drill here and drill now. The tremendous cost of America's dependence on foreign oil has never been more clear than when you have the conflicts and the revolutions going on in oil-producing regions of the world—now in the Middle East and northern Africa.

So we have this threat, and in light of that threat, we should have an energy policy that says ''all of the above.'' You don't pick and choose. I support drilling here and drilling now. I support renewable energy. I support conservation, both what might be mandated by public policy as well as personal conservation. I think people who know me know I have a reputation for conservation for several reasons—maybe energy conservation, but also it leaves more money in your pocket. I also support nuclear energy. So I believe it is very counterproductive for Senators from big oil country to single out energy that comes from American agriculture—renewable energy, homegrown energy, not imported. I didn't pick this fight. I support energy from all sources. I support traditional oil and gas, and more of it, from here. I held 21 meetings in 20 different counties Monday through Thursday during the last recess, and there wasn't a single person at one of them who didn't say: How come we aren't making more use of our own energy? They didn't say: We import $730 million a day of oil, but I told them, and it emphasized their point.

Why ship $730 million every day overseas to parts of the world where they use the money to train terrorists to kill us? And, of course, American taxpayers—American taxpayers—with tax incentives have been supporting oil and gas for over 100 years. So the attack on homegrown energy is remarkable, isn't it? We shouldn't be fighting each other over domestic energy sources. We should be fighting OPEC and foreign dictators and oil sheiks who hold our economy hostage. You see it right now, because of the anxiety about what is going on in Libya, and raising the price of gasoline 75 or 80 cents.

The author of the amendment has argued that the production of clean homegrown ethanol is fiscally irresponsible. It is important to remember that the incentive exists to help producers of ethanol to compete with the oil industry or, as you so often hear in this town, we have to have a level playing field. Remember that the oil industry has been well supported by the Federal Treasury for more than a century. Oil was discovered in 1859. I don't know how many years later it was that there were tax incentives for the production of oil, but it has been a long time.

President Obama, in his budget request for 2012, has advocated repealing a dozen or so subsidies to big oil. He has argued that a century-old industry no longer needs tax breaks. With oil prices at $100 a barrel, and record profits being made, some could certainly question why this industry needs any taxpayer subsidy at all. President Obama's proposal would repeal $44 billion in oil and gas subsidies over a 10-year period of time.

I wish to remind my colleagues of a debate we had last summer on an amendment offered by the distinguished Senator from Vermont, Senator SANDERS. The amendment he offered would have, among other things, repealed about $35 billion of tax subsidies enjoyed by the oil and gas industry. Opponents of the Sanders amendment argued that repealing the oil and gas subsidies would reduce domestic energy production and drive up our dependence on foreign oil. Well, we don't want to do that, do we? Opponents also argued it would cost U.S. jobs. We also argued it would increase prices at the pump for consumers—something you don't want to do when you are in a recession. I tend to agree with these arguments in regard to the help that the Federal Treasury gives to oil companies. All of my Republican colleagues, and more than one-third of the Democrats, did as well. But a repeal of the ethanol tax incentive is a tax increase as well that will surely be passed on to the American consumer—no different for ethanol in your gas tank than gasoline in your gas tank. If you take subsidies off of oil, it raises the price of gasoline. If you take the incentives off of ethanol, it raises the price of ethanol.

I know that removing incentives for oil and gas will have the same impact as removing incentives for ethanol. We will get less domestically produced ethanol, it will cost U.S. jobs, it will increase our dependence upon foreign oil, and it will increase the price at the pump for the American consumer. We are already dependent upon foreign sources for more than 60 percent of our oil needs. Why do my colleagues at this time want to increase our foreign energy dependence when we can produce it right here at home—clean burning, environmentally good?

I wish to ask my colleagues who voted against repealing oil and gas subsidies but who support repealing incentives for renewable fuels why they have this inconsistency? Where are the amendments from fiscal conservatives and deficit hawks to repeal the oil and gas subsidies? The fact is it is intellectually inconsistent to say that increasing taxes on ethanol is justified but that it is irresponsible to do the very same thing on oil and gas production. If tax incentives lead to more domestic energy production and good-paying jobs, why are only incentives for oil and gas so important in accomplishing that goal?

It is even more ridiculous to claim that the 30-year-old ethanol industry is mature and, thus, no longer needs the support of the taxpayers, while the century-old oil industry still receives $35 billion in taxpayer support. Regardless, I don't believe we should be raising taxes on any type of energy production or on any individual, particularly during a weak economy.

The Senator from Oklahoma insists that because renewable fuel is required to be used, then somehow it doesn't need an incentive. But with oil prices at $100 a barrel, oil companies are doing everything they can to extract more oil from the ground. There isn't a mandate to use oil, but it has a 100-year monopoly on our transportation infrastructure, so essentially it is a mandate.

When there is little competition to oil, and it is enormously profitable—and we will see those reports next week—wouldn't the sponsor argue that the necessary incentives exist to produce it without additional taxpayer support, if we wanted to be consistent? Oil essentially does have a mandate, as I just said. The economics of oil production are clearly in favor of the producer, not the consumer. Why do they need taxpayer support?

It is also important to understand the hidden cost of our dependence upon foreign oil. We had a peer-reviewed paper published in 2010 concluding that—and let me say parenthetically, before I quote, the leeway is somewhere between $27 billion and $130 billion:

> $27 to $138 billion is spent annually by the U.S. military for protection of Middle Eastern maritime oil transit routes and oil infrastructure, with an average of $84 billion a year.

This is $84 billion in American Treasury spent on the defense of shipping lanes to quench our thirst for foreign oil. It is not reflected in the price at the pump. It is a hidden cost and the hidden cost is paid by the very same people who support the military, our Navy, the American taxpayers.

Milton Copulos, an adviser to President Ronald Reagan and a veteran of the Heritage Foundation, testified before Congress in 2006 on this very issue. He testified that the hidden cost of imported oil is equivalent to adding $8.35 to the price of a gallon of gasoline from the Persian Gulf. There is no hidden U.S. military cost attributed to homegrown ethanol.

Do you understand that? You don't have to have the Navy of the United States keeping shipping lanes open for the ethanol that you burn in your car. No subsidy of $8.35 a gallon for ethanol such as there is for oil, according to the Heritage Foundation.

Let's have a debate on ethanol, but let's debate it in the context of a comprehensive energy plan. This debate should include the subsidies for all energy production. We do not pick out one versus others. What is unique about the subsidy for ethanol? We also have subsidies for grain and for biodiesel. When is that going to come up? We had a subsidy for wind energy—I know it because I got that legislated 18 years ago—and a subsidy for solar, subsidy for biomass, subsidy for geothermal, subsidy for nuclear energy. Why just ethanol at this point?

But I said at the beginning, talking about energy subsidies—oil, alternative

energy, nuclear energy, conservation—is legitimate. But don't pick one out. What are we going to do about all the rest of them? Are we going to take a subsidy a day? Take wind tomorrow? Take solar the next day? There is a context in which to do this. We all say we need a national energy policy. These subsidies have to be discussed in the context of a national energy policy. Nearly every type of energy gets some market-distorting subsidy from the Federal Government. We can say that is not right. But do we want alternative energy or don't we want alternative energy? Do we want renewable energy or don't we want renewable energy? Do you think we would have an ethanol industry today if there had not been a tax incentive a long time ago? No.

What about all the people who say we should not be using corn or grain, a food product, for fuel, we ought to be eating it? They say we ought to use corn stover, wood chips, switchgrass, other things that have cellulose in them and get our ethanol from that. I agree 100 percent. But how in the heck do we think we would ever get to producing ethanol out of corn stover and wood chips and switchgrass, et cetera, if we had not had 30 years of engineering to make ethanol out of grain—which we did not do very efficiently 30 years ago but now we do much more efficiently today. We have to have the first generation for the second generation.

I say an honest energy policy and debate should include ethanol. It should include subsidies for oil, natural gas, nuclear, hydropower, wind, solar, biomass. How do you think we would ever get hydropower in the West if the taxpayers had not paid for the Hoover Dam? It is hypocritical to put our economic and national security at risk by targeting ethanol while disregarding the subsidies for all other energy sources.

Do you know the debate about alternative energy is a debate about our national security because, for this country, the No. 1 responsibility of the Federal Government is our national defense and just think how weak our national defense is when we have to depend upon oil coming from the volatile Middle East, where there is revolution going on right now. Wouldn't it be better for it to be domestic crude? Why do you suppose the Defense Department, and even our whole aviation industry right now, is putting some money into research to develop alternative energies, including the stuff we call renewable and even things we do not know much about yet? Ethanol from algae is an example. Because our military leaders know we should not be dependent on it.

Just think of the retired generals and admirals out here speaking everyday of why we need alternative energy and speaking very highly of ethanol. I say it is hypocritical because it has something to do with our national security and we do take an oath to uphold that Constitution and the national security is our No. 1 responsibility. We know State governments and local governments cannot protect us from foreign intervention, people who want to kill us. Only the Federal Government is qualified and has the power to do it, the constitutional power—but also to bring the resources together to get the job done.

Repealing the ethanol tax incentive will raise taxes on producers, blenders, and ultimately consumers of renewable fuel. This amendment is a gas tax increase of over 5 cents a gallon at the pump. I don't see the logic of arguing for a gas tax increase when we have so many Americans unemployed and underemployed, struggling just to barely make it from day to day. I know we all agree we cannot and should not allow job-killing tax hikes during this time of economic recession and, more important, that recession is going to stay as long as there is some economic uncertainty. Debates such as this—should we be importing more oil—lend themselves to that uncertainty. Unfortunately, those Members who have called for ending the ethanol incentive have directly contradicted this pledge of not having tax hikes because a lapse in the credit will raise taxes, will cost over 100,000 U.S. jobs at a time of near 9 percent unemployment and increase our dependence upon foreign oil.

There is a taxpayer watchdog group called Americans for Tax Reform. They consider repeal of this incentive to be a great big tax increase. Americans for Tax Reform states: ''Repealing the ethanol credit is a corporate income tax increase.''

I agree. Now is not the time to impose a gas tax hike on the American people. Now is not the time to send pink slips to ethanol-related jobs. Ethanol currently accounts for 10 percent of our transportation fuel. A study concluded that the ethanol industry contributed $8.4 billion to the Federal Treasury in 2009, $3.4 billion more than the ethanol incentive. Today, the industry supports 400,000 jobs. That is why I support a homegrown renewable fuels industry.

I conclude by asking my colleagues: If we allowed the tax incentives to lapse, from where would we import an additional 10 percent of our oil? Because there is a policy in this Congress, don't drill in the United States, import it. The President was in Brazil, last week I believe it was, saying: President of Brazil, you ought to drill off the shore of Brazil because we want to import oil from you. At the very same time we are slow at issuing permits so we can drill our own oil off our own shores, particularly in the Gulf of Mexico.

Where are we going to go? Are we going to go to the Middle Eastern oil sheiks? Send even more billions of dollars over there to give them money to train terrorists to kill us or do we want to get it from Hugo Chavez, who every day is saying something about how he hates America? He is taking the side of Qadhafi right this very day, against the revolutionaries of that country, the very people we are trying to help bring a better life to and stop genocide. I don't think we want to go to the Middle East for 10 percent more of our energy in our cars or to Hugo Chavez. I prefer, instead, that we support our renewable fuel producers based right here at home, rather than send our workers a pink slip. I would prefer to decrease our dependence on Hugo Chavez, not increase that dependence on him, and I certainly do not support raising the tax on gasoline during this weak economy.

Let me say something I said at the beginning and then I am going to yield the floor; that is, there is a context to talk about this. There is nothing illegitimate about anybody bringing up any tax incentive anytime they want to or any law that is on the books because they ought to be reviewed from time to time. But when it comes to energy policy at a time of $4 gas, at a time of anxiety about what is going on in Libya, at a time when we all know that people in this country want a national energy policy, it ought to be talked about in the context of energy legislation. We should talk about subsidy as a generic subject, not just picking out ethanol or any other one, just like some people here would like to pick out the subsidy for oil and end it—such as the President has suggested in his budget. We want to do it in the context of a national energy policy and a subsidy that is a subsidy to oil, to all renewable energies—and there are a dozen of them, I bet—to conservation, and to nuclear energy.

Let's emphasize nuclear energy. When we are talking about a subsidy, do we think we would have a single nuclear plant in the United States if 60 years ago the Federal Government, this Congress, hadn't passed the Price-Anderson Act to set up Federal support for it, indirect or direct, whatever it was. It took that to get it going. We had to reinstitute that in 2005 or we still wouldn't be considering any nuclear plants.

We do it in the context of a national energy policy. We do it in the context of subsidies on all sorts of energy, not just one of them. If we are doing it for tax reform purposes, then it has to be done in the context of overall tax reform because, as I said, we start on this little tax incentive today and that little tax incentive tomorrow and that little tax incentive the next day and we will be here until as long as Methuselah lived, in order to get it all done.

I hope there will be some consideration of this in a generic way, not in the specific way of this amendment. That is why I do not support the amendment at this time, but I want people to know I do not abhor the idea of talking about the ethanol tax credit or any other tax credit, except I want to talk about energy tax credits all together.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Kentucky.

Mr. PAUL. Has morning business concluded?

The PRESIDING OFFICER. The time for morning business has expired.

Mr. PAUL. I have a motion to present to the desk.

The PRESIDING OFFICER. We are not yet on the bill.

Mr. PAUL. Can we report the bill, please?

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## SBIR/STTR REAUTHORIZATION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

Mr. GRASSLEY. I suggest the absence of a quorum.

The bill clerk read as follows:

A bill (S. 493) to reauthorize and improve the SBIR and STTR programs, and for other purposes.

Pending:

McConnell amendment No. 183, to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change.

Vitter amendment No. 178, to require the Federal Government to sell off unused Federal real property.

Inhofe (for Johanns) amendment No. 161, to amend the Internal Revenue Code of 1986 to repeal the expansion of information reporting requirements to payments made to corporations, payments for property and other gross proceeds, and rental property expense payments.

Cornyn amendment No. 186, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending.

Paul amendment No. 199, to cut $200,000,000,000 in spending in fiscal year 2011.

Sanders amendment No. 207, to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.

Hutchison amendment No. 197, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Coburn amendment No. 184, to provide a list of programs administered by every Federal department and agency.

Pryor amendment No. 229, to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns.

Landrieu amendment No. 244 (to amendment No. 183), to change the enactment date.

MOTION TO COMMIT WITH AMENDMENT NO. 276

Mr. PAUL. Madam President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Kentucky [Mr. PAUL] moves to commit the bill, S. 493, to the Committee on Foreign Relations with instructions to report back forthwith with an amendment numbered 276.

Mr. PAUL. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

AMENDMENT NO. 276

At the appropriate place, insert the following:

It is the sense of the Senate, that ''The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation''.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Madam President, we are engaged in a third war at a time when our country is struggling under an enormous debt, at a time when we are engaged in two wars. Historically, our country has fought war by asking for congressional authority. This was true in Iraq. This was true in Afghanistan. The President came to Congress, and there was a vote on use of force prior to him engaging in force.

Some say: Well, this is no big deal; the President should be able to fight war whenever he wants to fight war. I beg to differ, and our Founding Fathers begged to differ. Madison said that the Constitution supposes what history demonstrates, that the executive is the branch most prone to war and most interested in it. Therefore, the Constitution has, with studied care, invested the power to declare war in the Congress.

I think this is an incredibly important debate. When we talk about sending our young men and women into harm's way, into another war, the fact that we would have a President send us to war without any debate—your people's representatives have had absolutely no debate, and we are now involved in a third war.

The language of my resolution is not unfamiliar to many. The language of this resolution is the President's words.

In 2007, Barack Obama said:

The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation.

This was very clear, what the President said. I agree with what Candidate Barack Obama said. We should not go to war without congressional authority. These are the checks and balances that give you a say, that give the people of America a say through their representatives. This allows us to say when we go to war through our Congress, not through one individual but through 535 individuals whom you elect.

I think the decision to go to war is such an important one that we should not leave it up to one person. Our Founding Fathers agreed with this.

In the 1970s, after Vietnam, we voted on something called the War Powers Act. We did give the President the right to go to war in certain circumstances. These circumstances were, one, if Congress had declared war; two, if Congress had authorized the use of military force, or three, if there was imminent danger to our country. I think all of us recognize that. If we were in imminent danger of attack, we would allow the President some latitude, but we would expect very quickly for him to come to Congress and ask for permission.

In this instance, even the Secretary of Defense has said that Libya is not in our national interest. There is no threat to our national security. Yet we are now involved in a third war. We have already spent $600 million in the first 3 days of this war. There has been no constitutional authority given to the President to be committing troops to this war.

This is such an important constitutional principle that, while I am new here in the Senate, I am appalled that the Senate has abdicated its responsibility, that the Senate has chosen not to act and to allow this power to gravitate to the President. I think that the precedent of allowing a President to continue to act or to initiate war without congressional review, without congressional votes, without the representatives of the people having any say, is a real problem.

There was an article this morning in the Washington Times by GEN Mark Kimmitt. In that, he says that there is a climate of cognitive dissonance surrounding the discussion as the military objectives seem detached from U.S. policy.

The lack of connectivity between the use of force and campaign objectives, the subordination of the military to a nondecisive purpose, turns decades of policy on the use of force on its head.

This is from General Kimmitt this morning:

Vital national interests are not threatened. . . . Nor have sanctions failed or diplomacy been exhausted. . . . We are putting the lives of our troops at risk in a nondecisive role for a mission that does not meet the threshold of a vital or national interest.

General Kimmitt goes on further:

For a military carrying the burden of three wars on its back for the foreseeable future, a policy of more frequent intervention and suboptimal use of force as an instrument of diplomacy is a mistake.

I come from a State—Kentucky—that has two military bases. I see our young men and women going to war, and I worry about their families and themselves engaged in two wars. Some of these young men and woman have been going to war for 10 years now. And the President now is going to engage us in a third war without any consultation, without any voting in Congress, and without any congressional authority.

I believe this is a very serious breach of our Constitution. It is something we should not let happen lightly. It is something that we should object strenuously to and that we should force a debate on in this body. Many debates historically have happened here, many important debates. And what is happening now is we are abdicating our duty and allowing this to be made unilaterally by one individual. I think it is a mistake, I think it is a travesty, and I think it should end.

There have been some questions about who these people are whom we will be supporting in this new war. I think there is no question that Qadhafi is a tyrant, an autocrat, and someone whom freedom-loving people would despise. However, do we know who the rebels are?

During the 1980s, we supported the Freedom Fighters in Afghanistan. Do you know who turned out to be the leader of the Freedom Fighters, or one of the leaders? Osama bin Laden—now our mortal enemy—was receiving money from the United States and support from the United States for over a decade. In fact, the State Department's stated goal in Afghanistan during the 1980s was ''radical jihad.'' We were in favor of radical jihad because we thought the Islamic radicals hated the Russians worse than us. They did until they got rid of the Russians, and now they hate us as much or more.

I think we have to be very careful in going to war. I told my constituents when I ran for office that the most important vote I would ever take would be on sending their men and women, the boys and girls, the young men and women in my State or anywhere else in the United States, to war. To me, it is amazing—amazing—that we would do this so lightly without any consideration by this august body, send our young men and women to war without any congressional approval.

There have been some reports in the media about possible ties of al-Qaida to the rebels. This morning in the Washington Post, a former leader of Libya's al-Qaida affiliate said he thinks freelance jihadists have joined the rebel forces. A NATO commander said that some of al-Qaida and Hezbollah forces are fighting Qadhafi forces. Former jihadist Noman Ben Otman estimates there are 1,000 jihadists in Libya. These are the rebels.

We have to ask ourselves, when Qadhafi is gone, who will take his place? A 2007 West Point study showed that 19 percent of foreign al-Qaida fighters in Afghanistan hailed from Libya. Libya has been supplying the second leading amount of jihadists to the war in Afghanistan. Interestingly, where do these fighters go? Do the fighters come back to Libya to haunt us? When Qadhafi is gone, will we now have an al-Qaida-supported government in Libya?

But I think most important are not the practical aspects of going to war, it is that we didn't follow the Constitution in going to war, and we should have. The Constitution says very clearly that the power to declare war is the power that was given to Congress and not to the President. James Madison in the Federalist Papers was very explicit that this was a power given to Congress and not to the President.

The President's own words are incredibly important here. The hypocrisy is amazing. In 2007, the President said:

> The President does not have the power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation.

Yet here we have a President cavalierly taking us to war. He seems to have had a lot of time to talk to people. He talked to the Arab League. They had time to get together and vote on it. He talked to the U.N. They had time to get together and vote on it. But he had utter disregard and contempt for the most important body in the United States that represents the people—the U.S. Congress. Utter contempt. He has gone to NATO. He has gone to our allies. He has gone to the U.N. He has gone to the Arab League. But he has not had one single minute of debate in Congress.

To add insult to injury, he chose to go to war while in Brazil, while Congress was not even in session. This really should not be the way we operate as a constitutional republic.

I am saddened that no one here seems to stand up and say: Why in the world would we let a President take us to war without any debate? Why in the world, when we are involved in two wars, would we get involved with a third war without having a debate in Congress?

This, to me, is a remarkable and really tragic set of events. I hope that the Congress and the Senate in particular will see fit to pass this motion which sends the bill back to committee with specific instructions. The specific instructions are the President's words, and I will be more than interested to see whether his supporters here in the Senate will support the candidate Barack Obama or now the hypocritical version that has become our President.

I think this is an important question beyond any question we will address in this year. Our fiscal problems are really a tragic problem we face now, but this really pales in comparison, to usurp the power of war, to take that power upon himself unilaterally without any debate in Congress.

I urge the passage of this motion to commit to the committee.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, in response to the Senator from Kentucky, I would like to say that he is new to the Senate. I do not question his sincerity when it comes to the enforcement of our Constitution. I share his feelings about the responsibility of Congress under that Constitution to declare war. I have held previous Presidents of both political parties to that standard and believe that this President should be held to that standard as well. I may regret some of his characterizations of our President, but I will not go into that at this moment. I will say the following:

Let's make the record clear about how we got into this situation and why we got into the situation, which the President said the other night. This was not a matter of waiting until Congress came back from its vacation; it was a matter of innocent people being killed in Libya.

It was no mistake what Qadhafi was going to do. He said pointblank: I am going to Benghazi. I am going house to house and room to room and kill people, my own people.

It should not come as any surprise because he has a history of that, not only killing his own people but killing those innocent passengers on Pan Am 103. He is a ruthless, bloody dictator, so much so that the Arab League of Nations broke precedent and called for Libya to be suspended as long as Qadhafi was in charge. His own Arab League of Nations suspended him. They then turned to the United Nations and said: Please stop him from killing his own people.

Mr. PAUL. Will the Senator yield for a question?

Mr. DURBIN. When I finish my statement, I will be happy to yield.

They then said: Go to the United Nations and create the authority, an international authority to stop him. This was done.

It was in the midst of all this that the President was leaving for South America and Congress was leaving for a 1-week scheduled recess. That is a fact. On the Friday, which is now about 10 days ago, before we left, the President had a conference call and invited all members of the leadership, Democratic and Republican, House and Senate, to listen to a briefing from the Situation Room about the exact military situation we faced and invited questions and comments from all Members of Congress who were part of that conversation. I was part of that conversation. I listened to it carefully. It became clear to me that the President had laid down certain conditions to U.S. involvement.

No. 1, the President said: No American ground troops.

No. 2, the President said: This is a war of short duration as far as the United States is concerned; in his words, ''days,'' not weeks, and he went on to say that the United States would use its unique capabilities to help those allies of the United States who wanted to stop Qadhafi's killing. He used the phrase ''unique capabilities'' several times in that conversation.

I wasn't sure what he meant. I learned later in press reports. The United States used technology on the initial air invasion for the no-fly zone that stopped the radar of the Libyans so our planes and the planes of our allies could travel across Libya and stop their planes and tanks without danger. So that was the commitment made by the President.

What does the law say? The law passed by Congress over the veto of

President Nixon, the War Powers Act, requires the President to notify Congress when he initiates this form of military action. Did he do it? He did. As a matter of fact, the President submitted a notification to Congress within 48 hours of the initiation of these operations consistent with the War Powers Resolution. So to argue that the President is circumventing Congress is not factual. He did exactly what the law requires him to do.

If this President were planning a full-scale invasion such as we had in Kuwait under President George Herbert Walker Bush, with a long period of buildup—I insisted, and President Bush complied with, a request to come to Congress for authorization. He did it. Credit should be given to President Bush. But it was a different circumstance.

What the Senator from Kentucky is suggesting is that President Obama should have waited until he could summon Congress back into session—how many days would that be—waited until Congress deliberated and voted before he took emergency action to protect our allies' planes and our planes, to stop Qadhafi from killing people. I am all in favor of constitutional powers, but I believe there are moments when a President has to have the authority to exercise that kind of military decision when he believes it is in the best interest of the United States.

I don't think it is hypocritical. I am sorry that word was used. I think what the President has said is that he is trying to redefine the role of the United States in the world, standing up for our values, fighting for peace, trying to stop the carnage in Libya, without committing tens of thousands of American soldiers for years at a time. I happen to think that is a worthy foreign policy goal. I also believe the ball is now in the court of Congress. It now is up to the Senate Foreign Relations Committee and House Foreign Affairs Committee to decide if they want to have hearings on this Libyan action, whether or not we take action in response to the President's filing this notice under the War Powers Resolution. But to argue that the President has just ignored the Constitution or ignored the law ignores the facts. The President filed the notification required by law under the War Powers Act. Now the ball is in our court. Are we going to move forward? Will we have hearings? Will we take action? It is up to Congress now. I sincerely believe there should be hearings. I hope this matter is over before we even have the requirement or necessity to have such hearings. But at this moment in time, as I see it, the President has complied with the law.

I am happy to yield to the Senator from Kentucky for a question.

Mr. PAUL. On December 7, 1941, we were attacked and the President declared war. We had a session within 24 hours. On 9/11, we were attacked by people coming from Afghanistan. We met within 3 days and had a use of force authorization. I think there is a problem with sort of saying it is OK to declare that the President can go to war after he has already done it.

In Afghanistan and Iraq, with all the complaints from many people on the different wars in which we are involved, President Bush did come to ask for the authorization of force. We have had 2 to 3 weeks of this issue. They had time to go to the U.N. They had time to go to the Arab League. They had time to go to everyone. I think the Senator from Illinois should be as insulted as I am that they never came to Congress.

The War Powers Act has specific criteria that allows the President to use force: a declared war, when he has use of authorization, or when we are in imminent danger. Which one of those meets the War Powers Act with regard to Libya?

Mr. DURBIN. The Senator is correct in his statement that not only President George Herbert Walker Bush but also President George W. Bush came to Congress and broke precedent. That had not happened in Korea or Vietnam. We went back to what I considered to be the constitutional standard. Congress deliberated on those wars and voted.

I will tell the Senator from Kentucky, since he is my friend and is new here, it is one of the most compelling votes he will ever cast. I hope he never faces it. But if he does, it is one of the votes that will keep him up at night trying to think what is best for America and what is best for the young men and women who may lose their lives in the process.

In fairness to both Presidents Bush, they did come to Congress. The lead-up to the invasion of Iraq went on for weeks if not months. The same thing was true for Afghanistan. Remember, in the situation with Afghanistan, after 9/11, we were here in this building when it happened. We knew what 9/11 was about, and we responded accordingly.

The Senator from Kentucky has the right to express his point of view and debate it on the Senate floor and the right to pursue the War Powers Act which gives Congress the authority for hearings and a decision. What I disagree with the Senator from Kentucky about is the characterization that the President did not follow the law. He did notify Congress. The circumstances moved so quickly with human life hanging in the balance, the President made that decision and now stands with the American people making a judgment as to whether it was the proper decision to make.

At this point I would like to yield the floor to the Senator from Kansas for the purpose of debate only, with the understanding that when he has completed his debate, I will suggest the absence of a quorum.

Mr. PAUL. Will the Senator yield for a further question?

Mr. DURBIN. Fine.

Mr. PAUL. I know the word ''hypocritical'' is a strong word. I don't use it lightly. But the words we are using in this resolution that we will get a chance to vote on are the words from the President. The President said: The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation.

How does the Senator from Illinois square that with his actions?

Mr. DURBIN. That was the question raised by the President in his address to the American people the night before last, as to whether it is in the best interest of the United States to step forward with our unique capability—in this case, our air power, as well as our technology—to protect innocent human life. There are some who will argue that he should not have done it, and we should have just waited to see if Qadhafi would keep his word to kill all these innocent people. I think the President made the right, humane decision.

Had we made a fraction of that decision in Rwanda, it might have spared tens of thousands of people from dying. The same thing might have happened in Darfur. I think the Presidents who were in power at that time both personally regret the fact that we didn't do anything as those genocides unfolded. President Obama did not want that to occur on his watch and thought the United States, in a limited military commitment, could help spare innocent people in Libya from this carnage.

We can debate as to whether that is appropriate, and I am sure we will. I know the Senator from Kentucky has his own beliefs on the subject.

I ask unanimous consent that the Senator from Kansas, Mr. MORAN, be recognized to speak in debate only and that following his remarks, I suggest the absence of a quorum and the clerk will call the roll.

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

The Senator from Kansas.

FINANCIAL CHALLENGES

Mr. MORAN. Madam President, I thank the Senator from Illinois for accommodating my ability to speak on the Senate floor this afternoon on what I consider to be a very significant and important topic.

Our country is facing significant financial difficulties. In the coming weeks, the United States will reach its $14.29 trillion limit for borrowing. Unfortunately, this is the 11th time in the past decade that Congress will vote on whether to allow the country to take on even more debt. These financial challenges we face, if left unchecked, will have a disastrous impact upon our country today and upon citizens in the future.

For way too long members of both political parties have ignored this growing fiscal crisis and have allowed

our country to live well beyond its means. Delaying difficult decisions and simply increasing the debt ceiling once again should not be an option. The time to correct our failures is now.

Officials from the Obama administration warn that the failure of Congress to raise the legal debt limit would risk default. But the bigger economic threat that confronts our country is the consequences of allowing our country's pattern of spending and borrowing to continue without a serious plan to reduce that debt. Our out-of-control debt is slowing our economic growth and threatening the prosperity of future generations who will have to pay for our irresponsibility.

In the next three decades our debt very well could grow to more than three times the size of our entire economy. This level of government spending is unsustainable and cannot continue. Our Congress is engaged in a serious and significant debate now about a continuing resolution. That resolution is the result of the failure of the past Congress to pass a budget and appropriations bills to fill in the blanks of that budget. In fact, we are now dealing with the next 6 months of spending, the end of the fiscal year which ends September 30 of this year. We are having an argument about the magnitude of the reductions of spending to include in the final 6 months of this continuing resolution.

I certainly wish to participate in the debate. I admit it is an important issue, but there is more significant issues yet to come. While it is important how we resolve the next 6 months, it is even more important we adopt a budget for the next fiscal year, 2012; that we return to regular order and have an appropriations process in which we can determine levels of spending within that budget, establish our priorities, eliminate programs, decrease spending where appropriate, and move this country to a balanced budget.

In addition to a CR for the next 6 months and to next year's budget and appropriations process, there is looming the more serious consequences of so-called mandatory spending which comprise 56 percent of our entire budget. We have to get beyond the CR debate of today and get to the spending problems of 2012 and beyond and to the issue of so-called mandatory spending that consumes our budget and drives up debt now and in the future.

We need to be responsible and quickly resolve the spending bill for this year and move on to these issues that will determine the future of our country, especially the economic future for citizens today and into the future.

The President ought to consider in his budget—but he didn't—the recommendations of his National Commission on Fiscal Responsibility and Reform. We have seen, once again, the failure of the budget as proposed by this President to include any of those provisions that his own commission recommended in getting us out of our financial difficulty.

It seems to me that often, at least throughout my lifetime, we have heard the discussion here in Washington, DC—I, as an American citizen, as an observer of the politics and the policies of our Nation's capital, have heard year in and year out about the need to reduce spending, to balance the books, to quit spending so much money, to be more fiscally responsible. Our fiscal house has to be put in order. Those are words I have heard throughout my entire adult life, and yet I am fearful they have once again just become words.

We do not have the luxury of those words meaning nothing this time around. I would suggest there are those who may observe the proceedings of this Congress this year and say: Once again, there is a political debate going on. It is rhetoric between Republicans and Democrats. It is a battle between the House and the Senate, between the Congress and the President, without recognizing this debate has serious consequences to the American people today and into the future.

As I said earlier, spending beyond our means is no longer an option, and the failure of us to address these issues in a responsible manner means the standard of living American citizens enjoy today will be diminished. It means a lower standard of living for every American family. It means an increase in interest rates. It means a return of inflation. It means an increase in our imbalance of payments. It means our trade balance is exacerbated. It means we may follow the path of other countries in the world today that have failed to address these issues, and we will see the circumstances that many countries find themselves in, in which their credit ratings have diminished and their interest rates have risen.

If we fail to respond, if we fail to act as we should, if we let one more time this issue to pass for somebody else to solve because it is so difficult, we will reduce the opportunities the next generation of Americans has to pursue the American dream.

This is not an academic or a political party discussion. It is not a philosophical debate. It has true economic consequences to every American. We are not immune from the laws of economics that face every country, and by the failure to get our financial house in order and borrowing under control, interest rates will rise, our creditors may decide we are no longer creditworthy, and we will suffer the same consequence that countries in our world today are suffering that followed this path.

This is the most expected economic crisis in our lifetime, perhaps in the history of our country. We know what is going to happen if we do not act, and we would be acting so immorally and without responsibility should we look the other way because the politics of this issue are too difficult.

Americans deserve, are entitled to leadership in Washington, DC, to confront these problems and not to push them off to the next generation of Americans, and I am sorry to say that, in my view, to date the President has provided little leadership on what I consider to be this most important issue of my generation.

My interest in public service and politics is one that has lots of beginnings, but what has me committed to public service today is a belief that I and people in my generation—in fact, every American citizen—have the responsibility to pass on to the next generation of Americans the ability to pursue the American dream. Our failure to act today, our failure—to simply raise the debt ceiling one more time—means we will have abdicated our responsibilities and the burdens will fall to those who follow us. We will have lacked the morality and the courage necessary to do right.

Earlier this week, I informed the President, in correspondence to President Obama on March 22, with these words:

> Americans are looking for leadership in Washington to confront the problems of today, not push them off on future generations. To date, [Mr. President,] you have provided little or no leadership on what I believe to be the most important issue facing our nation—our national debt. With no indication that your willingness to lead will change, I [write] to inform you [, Mr. President,] I will vote ''no'' on your request to raise the debt ceiling.

I do that because I believe in the absence of serious and significant spending reductions, in the absence of serious and significant reform in the budget and spending process, in the absence of a constitutional amendment that restricts our ability to spend money we do not have, in the absence of statutory guidelines that tell us we cannot spend and borrow ad infinitum, that our country's future is in grave danger. I do this with a sense of responsibility to Americans today and a sense of responsibility for Americans to come.

I ask the President to provide that leadership, to address the issues of not only this continuing resolution and next year's spending level and the so-called mandatory spending, but also to help us create an economy in which growth can occur, in which business men and women make decisions to employ new workers, and that the American people have the opportunity, when they sit around the dining room table and discuss their future, to know they have the chance to keep the job they have or to find a job they do not have.

That will require the leadership of President Obama and Republicans and Democrats in the House and Senate. In the absence of any indication that leadership is going to be provided, and that we are going to be serious in addressing our problems of today, and resolving them for the future, I will vote ''no'' on extending the debt limit.

Mr. WHITEHOUSE. Madam President, as we continue to debate important small business legislation, I rise

today to discuss an amendment to further support investment and job creation in U.S. companies.

In particular, my amendment would bolster our domestic manufacturing industry, which has historically been the engine of growth for the American economy. The manufacturing economy has been especially important in the industrial Northeast, including my State of Rhode Island. From the Old Slater Mill in Pawtucket—one of the first water-powered textile mills in the nation—to modern submarine production at Quonset Point, the manufacturing sector has always been central to our economy.

Sadly, as American companies have faced rising production costs and increased—and often unfair—competition from foreign firms, U.S. production has plummeted. According to the Bureau of Labor Statistics, the number of manufacturing jobs declined by almost a third over the past decade from 17.2 million in 2000 to 11.7 million in 2010. This decline has been felt most sharply in old manufacturing centers like Rhode Island. In Rhode Island, the loss of manufacturing jobs over the past decade has topped 44 percent. The decline of the manufacturing sector is a primary reason why Rhode Island has had greater difficulty than most states in recovering from the recent recession.

Over and over, I have travelled around Rhode Island to meet with local manufacturers, listening to their frustrations and discussing ideas to help their businesses grow. During these visits I have heard one theme over and over again: unfair foreign competition is killing domestic industries. One Pawtucket manufacturer told me that they recently lost eight percent of their business to a Chinese competitor. It is clear to me that if we want to keep manufacturing jobs in Rhode Island, we need to level the playing field with foreign competitors.

My amendment would remove one incentive to move jobs offshore and help to make competition fairer for companies struggling to keep their factory doors open here in the United States. Based on the Offshoring Prevention Act, cosponsored by Senators LEAHY, SANDERS, BOXER, DURBIN, BROWN of Ohio, HARKIN, JOHNSON, and LEVIN, my amendment would end a costly tax incentive that rewards companies for shipping jobs overseas. Under current law, an American company that manufactures goods in Rhode Island or in the Presiding Officer's State must pay Federal income taxes on profits in the year that the profits are earned. But if that same company moves its factory to another country, however, it is permitted to defer the payment of income taxes, and declare them in a year that is more advantageous—for example, one in which the company has offsetting losses.

It makes no sense that our Tax Code allows companies to delay paying income taxes on profits made through overseas subsidiaries, and my bill will put a stop to this practice for profits earned on manufactured goods exported to the United States. To put it simply, we should not reward companies for eliminating American jobs.

In addition to ending an incentive to ship jobs overseas, my amendment would reduce the Federal deficit by $19.5 billion over the next decade. At a time when Republicans are promoting painful cuts to popular Federal programs to save similar amounts, these are savings we cannot afford to pass up. If we are going to be serious and fair about deficit reduction, we need to look at these corporate loopholes and giveaways, not just at cuts to Head Start, NPR, and Planned Parenthood.

I hope that my colleagues will show their support for American jobs and for deficit reduction by supporting my amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess until 6 p.m. tonight for the purpose of the Senators-only briefing on Libya.

There being no objection, the Senate, at 4:57 p.m., recessed until 6 p.m. and reassembled when called to order by the Presiding Officer (Mr. COONS).

The PRESIDING OFFICER. The Senator from New Hampshire.

## MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that 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.

## SMALL BUSINESS INNOVATION RESEARCH PROGRAM

Mrs. SHAHEEN. Mr. President, if I could begin in the spirit of morning business, I am here to talk about the importance of passing the reauthorization of the Small Business Innovation Research Program. I think it is important because our future economic prosperity depends on whether this country can continue to be a leader in science and innovation. We can't compete with India and China for those low-wage manufacturing jobs. That is not the future of America. Our future is to be the global leader in science and technology. America makes the best, most innovative products and services, and that ingenuity and excellence is our chief economic strength as a nation.

As a former small business owner, I know it is business and not government that creates jobs, but I also know government has a critical role to play in fostering a positive business climate. I believe there are a few things we need to do to unleash the innovative spirit that is so alive and well throughout this country, and particularly in my home State of New Hampshire.

To maintain the creative dominance that has allowed us to lead the world in innovation, we do need to enact a long-term reauthorization of the Small Business Innovation Research Program, or the SBIR Program.

SBIR is not just a typical grant program. Under the SBIR Program a small business is able to compete for research that Federal agencies need to accomplish their missions—agencies such as the Department of Defense. Small businesses employ about one-third of America's scientists and engineers and produce more patents than large businesses and universities. Yet small business receives only about 4 percent of Federal research and development dollars. SBIR ensures that small business gets a tiny fraction of existing Federal research dollars.

In the last few months, as we have been talking about the SBIR Program in the Small Business and Entrepreneurship Committee on which I serve, I have had the chance to visit a number of New Hampshire companies that are doing cutting-edge research and are growing their businesses because of the SBIR Program. This research has allowed them to develop new products and customers and to hire new workers. I wish to talk specifically about one of those companies because they have such a great story. It is a company called Airex, and it is in Somersworth, NH. Their story shows just how the SBIR Program encourages innovation and creates jobs.

When I visited Airex, I had a chance to see some of the impressive technologies the company has developed. Airex specializes in electromagnetic motors and components. As they explained to me, their motors don't go round and round, they go back and forth. Its employees design and produce everything from motors used to make Apple's iPad, to gyroscopic coils that are used to stabilize the artillery system on Abrams tanks. So they produce a wide divergence of products.

In the past decade Airex has more than doubled its revenues and its workforce largely because of the products it developed with the support of the SBIR Program. Jim Sedgewick, who is the President of Airex, told me SBIR was critically important for the development of the products that enabled the company to add several good-paying jobs in New Hampshire.

For example, Airex was able to compete for and win a grant to do research for the Air Force on materials needed for strategic missile defense. In order to conduct the research Airex had to develop a new electromagnetic motor. Since the motor that Airex developed had tremendous commercial potential, Airex secured a patent. Now that motor is used in the production process for the Apple iPad and, as my colleagues can imagine, sales for that motor have increased dramatically in recent years as the iPad has become so popular.

The same is true for several other products Airex developed with the help of SBIR. Airex products continue to be in high demand not just in America but across the world. Exports now account for 30 percent of Airex's revenues, so they are a great story on the export front too. Airex told me its biggest export products are the ones that were developed with the support of the SBIR Program.

If we are going to out-compete and out-innovate the rest of the world, we need to encourage the kind of innovation that has made Airex so successful. SBIR was integral to making Airex's success a reality. That is why SBIR must continue to be an important part of our strategy for staying competitive in the 21st century.

Airex is just one of many New Hampshire small businesses that have successfully competed for SBIR funding in the 28 years the program has been in existence. All across New Hampshire small businesses that otherwise wouldn't be able to compete for Federal R&D funding have won competitive grants to advance technology and science and create good jobs. In just the last 2 years New Hampshire firms have won 80 SBIR awards. In fact, despite its small size, although it is a little bigger than Delaware, as the Presiding Officer knows, New Hampshire is ranked 22nd in the Nation for total grants awarded through the Department of Defense since SBIR began.

So I know the Presiding Officer knows we need to focus on smart ways to create jobs and stay competitive. We all know small firms are where the jobs are created in the United States, and we know the future of the American economy rests with innovation. The SBIR Program must be one important part of our overall strategy to encourage the innovation that will keep the American economy strong through the 21st century.

So I am pleased to be here to support SBIR, and I encourage all of our colleagues to join me in supporting this important program.

Thank you very much, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COBURN. 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. COBURN. Mr. President, I ask unanimous consent to speak for 20 minutes as in morning business.

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

## OFFERING OF AMENDMENTS

Mr. COBURN. Mr. President, I am coming to the floor because we have not seen much action on the floor on this bill. We are hung up over the right of Senators to offer amendments, but the Senate works best when we have a free and open process of offering amendments. One of the amendments in particular that I was going to offer on the blending requirements for ethanol I now plan, at this time, not to offer. I have made that known to the majority leader but have still not been able to get an agreement to offer other amendments.

Our country is in a pickle. I have $20 billion worth of cuts that the vast majority of the Members of the Senate would vote for. Yet I can't get those amendments up because people don't want to take the difficult votes. I understand that. Senator REID has been more than gracious in working with me. I understand his problem, but the problems are a lot bigger than the problems of the Senate. The problems facing our country are tremendous. They are not only tremendous, they are also urgent.

Here we have a small business bill, where we are trying to create jobs, and one of the ways we create jobs is making sure we are not sending money out of here that doesn't create jobs. So I come to the floor somewhat worried about our process and not critical of Senator REID in any way. I wouldn't have his job. Being the majority leader is the toughest job in Washington. But it is somewhat worrisome, and yet amusing, that we will not take a vote to eliminate unemployment payments to millionaires. That is amazing to me. We can save $20 million starting tomorrow by not cutting unemployment checks to people who make $1 million a year through their investments but who are unemployed. I mean, $20 million. We could do that.

We could put a garnishee on the $1 billion owed by Senate employees and Federal employees in back taxes, where it has already been adjudicated they haven't paid, but we can't get an amendment up to do that. Isn't that strange?

Here we are, running $1.67 trillion deficit, and yet we can't go about solving our problems $1 billion at a time to help get rid of that. We can't have the right to offer an amendment to that effect.

How about the fact the GAO, 3 weeks ago, issued a report on duplication, and, according to my calculations, there is at least $100 billion in savings in that. I have an amendment that would save us $5 billion over the rest of this year on the easiest part of the elimination to carry out. I can't get that amendment up. We can't vote on it. We can't do the things that will start getting us out of our problems. Even though I have withdrawn the amendment on ethanol that is so controversial, I still can't get my amendments called up.

Covered bridges—$8.5 million. It is a good thing to do, if we had the money. But we shouldn't be spending $8.5 million right now on old bridges that are of historical significance, because we are borrowing the money to do it.

I have an amendment to identify and disclose every Federal program, one of the things the GAO report said would be very helpful to them to have—if every department would give, every year, a list of all their programs. There is only one government agency that does that today, and it is the Department of Education. The rest of them don't know all their programs. Isn't that interesting; they do not even know their programs? Yet we can't get an amendment up that will help us solve some of the problems with duplication and inefficiencies.

So I come to the floor tonight to ask: What is the deal? This is the Senate. We are expected to make tough votes. If Senators want to continue to pay millionaires unemployment, then vote against the amendment, but don't keep that amendment from coming to the floor that would save us $20 million. If you think Federal employees shouldn't pay their back taxes, then vote against it, but we can collect $1 billion—$1 billion that we wouldn't have to borrow. Vote against it, but don't block the amendments from coming up.

I have an amendment that I understand is controversial. I don't think there is a role anymore for us in funding the Corporation for Public Broadcasting to the tune of $½ billion a year. You may not like it, you may not agree with me but vote against it. Don't say you can't have the amendment. Because what goes around comes around, and we don't want to get into the dysfunctional state where because somebody can't have an amendment today, somebody else isn't going to have an amendment later. That is what we are going to degrade into, and it will not be because we would not want to vote on them. So what happens is the Senate gets paralyzed.

The unfortunate thing is that I have $20 billion worth of cuts we can make. Yet we are not allowed, under Senate tradition, to offer an amendment, even though, on the most controversial one I have, I have said: OK. I won't offer it at this time. Still, I can't offer an amendment. To me, I think that tells the American people what they already know; that we don't care about what the real problems are, we care about the politics.

We no longer have the pleasure or the time to worry about political outcomes. We need to be worrying about what the outcome is of the future of

this country. When a sitting Senator can't offer $20 billion worth of cuts in a $3.7 trillion budget on a bill that is related to business—and this $20 billion will be money we will not be competing with against them for the capital to create jobs in this country—it strikes me that we have lost balance; that we need to reright the ship.

Everybody in this body wants to vote on the 1099. We know it was a mistake. I think there will be very few Senators who will vote against that. There is a controversial amendment—the Inhofe amendment—but this is the Senate. Let's vote on it. Whatever way it turns out, let's let the body do its work, rather than not allowing the body to work. So my hat is off to Senator REID. He has been cooperative. But we can't run the Senate this way, saying people don't have a right to offer amendments.

I will never forget when I first came to the Senate 7 years ago and I had an objection to an amendment that was offered, another Senator from the other party came and said: You can't do that. This is the Senate. We debate amendments. We vote on amendments.

Somebody on the other side of the aisle defended the process of the Senate. The fact is, we are in tough times. We are going to be taking a lot of tough votes—if not now, a year from now. But they are going to get tougher every year we take them because the writing is on the wall for America in terms of its spending and its debt.

If you look at what has happened to interest rates on our T bonds the last 2 days in a row, T bonds are strong, interest rates are going up. What does that mean to us? Our historical average interest rate on our debt is about 6.07 percent. We paid 1.97 percent last year. For every 1 percent that rises, that is $140 billion additional that does not help the first American. We ought to be about getting rid of things that we can get rid of that will survive OK on their own, that are not duplicating things we should be duplicating. The Senator from Alaska and I put in an amendment on the FAA bill getting rid of old earmarks, money that is parked. It will save us $1 billion. The fact is, we can do this if we will stand up and do the job we were hired to do. The job we were hired to do is to make the difficult decisions. My hope is that things will break loose and we will revert to the best of the tradition of the Senate, which is having real debate about real amendments, taking the tough votes, and defending them on principle. Take the political calculus out of it. It is not popular for me, in Oklahoma, to eliminate the blenders' credit on ethanol. We have a lot of corn farmers. But the fact is the very people who get this—British Petroleum, Valero, ExxonMobil, Chevron—do not want it. I have a letter from them saying they don't want the blenders' credit. That is who gets it. Only 16 percent of the ethanol is produced by farmer cooperative ethanol plants; 84 percent is not. It is produced by the big boys and they are saying they don't want it.

Why don't we save $5 billion between now and the end of the year, because we are going to borrow 47 percent of it? Why would we do that to our children? So I relented on that. We will have a vote on it. I will have to have a 67-vote threshold to do it but we are going to vote on it. Senator REID knows we are eventually going to vote on it. We ought to be about being grown up and going back to the best traditions of the Senate and taking the tough votes. Our country is in tough times. Families are having tough times. Why would we want to duck making tough decisions? The only reason we would want to do that is political. It is so somebody can gain a political advantage rather than do the best, right thing for our country.

I call on my colleagues, whoever it is who is objecting to commonsense amendments, who does not want to fulfill their obligation to their own constituents by casting a vote, to look at what you are doing to the Senate. There is no reason we should get into this conflict—because I can't offer amendments I am eventually not going to let other people offer amendments? Why would we go to the childish resolution of this rather than the adult resolution? The adult resolution is to give people their votes, vote on them and go down the road and if you don't agree with them, defend it; if you do agree with it, vote for it. But don't duck on taking a position. That is belying the oath you have being a Senator.

Those who are objecting to cutting $20 billion out of this government, out of a $3.6 trillion budget, wake up. You are going to be cutting this money in the next 2 years, whether you cut it today or tomorrow. It is coming. Let's do it now, because every day we do it earlier saves us money. But it also preserves and enhances the future for our kids.

I will not harp on this other than to say I am disappointed because we had started this year out pretty well in terms of going to amendments. The leaders, both leaders, have worked hard to make sure that could happen. Now that we have tough votes people want to revert to childish behavior and not honor the reason they were sent here in the first place. Not voting on something is the chicken's way out. It is the coward's way out. Voting on something and defending your vote is honorable. You do not have to agree with me but don't say you cannot have an amendment and you cannot have a vote, because I assure you I know the parliamentary procedures to get a vote on every amendment I will ever offer. We will get votes on these amendments. The question is, if you are trying to duck, not having to vote on an amendment because you don't like the political choices, you are going to get a vote anyway, so why degrade the Senate into childish behavior because you want to duck a vote? We are not going to duck these votes. We are going to have them. I promise you, we are going to have every one of these votes eventually. I am talking over a short period of time. Or we are not going to do anything. We are going to live up to the tradition of the Senate or we are not going to function at all.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. I ask unanimous consent to be allowed to engage in a colloquy with the Senator from Oklahoma.

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

The Senator from Arizona.

Mr. MCCAIN. I have a couple of questions for the Senator from Oklahoma. My understanding is that he seeks to have an amendment considered that would eliminate the subsidies which are $4 billion?

Mr. COBURN. We do not seek to eliminate any subsidies. We seek to eliminate a blenders' credit that the very people who receive the credit do not want, and it is $4.9 billion between now and the end of the year.

Mr. MCCAIN. It is $4.9 billion and the recipients themselves want it reversed?

Mr. COBURN. Yes. I have a letter from the refiners. I actually have it here and I will introduce it to the RECORD if we need to, that says they don't want it, they don't need it.

Mr. MCCAIN. So the recipients of this government largesse would want it eliminated. What is the basis, if I may ask, of the opposition to the amendment?

Mr. COBURN. I think I can clarify it. The opposition is we are doing it abruptly rather than over a period of time and not allowing people to plan for the elimination of this. Those are the arguments I hear. The fact is, this is just one of a series of things we do for ethanol.

I am not going after ethanol. I am going after saving money for our country that is being spent. We have a mandate that says the country has to buy a specific amount of ethanol. Before we had that mandate, a blenders' credit was a smart thing to do if you believed that ethanol was a way to solve our problems. But the fact is, we now have a mandate that they have to produce it. It is going to 15 billion gallons a year. I can give you the exact numbers in terms of what we produce. But because we have a blenders' credit, last year we produced 397 million gallons more and we exported it to Europe. So the American people subsidized $200 million worth of ethanol consumption in Europe through these blenders' credits.

We are not going after all the other loans, the loan programs, all the other energy grants and everything else. We are not doing any of that. All we are saying is here is a simple thing that is no longer needed; 86 percent of the ethanol production is by majors, not small ethanol plants. They do not want this money, they do not need this money to blend ethanol because there is already a mandate there requiring it. I have already withdrawn—I have agreed that we will not vote this amendment until after cloture and I will file a motion to suspend the rules and then we will have a 67-vote threshold which we will not win. But the American people are going to lose. The American people are going to lose $4.9 billion.

Mr. MCCAIN. If the argument is that maybe we ought to eliminate this but not abruptly, wasn't the message of last November 2 that they wanted a lot of things done abruptly?

Mr. COBURN. I think the message of the American people is they want the spending cut. They want it cut now. They want us to quit spending money we don't have on things we don't need, and this is a ideal program—just like the other portion of it. I have $20 billion worth of amendments. None of them can come to the floor because there is an objection to having votes on $20 billion worth of cuts.

Mr. MCCAIN. That was my understanding, that as part of the beginning of the new session of Congress, the 112th Congress, there were going to be amendments allowed; that there would be kind of a different environment where it would not be bringing up a bill, filing cloture and shutting out Members from offering amendments. That is apparently not the case?

Mr. COBURN. I think it is the case, but to be fair, there is bipartisan opposition to this amendment. I understand it. It is from the corn-producing States. They are worried that this might have an effect on ethanol production and corn processors. Actually, CBO estimates that the maximum impact of this amendment on the price of corn will be less than 35 cents a bushel. Corn is near $7—record high.

Mr. MCCAIN. Near an all-time high.

Mr. COBURN. Yes, so this might have an effect of 35 cents on the price. But let me carry that out for a minute. Corn is the primary feed source for cattle, hogs, chickens—the whole range of the things we eat. So what we have done, through just this portion of it, is we are raising the cost because 40 percent of our corn production this next year is going to go for ethanol.

It is not just that we have raised the tax because we have given $5 billion or $6 billion annually in credit to the blenders; we have also raised the costs for everybody else's food. But do you know what we have also done? We have increased the cost of our Food Stamp Program because we have raised the cost of food. So we are paying for it twice. It is not just the fact—it comes back to the point that is this is not an attack on the ethanol industry. I actually met with the ethanol industry yesterday in my office. I think Americans ought to be able to buy whatever they want, E–85 or 10 percent—I think they ought to be able to buy it. But what they should know is when you go buy a gallon of gasoline today, accounting for all the credits and incentives and everything else in there, there is $1.78 in your taxes in every gallon that you buy. So when you buy blended ethanol gasoline, you are not paying $3.50, you are paying $5.35.

Mr. MCCAIN. I understand this amendment has been objected to by some ''conservative organizations'' that want us not to increase taxes in any way, shape, or form, something that has characterized the voting record of the Senator from Oklahoma and myself. But now you are being attacked for being a tax increaser?

Mr. COBURN. I would not worry about that so much.

Mr. MCCAIN. What is the argument?

Mr. COBURN. The argument is they do not agree with the blenders' credit, but if in fact you take it away you need to give somebody else a tax break. I think the American people know, for us to get out of the problems we are in we are going to have to do a lot on both sides of the balance sheet. One of the ways—we have $1.3 trillion worth of tax expenditures in this country. A large portion of them—not a large portion, a significant amount of money is in programs such as this that are directing people to do things that they are going to be doing anyway and we are paying them to do it. So it is a tax expenditure. It is cutting spending is what it is. It is a true credit, so they get it. The more they blend, the more money we pay.

So if they blend beyond what the mandate is, they cannot sell it. Then we ship it to Europe or wherever else will consume it, but yet we are subsidizing. First of all, it hurts our own energy usage because we are taking a lot of oil and a lot of water to do it. But we are helping the Europeans with our own subsidy in terms of shipping this over.

So I do not care about the debate outside of the Senate. What I care about is that the American people ought to have a shot at saving $4.9 billion through the rest of this year.

Mr. MCCAIN. And it seems to me that this issue has some complexities to it——

Mr. COBURN. It does.

Mr. MCCAIN. That the average citizen would not understand. But I think they understand $4.9 billion and that those savings would accrue to them, along with the reduction in inflation and the costs of the products of corn.

So it is a very interesting situation. So when I go back home and some of my constituents are skeptical about whether we are really serious about taking on some of the sacred cows—and certainly ethanol has been a sacred cow around here—maybe there is some justification for their skepticism.

Mr. COBURN. Well, since we started the blenders' credit, the American people have spent $32 billion on it. And it is fine for us to look for alternatives, and I think it is great. I would like for them to convert corn to butanol instead of ethanol because it burns a whole lot better, it is more efficient, it does not pollute as much, it burns like regular gasoline, and it is not water-soluble, so it can be transported like other petroleum products. I would like to see them go there, and I think they are eventually going to go there.

But the fact is, markets work, and we are playing with markets—and the reason we have such an objection to this is because we probably have the votes to win it and they know it. So I have pulled it out.

But, more importantly, there is another $15 billion of amendments I would like to offer that are common sense, that a good portion of the American would absolutely agree with, and we do not have people who want to have a vote on that. They do not want to stand up and do their jobs.

I will read into the RECORD a letter from Charles Drevna, president of the National Petrochemical and Refiners Association.

Senator Coburn. NPRA, the National Petrochemical and Refiners Association, writes today in support of your efforts to end the Volumetric Ethanol Excise Tax Credit through both amendment number 220 to S. 493, the SBIR reauthorization bill, and the bill you recently introduced with Senator CARDIN, S. 520. The Association has a long history of opposing mandates and subsidies and this opposition extends to the VEETC. The VEETC is an unnecessary subsidy, particularly given the federal Renewable Fuels Standards requirement to bring 36 billion gallons of biofuel into the fuel supply by 2022.

So here are the people who are receiving the credit saying they do not want it.

Mr. MCCAIN. Well, I think the Senator has made a strong point. I just wanted to have a clarification, and I hope that perhaps we can also start addressing the issue of sugar subsidies, which I think is probably one of the really great ripoffs in America today, again, causing the cost of any confection or anything that contains sugar to rise, and then, of course, the American consumers pay for it, and preventing sugar from other countries from coming into this country at a lower price.

Mr. COBURN. You know, the real issue is that we have spent 3 days this week not doing anything on this bill. We have borrowed $12 billion. I have amendments, if we could pass, that would save us $20 billion.

Every day that we don't take hard votes is a day we don't fulfill the responsibility given to us, the privilege given to us as U.S. Senators. No matter what your philosophy, the fact is we ought to be taking hard votes, and people who don't want to do that, their constituency ought to ask the question: Why are you there? Why are you afraid to defend what you believe to be

right rather than disallow somebody else to make a point and a position with an amendment?

The Senator didn't hear my speech prior to coming in——

Mr. MCCAIN. I was watching.

Mr. COBURN. These are the worst tendencies of the Senate. I want us to go back to the best tradition. I am not always going to be right, and I certainly hardly ever win, but the fact is, the issues in front of this country are so great that we don't have time for this anymore. And every day we do not work on this small business job-creation bill because people do not want to take tough votes is a day we are not fulfilling the obligations we have as Senators.

Mr. MCCAIN. But if you believe in our great Nation and the democracy and the representative government that it is, over time, you will succeed. It requires tenacity. I do not think the Senator will be elected Mr. Congeniality this year again, either, but I appreciate his efforts on this issue and many others. I look forward to continuing to join him in the fight and following his leadership.

I yield the floor.

## PIKEVILLE COLLEGE BEARS

Mr. MCCONNELL. Mr. President, I rise to congratulate a national championship team that makes its home in Pikeville, KY. This March 22, the Pikeville College Bears men's basketball team triumphed over the West Virginia Mountain State University Cougars in overtime, 83 to 76, to win the school's first NAIA men's basketball championship.

It has been a thrilling season for the Bears, who finish the year with a school-best 30–7 record. They tied for third place in the Mid-South Conference and entered the tournament unseeded and with something to prove. They certainly did that, becoming the first unseeded team in tournament history to defeat five seeded teams on the way to the championship.

The Bears beat defending national champ Oklahoma Baptist, defending national runner-up Azusa Pacific, and top-seeded Robert Morris to get to the semifinals. Facing No. 3-seed Martin Methodist College in the semifinals, the Bears clawed their way out of a 15-point deficit to win by 11 points.

Then it all came down to the final game, played in Municipal Auditorium in Kansas City, MO, against the Cougars from West Virginia. The Bears trailed for most of the way, but by the end of the night it was ''My Old Kentucky Home'' being played as the Bears cut down the nets.

Trevor Setty of Maysville, KY, tied a career high for scoring in the game with 32 points, grabbed 17 rebounds and was named the tournament's Most Valuable Player. And Head Coach Kelly Wells was named NAIA National Coach of the Year.

The students and faculty of Pikeville College and the people of Pikeville, eastern Kentucky, and the whole Commonwealth couldn't be prouder of this winning team. They represent the very best of what the Bluegrass State has to offer, and we are honored for them to represent us to basketball fans from across the Nation. I know my colleagues join me in congratulating the Pikeville College Bears men's basketball team for their exciting victory.

Mr. President, the Lexington Herald-Leader recently published an article about the Pikeville College Bears' championship season and what it meant for the school and for eastern Kentucky. I ask unanimous consent that the full article be printed in the RECORD.

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

[From Kentucky.com, Mar. 24, 2011]

PIKEVILLE FANS HAPPY TO LOSE VOICES CHEERING TEAM'S NAIA WIN

(By Dori Hjalmarson)

PIKEVILLE.—As the NAIA Division I Tournament championship game inched to a close Tuesday night, the 200 spectators at a viewing party on the floor of Pikeville's Expo Center rose to their feet. They swelled and deflated with each basket, chanting for ''defense'' and waving their fingers for free-throws as their team fought for the win more than 580 miles away at Municipal Auditorium in Kansas City, Mo.

Ear-splitting screams rang through the hall as the game went into overtime, and students crowded toward the big screen.

After a slow first half on Tuesday, Pikeville's fans based their hopes on Monday night's game, when the unseeded Pikeville College Bears overcame a 15-point deficit to oust its semifinal opponent, No. 3 seed Martin Methodist College.

''We're down. but (Monday) night proves we're not out of it,'' said Ravin Fields, director of the dorm that houses the basketball and baseball teams.

And the Bears certainty weren't out of it, battling into overtime for an 83–76 win over West Virginia's Mountain State University and Pikeville College's first NAIA men's basketball championship. The victory created a surge of excitement throughout the crowd in Pikeville.

''I lost my voice cheering,'' communications professor Chandra Messner said. ''We're so proud of those boys.''

Said Massner's daughter, Amanda Arts: ''Amazing. Unbelievable.''

The celebration on campus lasted until 4 a.m., Residence Life Director Kayla Bandy said. On Wednesday. a caravan was planned starting at 8 p.m., from the Mountain Arts Center in Prestonsburg to the college gym, where a rally would welcome the team home. A parade in downtown Pikeville was planned for 4 p.m. Thursday.

''I hope a lot of people come out to support them.'' Bandy said as she painted signs and hung streamers in the men's locker room. She knows what she's talking about: Bandy was on the 2008 national champion bowling team, the school's only other title-winning sport. Now an assistant coach, she wears her championship ring daily.

''It's such a big deal for these guys,'' Bandy said. ''From the kids texting from Kansas City it was not like anything they were expecting.''

## REMEMBERING CONGRESSWOMAN GERALDINE A. FERRARO

Ms. LANDRIEU. On March 26, 2011, after 12 years of battling multiple myeloma, our country lost one of history's political trailblazers, the Honorable Geraldine Anne Ferraro. Ferraro served as a Congresswoman for the 9th District of New York from 1979–1985. At a time when less than two dozen women served in Congress, Geraldine Ferraro was a consistent voice for equality and unrelenting advocate for women's rights.

In 1984—64 years after passage of the 19th amendment granted women the right to vote—Ferraro made history as the first female Vice Presidential candidate from a major U.S. political party, running alongside Walter Mondale. I vividly remember her words as I watched her speak during the 1984 Democratic National Convention in San Francisco, ''If we can do this, we can do anything.'' Millions of women and girls watched that speech, inspired by the fact that a woman was one step away from holding the second highest office in America. Although the Mondale-Ferraro ticket did not win the White House, Ferraro's words, leadership and courageous spirit would forever change the way women were viewed in American politics. Her candidacy had successfully shattered the glass ceiling for the office of the Vice Presidency. Two decades later, a Congresswoman from the same city where Ferraro accepted the Vice Presidential nomination would go on to become the first female Speaker of the United States House of Representatives. Geraldine Ferraro's journey to the precipice of the Vice Presidency helped pave the way for Congresswoman NANCY PELOSI's historic achievement. In addition, her nomination would help pave the way for Hillary Clinton's historic bid for the Democratic Presidential nomination.

Geraldine Ferraro will always be remembered for her passion and dedication to women's issues. The daughter of Italian immigrants, Ferraro began her career as a prosecutor for New York City focusing on sex crimes, child abuse, and domestic violence. Ferraro carried that passion with her to the U.S. House of Representatives, quickly becoming a leader among her congressional colleagues. During her three terms as a Congresswoman, she served on a number of committees including: the Select Committee on Aging, the Public Works and Transportation Committee and eventually the House Budget Committee.

In addition to her work in Congress, Ferraro remained a devoted wife and loving mother to three children. After leaving public office, she remained in the field of public policy serving as a fellow at the John F. Kennedy School of Government at Harvard University's Institute of Politics from 1988–1992 and as a U.S. Ambassador to the United Nations Commission on Human Rights during the Clinton administration from 1993–1996. She also authored three autobiographical books about her political career. She once again entered the

world of politics in 2008, serving on Hillary Rodham Clinton's Presidential campaign.

The life and accomplishments of Geraldine Ferraro opened the doors of American politics and the hearts and minds of thousands of women seeking to make a difference. She was an inspiration to me and thousands of women considering the challenge of a future in politics and government. Our country will always be grateful for her leadership. She will surely be remembered for her unique leadership, and her belief that, ''America is the land where dreams can come true for all of us.''

## 1-YEAR ANNIVERSARY OF HEALTH REFORM LAW

Mr. JOHNSON of South Dakota. Mr. President, as we pass the 1-year anniversary since health care reform was signed into law, I rise to recognize how much it has benefitted thousands in my State. South Dakotans now have a fair shake when it comes to buying health coverage and increased protections from some of the worst abuses of the health insurance industry.

I have heard from far too many who thought they were protected by their health insurance, only to find they faced arbitrary annual or lifetime limits on benefits. Some were even dropped entirely from their coverage when they needed it the most. Health reform has already put an end to these practices, and is giving hard-working Americans the security of reliable coverage.

Commonsense changes that had been supported by Republicans and Democrats in Congress for years are also now in effect. Children are no longer at risk for being denied coverage due to a preexisting condition like asthma or diabetes. Young adults are now able to stay on their parent's health care plan until age 26, extending coverage as many transition from education to the workforce.

Over 129,000 South Dakota seniors are already seeing improvements to Medicare, including eliminated copayments for preventive care like immunizations and annual wellness visits. Last year over 11,945 Medicare beneficiaries in our State reached the gap in prescription drug coverage, known as the donut hole, and received a one-time $250 rebate to help pay for prescriptions. These beneficiaries will continue to receive deep discounts until the donut hole is completely closed in the years ahead.

Health reform also expands Medicare beneficiaries' access to care by providing a 10-percent Medicare bonus payment for primary care providers and for general surgeons practicing in health professional shortage areas. It also puts in place important changes to our health care delivery system to ensure we are paying for the quality of patient care and health outcomes, rather than quantity of tests and procedures performed.

Not only has this law benefited South Dakotans, but these improvements have taken place without harming our economic recovery. Since the President signed the Affordable Care Act into law a year ago, the economy has grown at an average rate of 2.7 percent, and nearly 1.4 million private sector jobs have been created.

As Congress looks for ways to get our deficit in line, the nonpartisan Congressional Budget Office recently estimated that reform will reduce the deficit by a total of $210 billion over the next 10 years and by more than $1 trillion over the next 20 years.

We must be realistic about this law in that it cannot fix all the problems with our health care delivery system overnight. But I supported reform to give our Nation the best chance at improving the system while reigning in costs. There is room for improvements, and if there is a good idea out there, I want to hear it.

What we cannot afford, however, is to turn back the clock on all the improvements the American people have seen in the last year, and will continue to experience as this law is fully implemented in the coming years.

## REMEMBERING JOE ANTONIO SILVERSMITH

Mr. UDALL of New Mexico. Mr. President, the Navajo Code Talkers were a small group of marines who contributed to the American victory in the Pacific during World War II. Their language and their bravery made victory possible and helped save Allied soldiers' lives.

These Navajo warriors have one less man among their ranks today. My home State of New Mexico and the Navajo Nation lost a great man on February 28, 2011, when Joe Antonio Silversmith passed away at the age of 86. I would like to take a few moments to honor Mr. Silversmith's memory and his service to our country.

In 1943, as a young man of only 18, Mr. Silversmith heeded the call of duty and enlisted in the 297th Marine Platoon. He served in the South Pacific until 1946.

Mr. Silversmith and the 45,000 other Native Americans who enlisted to serve our country in World War II had only been recognized as citizens of the United States for 17 years when World War II began. Approximately 400 of these men, including Mr. Silversmith, served as Code Talkers—turning their native language into a powerful code, unbreakable by the Japanese.

In 2001, Mr. Silversmith finally received the recognition he deserved for his heroic World War II service when he and his fellow Code Talkers received the Congressional Gold Medal.

For Mr. Silversmith, his service to others did not end with his military career. A man of strong personal faith, he eventually became a full-time minister after returning to New Mexico.

For those who knew him, Mr. Silversmith's devotion to his flocks—demonstrated through his dedication to his congregation and, more literally, his love of herding of sheep—will be remembered fondly.

A man of courage, a hero to his family and the American people, and a role model to young Navajos, Mr. Silversmith stood up for his ideals. He encouraged those he knew to pursue their dreams, but to never forget their roots.

We owe a debt of gratitude to Mr. Silversmith, his fellow Code Talkers, and all those who have sacrificed in service to our country. Let's honor Mr. Silversmith by heeding his advice to keep our roots close to our hearts while striving to achieve our own lofty goals for the widest influence of good.

## ADDITIONAL STATEMENTS

### 100TH ANNIVERSARY OF WESTMINSTER, COLORADO

• Mr. BENNET. Mr. President, today I wish to recognize the 100th anniversary of the city of Westminster that lies along Colorado's Front Range. The city of Westminster will observe this significant milestone on April 4, 2011.

Westminster is the seventh most populous city in the State of Colorado. It has had a rich history since the first homesteaders arrived in 1870, shortly after the discovery of gold in the South Platte River Valley. The Land Act of 1862 encouraged many settlers to make Colorado their home instead of heading on to California.

The population of the town gradually increased over several decades, and by 1910, public services such as water access were needed to support the community. The village of Harris, named after C.J. Harris, was incorporated as the town of Westminster, CO, on April 4, 1911, by a citizen vote of 29 in favor and 6 opposed. The town was named for Westminster University, which was built in the 1890s on Crown Point.

The town of Westminster continued to grow and soon became the center for some of the largest apple and cherry orchards in the country. Northwest of Denver, Westminster remained a quiet rural town until the 1950s when the Colorado State Highway Department constructed the Denver-Boulder Turnpike, bisecting Westminster and contributing to the town's growth.

A 21-member charter Westminster convention was elected to draft and review a new charter, which was approved by voters in January of 1958.

Providing a safe and adequate water supply has been at the forefront of Westminster's growth since incorporation. The town took a proactive approach to dealing with the community's rapid growth by creating the Growth Management Plan in 1977 that called for allocating service commitments as a method to manage water and other key resources.

Westminster has balanced growth with the establishment of an open space program. In 1986, the town sought

to implement this approach and preserve and protect natural areas and beautiful vistas that contribute to the unique character of the city. Today, 32 percent of its land is open space and green space and the town has created more than 83 miles of multi-use trails.

Westminster's first 100 years are rich in history with monumental milestones that have made it the community it is today. I want to congratulate the city of Westminster as it celebrates its centennial anniversary. I look forward to helping Westminster continue to thrive as it sets out to make history in the next 100 years.●

## 40TH ANNIVERSARY OF OGLALA LAKOTA COLLEGE

● Mr. JOHNSON of South Dakota. Mr. President, I wish to speak today to honor the 40th anniversary of the founding of the Oglala Lakota College. In a society where education has been the cornerstone for generations, the Oglala Lakota College has been providing students with a high quality education in Indian Country for decades. Graduates have gone on to be extraordinary community and professional leaders working to improve the lives of all those around them.

The Oglala Lakota College, headquartered in Kyle, SD, first opened its doors in 1971 with the goal of bringing hope to the people on the Pine Ridge Indian Reservation—home of the Oglala Sioux Tribe. This small college was a great risk when it began, as it was one of the first tribally owned and operated colleges in the United States, but the founders believed in the importance of bringing education to Indian country. Although the name of the school has changed, throughout the years the idea that the benefit of higher education is of vital importance to the community has stayed constant. Since its inception, the Oglala Lakota College has expanded course offerings to establish online courses and satellite classes, providing easier accessibility to students.

From the very beginning, the Oglala Lakota College faced challenges: The faculty and students worked and studied in old building basements, worked around kitchen tables, and used old trailers as makeshift classrooms. The college finally moved to a group of government surplus buildings. Despite an environment ill-suited for education, the students and professors triumphed under the challenging circumstances, and today provide hope for the future of the students.

In 1991, after years of educators striving to provide an education in a difficult learning environment, the school began a 10-year capital campaign to construct new buildings for the students.

In 2005 and 2009, the Oglala Lakota College received grants from the Labor, Health Human Services and Education Appropriations Subcommittee to assist funding recruitment, curriculum development, and program infrastructure for the nursing degree offered by the Oglala Lakota College. More than 40 percent of graduates work at Indian Health Services hospitals, making the Oglala Lakota College the primary tribal college producer of health care providers for the Indian Health Service. In addition, in the past decade, Oglala Lakota College has received several grants to improve the learning environment on its campuses.

The Oglala Lakota College has grown considerably since starting as a small community college. Today it is a thriving campus offering baccalaureate degrees—including a master's degree in Lakota leadership. Under the guidance of my good friend, President Tom Shortbull, the Oglala Lakota College increased its enrollment to 1,400 students, a record number of students focusing on their goal to further their education.

I congratulate the great legacy and triumphs over adversity of the Oglala Lakota College on the occasion of its 40th anniversary and commend the work and commitment, past and present, of the administrators, faculty, alumni and students. I wish them well in the upcoming year of observances and celebrations.●

## REMEMBERING JUDGE M. BLANE MICHAEL

● Mr. ROCKEFELLER. Mr. President, today I wish to pay tribute to a West Virginian who was an exacting and thoughtful judge, a committed father, and a treasured friend. Blane Michael, a Federal judge for the U.S. Court of Appeals for the Fourth Circuit, passed away over the weekend.

There are some people whose lives transcend biographies and are so richly varied and important that trying to capture their essence in a few brief remarks is impossible. Blane Michael was that kind of person. And although I am unlikely to do his life justice with these short remarks, I felt it was important for the Senate to hear about this great individual.

Honest and humble to his core, Blane committed himself to public service. Born February 17, 1943, in Charleston, SC, he grew up on a pastoral farm in Grant County, WV—a quiet spot tucked away in the mountains of the State that he left for the first time when he went to law school.

A 1965 graduate of West Virginia University and a 1968 graduate of New York University School of Law, Blane worked for a time at a New York law firm, and then as an assistant U.S. attorney for the Southern District of New York. But like many young people who have left our State to pursue education, employment or other opportunities, he heard the call to return home and give back to his State, and the people who helped form his foundation for public service.

In 1972, he returned to West Virginia with his glorious wife Mary Anne, who grew up in Shinnston, WV. After working as a special assistant U.S. attorney for the Northern District of West Virginia and later opening a private practice, his path first crossed mine—and my life is forever better because of it.

From 1977 to 1980, Blane served as special counsel during my first term as Governor of West Virginia. He was a young lawyer at the time, in his early thirties, but he was intelligent, ethical, and extraordinarily hardworking. Most importantly, he understood the importance of using his legal skills in service to, and for the betterment of, his fellow citizens. During those years, I came to know quickly that his sight was transfixed on the common good—and for that reason, his judgment and wisdom were something I valued immensely and sought out often, well beyond my years as Governor.

In 1981, Blane returned to private practice where he continued to solidify his reputation as a skilled lawyer and a person of intellectual and moral depth. I was fortunate during that time that he was willing to serve as manager for two of my campaigns for United States Senate. Always true to his work ethic, he continued to maintain a full-time legal practice while performing campaign duties during his lunch breaks and on the weekends.

He was nominated by President Bill Clinton for a seat on the U.S. Court of Appeals for the Fourth Circuit on August 6, 1993, and was confirmed by the Senate on September 30, 1993. As an appeals court judge, he later said that he was lucky to have the one job he had wanted from the time he was a young attorney.

During his 17 years on the Federal bench, he was a formidable presence whose record of service speaks to who he was as a person—tough when he had to be, and always fair and honest. With a moral and intellectual compass set hard for justice, Blane was a brilliant judge who never took for granted the power and the responsibility of deciding the cases that impacted people's lives. Time and again, he spoke for those without a voice and protected the rights that we as Americans hold so dear.

He artfully interwove the complexity of the law with the practical results of his decisions always taking cases at their face value. And, when the issue required it, Blane acted as a counterweight to some of the most conservative judges in the country—judges who also would come to respect and admire him and, on certain cases that called for righting serious wrongs, join him.

Blane Michael's death is a tremendous loss to our Nation, our State, and anyone whose life he touched. For me, his was the kind of deep, easy companionship that helps sustain you and remains with you always.

His contributions were immense, his dedication to justice and doing what is right was unmatched, and for that, he will be sorely missed. My prayers are

with his wife Mary Anne and their daughter Cora; and my lasting thoughts are with my dearest and closely held friend.●

## REMEMBERING WILLIE JONES

● Mr. SESSIONS. Mr. President, I would like to bring to the attention of the Senate today the noble service of a great American from the State of Alabama. It is with sadness that I speak about Willie Jones, the director of the Cleveland Avenue YMCA, who passed away suddenly last week in Montgomery, AL. Willie was 55 years of age.

Willie was a true leader in the Montgomery community. As a teenager, he began working with the Cleveland Avenue YMCA as an aquatic instructor. He worked his way up to senior vice-president of the organization in Montgomery. Make no mistake, the Montgomery YMCA is one of the greatest ''Y's'' in the country and has been for many years.

He served on the Montgomery Housing Authority Board of Directors and the Montgomery County Recreation Commission. He was a man of deep religious faith, being active with the Mount Zion African Methodist Episcopal Zion Church. This faith, I believe, was the key factor in his positive outlook on life and his love for his fellow man.

Willie Jones loved people and they loved him. His constant motive was to help others and the primary vehicle for his life of service was the ''Y.'' Few people were better known in Montgomery—from the poor young person needing a chance to the city's top executives and political leaders. They all knew him, admired him, and loved him.

For more than 40 years, Willie devoted his life to public service, leaving a positive imprint on the lives of countless Alabama youths.

I know how valuable the programs he worked so hard for have been for the young people of Montgomery. Time and time again, lives have been directed on a course to success as a result of the personal relationships and care demonstrated by Willie and his team.

It was a tremendous joy seeing Willie work with kids. He gave them opportunities at the YMCA, instilling in them a sense of hope and the knowledge that they could make a difference, both in their own lives and in the lives of others.

Willie was often quoted as saying ''This isn't about Willie Jones; it's about the kids at the YMCA.'' Indeed he was an inspiration.

I had the great privilege to know Willie personally. He visited my office here in Washington many times over the years. I witnessed Willie in action—he was a man with a giant heart, and it showed on the expressions of folks who would light up when he entered a room.

Willie touched the lives of so many, and he will be sorely missed. Mary and I extend our deepest sympathies to his wife, the Jones family, and to the Montgomery community. He was too young to leave us. There was more to do. But, his life was full and complete. He fulfilled his mission with purity and purpose, in accord with the will of his Lord. His life honored his Maker. Would that we all could live so well. May his life be an example for those of us who continue to serve in public office.●

## REMEMBERING DON MARKWELL

● Mr. SESSIONS. Mr. President, it is appropriate that we take a moment to honor the man who was heard on the airwaves in Montgomery, AL, for decades. A friend and longtime radio host, Don Markwell, passed away last Friday. Don was born in Island, KY, and began his career in radio as a disc jockey for WNES AM in 1956. He and his family moved to Montgomery in the late 1950s. Don created Alabama's very first talk show on WCOV in 1959.

In 1967, Don Markwell began the program he would later become famous for, ''Viewpoint.'' Talk radio was a new concept in the 1960s, and Don had the foresight to see its potential and popularity.

Some people criticize the talk show format and the hosts. But it is an open forum. People could call Don and disagree, but they better be prepared. Listeners knew the drill. They filter the honest and dishonest, the fair and unfair. Indeed, talk radio is the modern day town hall.

I was delighted to be Don's guest on numerous occasions. He never had a problem asking the tough questions—something I very much admired in him and try to emulate. For some years, I took to calling him ''Dean Don,'' dubbing him the dean of talk show hosts. He was that indeed. No one in Alabama and few, if any elsewhere, had such a record—he liked that, I think.

When I first ran for office, attorney general of Alabama in 1994, Don was aware of many problems associated with my incumbent opponent. He brought those issues out, gave me and my record a chance to become known by his Montgomery audience. Don offered my opponent a chance to appear, but he declined. Radio talk shows provide lesser known and lesser funded candidates a chance to be known by the public. I know my talk show appearances, as a little known challenger, helped voters to know about my position on the issues.

Don spent more than half a century working in the radio industry, 30 of those years hosting ''Viewpoint'' and never lacking in enthusiasm and controversy. He was fearless and principled.

His persona was libertarian. He was not happy with Republicans or Democrats. His problem with Republicans was that he expected more of them. He could spot a phony a mile—or 1,000 miles—away. Sometimes he spotted phonies that weren't phonies, but that was not often. June of 2006, Don celebrated 50 years in broadcasting. In 2008, he retired from WACV-AM 1170 and said goodbye to the radio world. When Dan Morris took over Don Markwell's time slot on WACV, Dan kept the name ''Viewpoint'' and has continued Don's tradition of covering local and national issues during drive time.

As anyone in Montgomery, AL, will tell you, Don is a legend and a pioneer in talk radio. His accomplishments and outstanding service to both the broadcasting industry and the public are surely worthy of commendation. And what a voice—rich and deep—it was instantly recognizable.

My thoughts and prayers go out to Nell and the Markwell family in their time of grief. I, like many others, am grateful to have called Don a friend, and he will be dearly missed.●

## REMEMBERING CHARLES F. JAMES

● Mr. UDALL of New Mexico. Mr. President my home State of New Mexico lost a great man on March 13, 2011.

Charlie F. James, a World War II veteran and survivor of the Bataan Death March, passed away at the age of 89. He was the last survivor of the Bataan Death March living in Eddy County and I would like to take a moment to honor his memory.

Mr. James enlisted in the National Guard while still a young man in high school and was called to active duty service in January 1941, less than a year after graduating and just 3 days after getting married.

In September, Mr. James and the rest of 2nd Battalion/F–Battery were shipped off to Manila in the Philippines. The Japanese attack on the Philippines in December of 1941, mere hours after Pearl Harbor, led to 4 months of intense combat with very little in the way of supplies. His unit only had one functioning 37mm antiaircraft gun left when allied troops at Bataan were ordered to surrender in April 1942.

While those 4 months of fighting were difficult for Mr. James and his fellow soldiers, the next 3½ years were even more horrific. Mr. James survived the Bataan Death March to then face ghastly conditions in Japanese prisons, and forced labor in Japan.

Mr. James was liberated on September 2, 1945, and honorably discharged. He was the recipient of many awards for his service, including a Purple Heart and Bronze Star. Mr. James became a member of numerous veterans groups and he maintained close relationships with many of his comrades, including many who were held as prisoners of war.

After being discharged, Mr. James returned to New Mexico and to the two loves in his life: his wife, Lucille, and ranching. Having grown up in Carlsbad, his passion for his cattle ran deep in his roots. Those who knew Mr. James

hold many fond memories of him surrounded by his land and tending to his cattle.

Let us honor this man who was the last of a generation, one of an ever dwindling number of men who gave up years of their youth to protect our Nation, and thank Mr. James for his bravery, patriotism, and service.●

## 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.)

## MESSAGES FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 839. An act to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis.

### ENROLLED BILL SIGNED

At 5:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1079. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend the airport improvement program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. INOUYE).

## MEASURES REFERRED

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

H.R. 839. An act to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis; to the Committee on Banking, Housing, and Urban Affairs.

## 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–1036. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Changes in Disease Status of the Brazilian State of Santa Catarina with Regard to Certain Ruminant and Swine Diseases; Technical Amendment'' ((RIN0579–AD12) (Docket No. APHIS–2009–0034)) as received during adjournment of the Senate in the Office of the President of the Senate on March 21, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1037. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Poultry Improvement Plan and Auxiliary Provisions'' ((RIN0579–AD21) (Docket No. APHIS–2009–0031)) as received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1038. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Importation of Horses From Contagious Equine Metritis-Affected Countries'' ((RIN0579–AD31) (Docket No. APHIS–2008 0112)) as received during adjournment of the Senate in the Office of the President of the Senate on March 25, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1039. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting four legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC–1040. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC–1041. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, an annual report on the actions taken by the Commission relative to the Fair Debt Collection Practices Act during 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–1042. 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 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC–1043. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Hong Kong, China.; to the Committee on Banking, Housing, and Urban Affairs.

EC–1044. A communication from the Paralegal Specialist, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Clean Fuels Grant Program'' (RIN2132–AA91) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1045. A communication from the Legal Information Assistant, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Prohibited Service at Savings and Loan Holding Companies; Reinstitution of Expiration Date of Temporary Exemption'' (RIN1550–AC14) received during adjournment of the Senate in the Office of the President of the Senate on March 25, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1046. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–8173)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1047. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the decision to authorize a noncompetitive extension of up to five years to the Department's contract with the Board of Trustees for Leland Stanford Junior University (Stanford) for the management and operation of the SLAC National Accelerator Laboratory; to the Committee on Energy and Natural Resources.

EC–1048. A communication from the Secretary of Energy, transmitting, pursuant to law, a report concerning operations at the Naval Petroleum Reserves for fiscal year 2009; to the Committee on Energy and Natural Resources.

EC–1049. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Regulations of the National Park Service; National Capital Region Correction, Address Change for the National Mall and Memorial Parks, Park Programs Office'' (RIN1024–AD96) as received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Energy and Natural Resources.

EC–1050. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Evaluation of the Rural Hospice Demonstration''; to the Committee on Finance.

EC–1051. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled ''Technical Correction for Neurological Listing Cross-Reference'' (RIN0960–AH33) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Finance.

EC–1052. 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 ''Revenue Procedure: Safe Harbors for Sections 143 and 25'' (Rev. Proc. 2011–23) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Finance.

EC–1053. 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 ''LB&I Alert-Cases Forwarded to Appeals That Involve a Section 965 Issue and a Transfer Pricing Adjustment under Section 482'' (LBandI–4–1110–034) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Finance.

EC–1054. 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 for Phase II of the Qualifying Advanced Coal Program under Section 48A and the Qualifying Gasification Program under Section 48B'' (Notice 2011–24) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Finance.

EC–1055. 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 ''Fringe Benefits Aircraft Valuation Formula'' (Rev. Rul. 2011–8) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Finance.

EC–1056. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed amendment to Part 123 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC–1057. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, or defense services to Japan in the amount of $100,000,000 or more; to the Committee on Foreign Relations.

EC–1058. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2011–0029–2011–0040); to the Committee on Foreign Relations.

EC–1059. A communication from the Executive Analyst, Office of the Secretary, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Assistant Secretary for Children and Families; to the Committee on Health, Education, Labor, and Pensions.

EC–1060. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Investigational New Drug Applications and Abbreviated New Drug Applications; Technical Amendment'' (Docket No. FDA–2011–N–0130) received during adjournment of the Senate in the Office of the President of the Senate on March 25, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1061. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–34 ''Balanced Budget Holiday Furlough Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1062. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–35 ''Processing Sales Tax Clarification Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1063. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–36 ''One City and Response Training Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1064. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–37 ''Howard Theatre Redevelopment Project Great Streets Initiative Tax Increment Financing Temporary Amendment Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1065. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–38 ''Fiscal Year 2011 Office of Public Education Facilities Modernization Funding Revised Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1066. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19–39 ''Reinstated Government Employee Review Temporary Act of 2011''; to the Committee on Homeland Security and Governmental Affairs.

EC–1067. A communication from the Secretary of the Senate, transmitting, pursuant to law, a report relative to the Advisory Committee on the Records of Congress; to the Committee on Homeland Security and Governmental Affairs.

EC–1068. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, an annual report relative to the Board's compliance with the Sunshine Act during calendar year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC–1069. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to four legislative recommendations; to the Committee on Rules and Administration.

EC–1070. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Western Pacific Pelagic Fisheries; Hawaii-Based Shallow-set Longline Fishery; Court Order'' (RIN0648–BA19) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1071. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the West Yakutat District of the Gulf of Alaska'' (RIN0648–XA276) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1072. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure'' (RIN0648–XA229) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1073. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Closure'' (RIN0648–XA228) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1074. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska'' (RIN0648–XA277) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1075. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 m) Length Overall Using Jig or Hook-and-Line Gear in the Bogoslof Pacific Cod Exemption Area in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA271) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1076. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction'' (RIN0648–XA263) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1077. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands'' (RIN0648–XA262) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1078. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA260) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1079. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; American Fisheries Act; Recordkeeping and Reporting'' (RIN0648–AY84) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1080. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Annual Specifications'' (RIN0648–XA109) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1081. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 17B; Correction'' (RIN0648–AY11) received during adjournment of the Senate in the Office of the President of the Senate on March 24, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1082. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the regulatory status of each recommendation on the National Transportation Safety Board's Most Wanted List; to the Committee on Commerce, Science, and Transportation.

EC–1083. A communication from the Secretary of Transportation, transmitting, the Department's Annual Performance Report for Fiscal Year 2010; to the Committee on Commerce, Science, and Transportation.

## 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–6. A concurrent resolution adopted by the Legislature of the State of West Virginia urging the United States Congress to oppose any action to reduce funding for Community Service Block Grants; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 37

Whereas, Community Service Block Grants (CSBG) are a critical source of funding for Community Action Agencies across the country; and

Whereas, Community Action Agencies provide housing, nutrition, health care, education and weatherization programs to low-income families, equipping them with the tools they need to become successful members of society; and

Whereas, West Virginia has sixteen Community Action Agencies that employ 2,180 individuals; and

Whereas, our sixteen Community Action Agencies serve all of West Virginia's fifty-five counties; and

Whereas, in 2009 close to 112,000 West Virginians, over 55,000 families, received services through Community Action Agencies; and

Whereas, Community Action Agencies are an essential component of economic recovery, as their main objective is the elimination of poverty; and

Whereas, in 2009, West Virginia Community Action Agencies leveraged $18,194,807 in Community Service Block Grants into more than $90 million in additional resources for anti-poverty efforts in West Virginia; and

Whereas, President Obama has proposed a fifty percent reduction of Community Service Block Grants funding and made the remaining funds competitive instead of continuing the current allocation formula; Therefore, be it

*Resolved by the Legislature of West Virginia:* That the Legislature hereby urges the members of the West Virginia Delegation to the United States Congress to oppose any action by Congress or the President to reduce funding for Community Service Block Grants; and, be it, further

*Resolved*, That the Clerk of Senate is hereby directed o forward a certified copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, members of the West Virginia Congressional Delegation and the President of the United States.

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POM–7. A joint resolution adopted by the House of Representatives of the State of Colorado recognizing the bravery and sacrifice of the crew of the U.S.S. Pueblo and designating January 23rd each year as ''U.S.S. Pueblo Day''; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 11–1005

Whereas, the U.S.S. Pueblo was originally launched as a United States Army cargo ship in 1944 but was transferred to the United States Navy and renamed the U.S.S. Pueblo in 1966; and

Whereas, the U.S.S. Pueblo was named for the city of Pueblo, Colorado, and the county of Pueblo, Colorado, and was the third ship in the naval fleet to bear the name Pueblo; and

Whereas, after leaving Japan in early January 1968 on an intelligence mission, the U.S.S. Pueblo was attacked by the North Korean military on January 23, 1968; and

Whereas, according to United States Naval authorities and the crew of the U.S.S. Pueblo, the ship was in international waters at the time of the attack; and

Whereas, one crew member of the U.S.S. Pueblo was killed during the attack, and eighty crew members and two civilian oceanographers were captured and held for eleven months by the North Korean government; and

Whereas, this year marks the forty-third anniversary of North Korea's attack on the U.S.S. Pueblo and her crew; and

Whereas, the U.S.S. Pueblo is still in commission in the United States Navy, but continues to be held by the North Korean government and is currently a museum in Pyongyang, North Korea; Now, therefore, be it

*Resolved by the House of Representatives of the Sixty-eighth General Assembly of the State of Colorado, the Senate concurring herein:*

(1) That we, the members of the General Assembly, recognize the bravery and sacrifice of the crew of the U.S.S. Pueblo; and

(2) That we take pride in the fact that the U.S.S. Pueblo bears the name of a city and a county in Colorado, and, therefore, the citizens of Colorado should be aware of the incident that occurred with the U.S.S. Pueblo forty-three years ago; and

(3) That we hereby designate January 23 each year as ''U.S.S. Pueblo Day'' as a day to remember and honor the brave crew of the U.S.S. Pueblo; be it further

*Resolved*, That copies of this Joint Resolution be sent to President Barack Obama, Governor John W. Hickenlooper, President Pro Tempore of the United States Senate Daniel K. Inouye, Speaker of the United States House of Representatives John Boehner, and the members of Colorado's congressional delegation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. COBURN (for himself and Mr. KOHL):

S. 674. A bill to amend chapter 9 of title 44, United States Code, to limit the printing of the Congressional Record, and for other purposes; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BEGICH, and Ms. MURKOWSKI):

S. 675. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

By Mr. AKAKA (for himself, Mr. CONRAD, Mr. FRANKEN, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 676. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Indian Affairs.

By Mr. HATCH:

S. 677. A bill to amend title 13, United States Code, to provide for the more accurate and complete enumeration of certain overseas Americans in the decennial census, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KOHL (for himself, Mr. WHITEHOUSE, and Mr. COONS):

S. 678. A bill to increase the penalties for economic espionage; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. REID, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. COLLINS, Mr. BROWN of Massachusetts, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. JOHANNS, Mr. LUGAR, Mr. REED, Mr. WHITEHOUSE, Mr. CARPER, and Mr. KYL):

S. 679. A bill to reduce the number of executive positions subject to Senate confirmation; to the Committee on Homeland Security and Governmental Affairs.

By Ms. COLLINS (for herself, Ms. MIKULSKI, Mrs. BOXER, Mrs. HUTCHISON, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Ms. STABENOW, Ms. CANTWELL, Ms. MURKOWSKI, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. LIEBERMAN, Mr. AKAKA, Mr. PRYOR, Mr. MERKLEY, Mr. BEGICH, Mrs. FEINSTEIN, and Ms. AYOTTE):

S. 680. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Environment and Public Works.

By Ms. SNOWE:

S. 681. A bill to provide greater accountability in the Small Business Lending Fund; to the Committee on Small Business and Entrepreneurship.

By Mr. CASEY:

S. 682. A bill to provide for reliquidation of certain entries of medium density fiberboard; to the Committee on Finance.

By Mr. LEE:

S. 683. A bill to provide for the conveyance of certain parcels of land to the town of Mantua, Utah; to the Committee on Energy and Natural Resources.

By Mr. LEE:

S. 684. A bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself and Mr. PAUL):

S. 685. A bill to repeal the Federal sugar program; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. LANDRIEU (for herself, Mr. BENNET, Mr. CARPER, Mr. COONS, Mr. DURBIN, Mrs. HAGAN, and Mr. LIEBERMAN):

S. 686. A bill to amend the Elementary and Secondary Education Act of 1965 to improve

public charter schooling by addressing quality issues; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself, Mr. CORNYN, Mr. VITTER, Mrs. HUTCHISON, Mr. CRAPO, Mr. WICKER, Mr. INHOFE, and Ms. SNOWE):

S. 687. A bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. KERRY, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. BINGAMAN):

S. 688. A bill to amend title XVIII of the Social Security Act to apply the additional Medicare HITECH payment provisions to hospitals in Puerto Rico; to the Committee on Finance.

By Mr. MERKLEY (for himself and Ms. SNOWE):

S. 689. A bill to promote the oil independence of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FRANKEN (for himself, Ms. SNOWE, Mr. MENENDEZ, Mr. ROCKEFELLER, Mr. DURBIN, Mr. SANDERS, Mr. BROWN of Ohio, Mrs. SHAHEEN, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, Mr. MERKLEY, and Mrs. MURRAY):

S. 690. A bill to establish the Office of the Homeowner Advocate; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 691. A bill to support State and tribal government efforts to promote research and education related to maple syrup production, natural resource sustainability in the maple syrup industry, market promotion of maple products, and greater access to lands containing maple trees for maple-sugaring activities, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Florida:

S. 692. A bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TESTER (for himself and Mr. BURR):

S. Res. 115. A resolution designating July 8, 2011, as ''Collector Car Appreciation Day'' and recognizing that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. REID, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. COLLINS, Mr. BINGAMAN, Mr. LUGAR, Mr. DURBIN, Mr. JOHANNS, Mr. REED, Mr. BROWN of Massachusetts, Mr. CARPER, Mr. WHITEHOUSE, and Mr. KYL):

S. Res. 116. A resolution to provide for expedited Senate consideration of certain nominations subject to advice and consent; to the Committee on Rules and Administration.

By Ms. STABENOW (for herself, Mr. BEGICH, Mr. BROWN of Ohio, Mr. LEVIN, Mr. COCHRAN, Ms. LANDRIEU, Mr. SANDERS, and Mr. JOHNSON of South Dakota):

S. Res. 117. A resolution supporting the goals and ideals of Professional Social Work Month and World Social Work Day; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. BURR):

S. Res. 118. A resolution designating April 2011 as ''National 9–1–1 Education Month''; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 13

At the request of Mr. CHAMBLISS, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 13, a bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States.

S. 206

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 206, a bill to reauthorize the DC Opportunity Scholarship Program, and for other purposes.

S. 210

At the request of Mr. COBURN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 210, a bill to amend title 44, United States Code, to eliminate the mandatory printing of bills and resolutions for the use of offices of Members of Congress.

S. 244

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 244, a bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act.

S. 325

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 325, a bill to amend title 10, United States Code, to require the provision of behavioral health services to members of the reserve components of the Armed Forces necessary to meet pre-deployment and post-deployment readiness and fitness standards, and for other purposes.

S. 395

At the request of Mr. ENZI, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 395, a bill to repeal certain amendments to the Energy Policy and Conservation Act with respect to lighting energy efficiency.

S. 418

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 418, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 431

At the request of Mr. PRYOR, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 431, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first Federal law enforcement agency, the United States Marshals Service.

S. 504

At the request of Mr. DEMINT, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 504, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 520

At the request of Mr. COBURN, the names of the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 545

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 545, a bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to strengthen the quality control measures in place for part B lung disease claims and part E processes with independent reviews.

S. 554

At the request of Mr. GRAHAM, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 554, a bill to prohibit the use of Department of Justice funds for the prosecution in Article III courts of the United States of individuals involved in the September 11, 2001, terrorist attacks.

S. 555

At the request of Mr. FRANKEN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 555, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 560

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 560, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. 567

At the request of Mr. CONRAD, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 570

At the request of Mr. TESTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 570, a bill to prohibit the Department of Justice from tracking and cataloguing the purchases of multiple rifles and shotguns.

S. 600

At the request of Mr. MENENDEZ, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 600, a bill to promote the diligent development of Federal oil and gas leases, and for other purposes.

S. 634

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 634, a bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons.

S. 646

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 646, a bill to reauthorize Federal natural hazards reduction programs, and for other purposes.

S. 671

At the request of Mr. SESSIONS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 671, a bill to authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

S. RES. 99

At the request of Mr. DEMINT, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. Res. 99, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

AMENDMENT NO. 197

At the request of Mrs. HUTCHISON, the names of the Senator from Idaho (Mr. RISCH), the Senator from Arizona (Mr. MCCAIN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Arkansas (Mr. BOOZMAN), the Senator from South Carolina (Mr. DEMINT), the Senator from Indiana (Mr. COATS), the Senator from Texas (Mr. CORNYN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Ms. AYOTTE), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Alabama (Mr. SESSIONS), the Senator from Florida (Mr. RUBIO), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Illinois (Mr. KIRK) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 197 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 220

At the request of Mr. COBURN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from North Carolina (Mr. BURR), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New Hampshire (Ms. AYOTTE) were added as cosponsors of amendment No. 220 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 241

At the request of Mr. RISCH, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 241 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 267

At the request of Mr. TESTER, the names of the Senator from Delaware (Mr. COONS), the Senator from South Dakota (Mr. THUNE) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of amendment No. 267 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. BEGICH, and Ms. MURKOWSKI):

S. 675. a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, today I rise to introduce legislation of great importance to my state, the Native Hawaiian Government Reorganization Act of 2011. This bill would ensure parity in federal policy as it relates to the Native Hawaiian people. It would put them on equal footing with American Indians and Alaska Natives. I have sponsored this common-sense legislation since the 106th Congress.

Last December, I spoke here on the Senate floor to reaffirm my commitment to enact this legislation. I made it clear then to my colleagues and my constituents that I would be reintroducing this legislation in the 112th Congress. I am moving forward with the legislation that was reported out of the Senate Committee on Indian Affairs in the 111th Congress.

Throughout my Senate career, I have been a member of the Committee on Indian Affairs. I have worked diligently with my colleagues on the Committee to champion legislation to improve conditions for our Native communities across the United States. At the beginning of the 112th Congress, I became the Chairman of this Committee. I look forward to working on the many pressing issues for American Indians, Alaska Natives, and Native Hawaiians. Reconciliation between the United States and the Native Hawaiian people will be a top priority.

In 1993, I sponsored a measure commonly known as the Apology Resolution. This resolution was signed into law by President Bill Clinton. It outlined the history—prior to—and following the overthrow of the Kingdom of Hawaii, including the involvement in the overthrow by agents of the United States. In the resolution, the United States apologized for its involvement—and acknowledged the ramifications of the overthrow. It committed to support reconciliation efforts between the United States and the Native Hawaiian people.

However, additional Congressional action is needed.

My legislation allows us to take the necessary next step in the reconciliation process. The bill does three things. First, it authorizes an office in the Department of the Interior to serve as a liaison between Native Hawaiians and the United States. Second, it forms an interagency task force chaired by the Departments of Justice and Interior, and composed of officials from federal agencies that administer programs and services impacting Native Hawaiians. Third, it authorizes a process for the reorganization of the Native Hawaiian government for the purposes of a federally-recognized government-to-government relationship. Once the Native Hawaiian government is recognized, an inclusive democratic negotiations process representing both Native Hawaiians and non-Native Hawaiians would be established. There are many checks and balances in this process. Any agreements reached would still require the legislative approval of the State and Federal governments.

Opponents have spread misinformation about the bill. Let me be clear on some things that this bill does not do. My bill will not allow for gaming. It does not allow for Hawaii to secede from the United States. It does not allow for private land to be taken. It does not create a reservation in Hawaii.

What this bill does do is allow the people of Hawaii to come together and address issues arising from the overthrow of the Kingdom of Hawaii more than 118 years ago.

It is time to move forward with this legislation. To date, there have been a total of 12 Congressional hearings, including 5 joint hearings in Hawaii held by the Senate Committee on Indian Affairs and the House Natural Resources Committee. Our colleagues in the House have passed versions of this bill three times. We, however, have never had the opportunity to openly debate this bill on its merits in the Senate. We have a strong bill that is supported by Native communities across the United States, by the State of Hawaii, and by the Obama Administration.

Last week, I met with officials and community leaders in the state of Hawaii to share my intention to reintroduce this legislation. I received widespread support. This support was not surprising. A poll conducted by the Honolulu Advertiser in May of last year reported that 66 percent of the people of Hawaii support Federal recognition for Native Hawaiians. And 82 percent of Native Hawaiians polled support Federal recognition.

My efforts have the support of the National Congress of American Indians, the Alaska Federation of Natives, and groups throughout the Native Hawaiian community including the Association of Hawaiian Civic Clubs, the Native Hawaiian Bar Association, the Council for Native Hawaiian Advancement, and two state agencies which represent the interests of the Native Hawaiian people, the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands. I have also received support from national organizations such as the American Bar Association, and from President Obama, the Department of Justice, and the Department of Interior.

I encourage all of my colleagues to stand with me and support this legislation. I welcome any of my colleagues with concerns to speak with me so I can explain how important this bill is for the people of Hawaii. The people of Hawaii have waited for far too long. America has a history of righting past wrongs. The United States has federally recognized government-to-government relationships with 565 tribes across our country. It is time to extend this policy to the Native Hawaiians.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 675

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Native Hawaiian Government Reorganization Act of 2011''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States and the Supreme Court has held that under the Indian Commerce, Treaty, Supremacy, and Property Clauses, and the War Powers, Congress may exercise that power to rationally promote the welfare of the native peoples of the United States so long as the native people are a ''distinctly native community'';

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are 1 of the indigenous, native peoples of the United States, and the Native Hawaiian people are a distinctly native community;

(3) the United States has a special political and legal relationship with, and has long enacted legislation to promote the welfare of, the native peoples of the United States, including the Native Hawaiian people;

(4) under the authority of the Constitution, the United States concluded a number of treaties with the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii as a nation;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions of peace, friendship and commerce with the Kingdom of Hawaii to govern trade, commerce, and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land in trust to better address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii and in enacting the Hawaiian Homes Commission Act, 1920, Congress acknowledged the Native Hawaiian people as a native people of the United States, as evidenced by the Committee Report, which notes that Congress relied on the Indian affairs power and the War Powers, including the power to make peace;

(6) by setting aside 203,500 acres of land in trust for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act, 1920, assists the members of the Native Hawaiian community in maintaining distinctly native communities throughout the State of Hawaii;

(7) approximately 9,800 Native Hawaiian families reside on the Hawaiian Home Lands, and approximately 25,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress delegated the authority and responsibility to administer the Hawaiian Homes Commission Act, 1920, lands in trust for Native Hawaiians and established a new public trust (commonly known as the ''ceded lands trust''), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians, and Congress thereby reaffirmed its recognition of the Native Hawaiians as a distinctly native community with a direct lineal and historical succession to the aboriginal, indigenous people of Hawaii;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide important native land reserves and resources for the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the continuity, survival, and economic self-sufficiency of the Native Hawaiian people as a distinctly native political community;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii, including native lands that date back to the ali'i and kuleana lands reserved under the Kingdom of Hawaii;

(12) through the Sovereign Council of Hawaiian Homelands Assembly, Native Hawaiian civic associations, charitable trusts established by the Native Hawaiian ali'i, nonprofit native service providers and other community associations, the Native Hawaiian people have actively maintained native traditions and customary usages throughout the Native Hawaiian community and the Federal and State courts have continuously recognized the right of the Native Hawaiian people to engage in certain customary practices and usages on public lands;

(13) on November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the ''Apology Resolution'') was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(14) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States, and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(15)(A) the Apology Resolution expresses the commitment of Congress and the President—

(i) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii; and

(ii) to support reconciliation efforts between the United States and Native Hawaiians;

(B) Congress established the Office of Hawaiian Relations within the Department of the Interior with 1 of its purposes being to consult with Native Hawaiians on the reconciliation process; and

(C) the United States has the duty to reconcile and reaffirm its friendship with the Native Hawaiian people because, among other things, the United States Minister and United States naval forces participated in the overthrow of the Kingdom of Hawaii;

(16)(A) despite the overthrow of the Government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a single distinctly native political community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency; and

(B) there is clear continuity between the aboriginal, indigenous, native people of the Kingdom of Hawaii and their successors, the Native Hawaiian people today;

(17) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction; and

(xii) traditional justice programs; and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(18) Native Hawaiian people are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(19) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(20) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a single unified Native Hawaiian governing entity for the purpose of giving expression to their rights as a native people to self-determination and self-governance;

(21) Congress—

(A) has declared that the United States has a special political and legal relationship for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as an indigenous, distinctly native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(22) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the exclusive right of the United States to consent to any actions affecting the lands included in the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(23) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a direct geneological, cultural, historic, and land-based connection to their forebears, the aboriginal, indigenous, native people who exercised original sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the native people of a prior-sovereign nation with whom the United States has a special political and legal relationship; and

(D) the special relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(24) the State of Hawaii supports the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States, as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003, and March 1, 2005.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term ''aboriginal, indigenous, native people'' means a people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) APOLOGY RESOLUTION.—The term ''Apology Resolution'' means Public Law 103–150 (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893, overthrow of the Kingdom of Hawaii.

(3) COMMISSION.—The term ''Commission'' means the Commission established under section 8(b).

(4) COUNCIL.—The term ''Council'' means the Native Hawaiian Interim Governing Council established under section 8(c)(2).

(5) INDIAN PROGRAM OR SERVICE.—

(A) IN GENERAL.—The term ''Indian program or service'' means any federally funded or authorized program or service provided to an Indian tribe (or member of an Indian tribe) because of the status of the members of the Indian tribe as Indians.

(B) INCLUSIONS.—The term ''Indian program or service'' includes a program or service provided by the Bureau of Indian Affairs, the Indian Health Service, or any other Federal agency.

(6) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) INDIGENOUS, NATIVE PEOPLE.—The term ''indigenous, native people'' means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(8) INTERAGENCY COORDINATING GROUP.—The term ''Interagency Coordinating Group'' means the Native Hawaiian Interagency Coordinating Group established under section 6.

(9) NATIVE HAWAIIAN GOVERNING ENTITY.—The term ''Native Hawaiian governing entity'' means the governing entity organized pursuant to this Act by the qualified Native Hawaiian constituents.

(10) NATIVE HAWAIIAN MEMBERSHIP ORGANIZATION.—The term ''Native Hawaiian Membership Organization'' means an organization that—

(A) serves and represents the interests of Native Hawaiians, has as a primary and stated purpose the provision of services to Native Hawaiians, and has expertise in Native Hawaiian affairs;

(B) has leaders who are elected democratically, or selected through traditional Native leadership practices, by members of the Native Hawaiian community;

(C) advances the cause of Native Hawaiians culturally, socially, economically, or politically;

(D) is a membership organization or association; and

(E) has an accurate and reliable list of Native Hawaiian members.

(11) OFFICE.—The term ''Office'' means the United States Office for Native Hawaiian Relations established by section 5(a).

(12) QUALIFIED NATIVE HAWAIIAN CONSTITUENT.—For the purposes of establishing the roll authorized under section 8, and prior to the recognition by the United States of the Native Hawaiian governing entity, the term ''qualified Native Hawaiian constituent'' means an individual who the Commission determines has satisfied the following criteria and who makes a written statement certifying that he or she—

(A) is—

(i) an individual who is 1 of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(I) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(II) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(ii) an individual who is 1 of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), or a direct lineal descendant of that individual;

(B) wishes to participate in the reorganization of the Native Hawaiian governing entity;

(C) is 18 years of age or older;

(D) is a citizen of the United States; and

(E) maintains a significant cultural, social, or civic connection to the Native Hawaiian community, as evidenced by satisfying 2 or more of the following 10 criteria:

(i) Resides in the State of Hawaii.

(ii) Resides outside the State of Hawaii and—

(I)(aa) currently serves or served as (or has a parent or spouse who currently serves or served as) a member of the Armed Forces or as an employee of the Federal Government; and

(bb) resided in the State of Hawaii prior to the time he or she (or such parent or spouse) left the State of Hawaii to serve as a member of the Armed Forces or as an employee of the Federal Government; or

(II)(aa) currently is or was enrolled (or has a parent or spouse who currently is or was enrolled) in an accredited institution of higher education outside the State of Hawaii; and

(bb) resided in the State of Hawaii prior to the time he or she (or such parent or spouse) left the State of Hawaii to attend such institution.

(iii)(I) Is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), and resides or resided on land set aside as ''Hawaiian home lands'', as defined in such Act; or

(II) Is a child or grandchild of an individual who is or was eligible to be a beneficiary of the programs authorized by such Act and who resides or resided on land set aside as ''Hawaiian home lands'', as defined in such Act.

(iv) Is or was eligible to be a beneficiary of the programs authorized by the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42).

(v) Is a child or grandchild of an individual who is or was eligible to be a beneficiary of the programs authorized by the Hawaiian

Homes Commission Act, 1920 (42 Stat. 108, chapter 42).

(vi) Resides on or has an ownership interest in, or has a parent or grandparent who resides on or has an ownership interest in, ''kuleana land'' that is owned in whole or in part by a person who, according to a genealogy verification by the Office of Hawaiian Affairs or by court order, is a lineal descendant of the person or persons who received the original title to such ''kuleana land'', defined as lands granted to native tenants pursuant to Haw. L. 1850, p. 202, entitled ''An Act Confirming Certain Resolutions of the King and Privy Council Passed on the 21st day of December, A.D. 1849, Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges'', as amended by Haw. L. 1851, p. 98, entitled ''An Act to Amend An Act Granting to the Common People Allodial Titles for Their Own Lands and House Lots, and Certain Other Privileges'' and as further amended by any subsequent legislation.

(vii) Is, or is the child or grandchild of, an individual who has been or was a student for at least 1 school year at a school or program taught through the medium of the Hawaiian language under section 302H–6, Hawaii Revised Statutes, or at a school founded and operated primarily or exclusively for the benefit of Native Hawaiians.

(viii) Has been a member since September 30, 2009, of at least 1 Native Hawaiian Membership Organization.

(ix) Has been a member since September 30, 2009, of at least 2 Native Hawaiian Membership Organizations.

(x) Is regarded as a Native Hawaiian and whose mother or father is (or if deceased, was) regarded as Native Hawaiian by the Native Hawaiian community, as evidenced by sworn affidavits from two or more qualified Native Hawaiian constituents certified by the Commission as possessing expertise in the social, cultural, and civic affairs of the Native Hawaiian community.

(13) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(14) SPECIAL POLITICAL AND LEGAL RELATIONSHIP.—The term ''special political and legal relationship'' shall refer, except where differences are specifically indicated elsewhere in the Act, to the type of and nature of relationship the United States has with the several federally recognized Indian tribes.

**SEC. 4. UNITED STATES POLICY AND PURPOSE.**

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people, which includes promoting the welfare of Native Hawaiians;

(3)(A) Congress possesses and hereby exercises the authority under the Constitution, including but not limited to Article I, Section 8, Clause 3, to enact legislation to better the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(i) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(ii) the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4); and

(iii) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(B) other sources of authority under the Constitution for legislation on behalf of the indigenous, native peoples of the United States, including Native Hawaiians, include but are not limited to the Property, Treaty, and Supremacy Clauses, War Powers, and the Fourteenth Amendment, and Congress hereby relies on those powers in enacting this legislation; and

(C) the Constitution's original Apportionment Clause and the 14th Amendment Citizenship and amended Apportionment Clauses also acknowledge the propriety of legislation on behalf of the native peoples of the United States, including Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this Act is to provide a process for the reorganization of the single Native Hawaiian governing entity and the reaffirmation of the special political and legal relationship between the United States and that Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

**SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.**

(a) ESTABLISHMENT.—There is established within the Office of the Secretary the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the government-to-government relationship between the single Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) provide timely notice to, and consult with, the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) work with the Interagency Coordinating Group, other Federal agencies, and the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and may provide recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

(c) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Office.

**SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.**

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group, to be known as the ''Native Hawaiian Interagency Coordinating Group''.

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency whose actions may significantly or uniquely impact Native Hawaiian programs, resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior and the White House Office of Intergovernmental Affairs shall serve as the leaders of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) consult with the Native Hawaiian governing entity, through the coordination referred to in paragraph (1), but the consultation obligation established in this provision shall apply only after the satisfaction of all of the conditions referred to in section 8(c)(8); and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

(e) APPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall have no applicability to the Department of Defense or to any agency or component of the Department of Defense, but the Secretary of Defense may designate 1 or more officials as liaison to the Interagency Coordinating Group.

**SEC. 7. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.**

The Attorney General shall designate an appropriate official within the Department of Justice to assist the Office in the implementation and protection of the rights of Native Hawaiians and their political and legal relationship with the United States, and upon the recognition of the Native Hawaiian governing entity as provided for in section 8, in the implementation and protection of the rights of the Native Hawaiian governing entity and its political and legal relationship with the United States.

**SEC. 8. PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY AND REAFFIRMATION OF SPECIAL POLITICAL AND LEGAL RELATIONSHIP BETWEEN UNITED STATES AND NATIVE HAWAIIAN GOVERNING ENTITY.**

(a) RECOGNITION OF NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the qualified Native Hawaiian constituents to reorganize the single Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) COMMISSION.—

(1) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purposes of—

(A) preparing and maintaining a roll of qualified Native Hawaiian constituents; and

(B) certifying that the individuals on the roll of qualified Native Hawaiian constituents meet the definition of qualified Native Hawaiian constituent set forth in section 3.

(2) MEMBERSHIP.—

(A) APPOINTMENT.—

(i) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall appoint the members of the

Commission in accordance with subparagraph (B).

(ii) CONSIDERATION.—In making an appointment under clause (i), the Secretary may take into consideration a recommendation made by any Native Hawaiian Membership Organization.

(B) REQUIREMENTS.—Each member of the Commission shall demonstrate, as determined by the Secretary—

(i) not less than 10 years of experience in the study and determination of Native Hawaiian genealogy (traditional cultural experience shall be given due consideration); and

(ii) an ability to read and translate into English documents written in the Hawaiian language.

(C) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment.

(3) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) DUTIES.—The Commission shall—

(A) prepare and maintain a roll of qualified Native Hawaiian constituents as set forth in subsection (c); and

(B) certify that the individuals on the roll of qualified Native Hawaiian constituents meet the definition of that term as set forth in section 3.

(5) STAFF.—

(A) IN GENERAL.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) EXPIRATION.—The Secretary shall dissolve the Commission upon the reaffirmation of the special political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) PROCESS FOR REORGANIZATION OF NATIVE HAWAIIAN GOVERNING ENTITY.—

(1) ROLL.—

(A) CONTENTS.—The roll shall include the names of the qualified Native Hawaiian constituents who are certified by the Commission to be qualified Native Hawaiian constituents, as defined in section 3.

(B) FORMATION OF ROLL.—Each individual claiming to be a qualified Native Hawaiian constituent shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition set forth in section 3; *Provided*, That an individual presenting evidence that he or she satisfies the definition in section 2 of Public Law 103–150 shall be presumed to meet the requirement of section 3(12)(A)(i).

(C) DOCUMENTATION.—The Commission shall—

(i)(I) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of qualified Native Hawaiian constituent set forth in section 3;

(II) recognize an individual's identification of lineal ancestors on the 1890 Census by the Kingdom of Hawaii as a reliable indicia of lineal descent from the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(III) permit elderly Native Hawaiians and other Native Hawaiians lacking birth certificates or other documentation due to birth on Hawaiian Home Lands or other similar circumstances to establish lineal descent by sworn affidavits from 2 or more qualified Native Hawaiian constituents;

(ii) establish a standard format for the submission of documentation and a process to ensure veracity; and

(iii) publish information related to clauses (i) and (ii) in the Federal Register.

(D) CONSULTATION.—In making determinations that each individual proposed for inclusion on the roll of qualified Native Hawaiian constituents meets the definition of qualified Native Hawaiian constituent in section 3, the Commission may consult with Native Hawaiian Membership Organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) NOTIFICATION.—The Commission shall—

(i) inform an individual whether they have been deemed by the Commission a qualified Native Hawaiian constituent; and

(ii) inform an individual of a right to appeal the decision if deemed not to be a qualified Native Hawaiian constituent.

(F) CERTIFICATION AND SUBMITTAL OF ROLL TO SECRETARY.—The Commission shall—

(i) submit the roll containing the names of those individuals who meet the definition of qualified Native Hawaiian constituent in section 3 to the Secretary within 2 years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the qualified Native Hawaiian constituents proposed for inclusion on the roll meets the definition set forth in section 3.

(G) PUBLICATION.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of qualified Native Hawaiian constituent set forth in section 3, the Commission shall publish the notice of the certification of the roll in the Federal Register, notwithstanding pending appeals pursuant to subparagraph (H).

(H) APPEAL.—The Secretary, in consultation with the Commission, shall establish a mechanism for an administrative appeal for any person whose name is excluded from the roll who claims to meet the definition of qualified Native Hawaiian constituent in section 3.

(I) PUBLICATION; UPDATE.—The Commission shall—

(i) publish the notice of the certification of the roll regardless of whether appeals are pending;

(ii) update the roll and provide notice of the updated roll on the final disposition of any appeal;

(iii) update the roll to include any person who has been certified by the Commission as meeting the definition of qualified Native Hawaiian constituent in section 3 after the initial publication of the roll or after any subsequent publications of the roll; and

(iv) provide a copy of the roll and any updated rolls to the Council.

(J) EFFECT OF PUBLICATION.—The publication of the initial and updated roll shall serve as the basis for the eligibility of qualified Native Hawaiian constituents whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) ORGANIZATION OF COUNCIL.—

(A) ORGANIZATION.—The Commission, in consultation with the Secretary, shall hold a minimum of 3 meetings and each meeting shall be at least 2 working days of the qualified Native Hawaiian constituents listed on the roll established under this section—

(i) to develop criteria for candidates to be elected to serve on the Council;

(ii) to determine the structure of the Council, including the number of Council members; and

(iii) to elect members from individuals listed on the roll established under this subsection to the Council.

(B) POWERS.—

(i) IN GENERAL.—The Council—

(I) shall represent those listed on the roll established under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) FUNDING.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) ACTIVITIES.—

(I) IN GENERAL.—The Council shall conduct, among the qualified Native Hawaiian constituents listed on the roll established under this subsection, a referendum for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for future membership in the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based on the referendum, the Council shall develop proposed organic governing documents for the Native Hawaiian governing entity and may seek technical assistance from the Secretary on the draft organic governing documents to ensure that the draft organic governing documents comply with this Act and other Federal law.

(III) DISTRIBUTION.—The Council shall publish to all qualified Native Hawaiian constituents of the Native Hawaiian governing entity listed on the roll published under this subsection notice of the availability of—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) ELECTIONS.—

(aa) IN GENERAL.—Not sooner than 180 days after the proposed organic governing documents are drafted and distributed, the Council, with the assistance of the Secretary, shall hold elections for the purpose of ratifying the proposed organic governing documents.

(bb) PURPOSE.—The Council, with the assistance of the Secretary, shall hold the election for the purpose of ratifying the proposed organic governing documents 60 days after publishing notice of an election.

(cc) OFFICERS.—On certification of the organic governing documents by the Secretary in accordance with paragraph (4), the Council, with the assistance of the Secretary, shall hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) CERTIFICATIONS.—

(A) IN GENERAL.—Within the context of the future negotiations to be conducted under the authority of section 9(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the 3 governments, not later than 180 days, which may be extended an additional 90 days if the Secretary deems necessary, after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify or decline to certify that the organic governing documents—

(i) establish the criteria for membership in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of those qualified Native Hawaiian constituents whose names are listed on the roll published by the Secretary and who voted in the election;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of inherent and other appropriate governmental authorities by the Native Hawaiian governing entity;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law.

(B) RESUBMISSION IN CASE OF NONCOMPLIANCE.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) AMENDMENT AND RESUBMISSION OF ORGANIC GOVERNING DOCUMENTS.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) CERTIFICATIONS DEEMED MADE.—The certifications under this paragraph shall be deemed to have been made if the Secretary has not acted within 180 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) ELECTIONS.—On completion of the certifications by the Secretary under paragraph (4), the Council, with the assistance of the Secretary, shall hold elections of the officers of the Native Hawaiian governing entity.

(6) PROVISION OF ROLL.—The Council shall provide a copy of the roll of qualified Native Hawaiian constituents to the governing body of the Native Hawaiian governing entity.

(7) TERMINATION.—The Council shall cease to exist and shall have no power or authority under this Act after the officers of the governing body who are elected as provided in paragraph (5) are installed.

(8) REAFFIRMATION.—Notwithstanding any other provision of law, the special political and legal relationship between the United States and the Native Hawaiian people is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative sovereign governing body of the Native Hawaiian people after—

(A) the approval of the organic governing documents by the Secretary under subparagraph (A) or (C) of paragraph (4); and

(B) the officers of the Native Hawaiian governing entity elected under paragraph (5) have been installed.

**SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY TO STATE OF HAWAII; NEGOTIATIONS; CLAIMS.**

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4), is reaffirmed.

(b) NEGOTIATIONS.—

(1) IN GENERAL.—Upon the reaffirmation of the special political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement or agreements addressing such matters as—

(A) the transfer of State of Hawaii lands and surplus Federal lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the exercise of other powers and authorities that are recognized by the United States as powers and authorities typically exercised by governments representing indigenous, native people of the United States;

(E) any residual responsibilities of the United States and the State of Hawaii; and

(F) grievances regarding assertions of historical wrongs committed against Native Hawaiians by the United States or by the State of Hawaii.

(2) AMENDMENTS TO EXISTING LAWS.—Upon agreement on any matter or matters negotiated with the United States or the State of Hawaii, and the Native Hawaiian governing entity, the parties may submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the governments.

(3) GOVERNMENTAL AUTHORITY AND POWER.—The Native Hawaiian governing entity shall be vested with the inherent powers and privileges of self-government of a native government under existing law, except as set forth in section 10(a). Said powers and privileges may be modified by agreement between the Native Hawaiian governing entity, the United States, and the State pursuant to paragraph (1), subject to the limit described by section 10(a). Unless so agreed, nothing in this Act shall preempt Federal or State authority over Native Hawaiians or their property under existing law or authorize the State to tax or regulate the Native Hawaiian governing entity.

(4) MEMBERSHIP.—Once the United States extends Federal recognition to the Native Hawaiian governing entity, the United States will recognize and affirm the Native Hawaiian governing entity's inherent power and authority to determine its own membership criteria, to determine its own membership, and to grant, deny, revoke, or qualify membership without regard to whether any person was or was not deemed to be a qualified Native Hawaiian constituent under this Act.

(c) CLAIMS.—Nothing in this Act—

(1) alters existing law, including case law, regarding obligations of the United States or the State of Hawaii relating to events or actions that occurred prior to recognition of the Native Hawaiian governing entity;

(2) creates, enlarges, revives, modifies, diminishes, extinguishes, waives, or otherwise alters any claim or cause of action against the United States or its officers or the State of Hawaii or its officers, or any defense (including the defense of statute of limitations) to any such claim or cause of action; or

(3) amends section 2409a of title 28, United States Code (commonly known as the ''Quiet Title Act''), chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act''), section 1491 of title 28, United States Code (commonly known as the ''Tucker Act''), section 1505 of title 28, United States Code (commonly known as the ''Indian Tucker Act''), the Hawaii Organic Act (31 Stat. 141), or any other Federal statute, except as expressly amended by this Act.

**SEC. 10. APPLICABILITY OF CERTAIN FEDERAL LAWS.**

(a) INDIAN GAMING REGULATORY ACT.—

(1) IN GENERAL.—The Native Hawaiian governing entity and Native Hawaiians may not conduct gaming activities as a matter of claimed inherent authority or under the authority of any Federal law, including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) or under any regulations thereunder promulgated by the Secretary or the National Indian Gaming Commission.

(2) APPLICABILITY.—The prohibition contained in paragraph (1) regarding the use of Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and inherent authority to game applies regardless of whether gaming by Native Hawaiians or the Native Hawaiian governing entity would be located on land within the State of Hawaii or within any other State or territory of the United States.

(b) SINGLE GOVERNING ENTITY.—This Act will result in the recognition of the single Native Hawaiian governing entity. Additional Native Hawaiian groups shall not be eligible for acknowledgment pursuant to the Federal Acknowledgment Process set forth in part 83 of title 25, Code of Federal Regulations, or any other administrative acknowledgment or recognition process.

(c) INDIAN CIVIL RIGHTS ACT OF 1968.—The Council and the subsequent governing entity recognized under this Act shall be an Indian tribe, as defined in section 201 of the Indian Civil Rights Act of 1968 (25 U.S.C. 1301) for purposes of sections 201 through 203 of that Act (25 U.S.C. 1301–1303).

(d) INDIAN PROGRAMS, SERVICES, AND LAWS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, nothing in this Act extends eligibility for any Indian program or service to the Native Hawaiian governing entity or its members unless a statute governing such a program or service expressly provides that Native Hawaiians or the Native Hawaiian governing entity is eligible for such program or service. Nothing in this Act affects the eligibility of any person for any program or service under any statute or law in effect before the date of enactment of this Act.

(2) APPLICABILITY OF OTHER TERMS.—In Federal statutes or regulations in force prior to the United States' recognition of the Native Hawaiian governing entity, the terms ''Indian'' and ''Native American'', and references to Indian tribes, bands, nations, pueblos, villages, or other organized groups or communities, shall not apply to the Native Hawaiian governing entity or its members, unless the Federal statute or regulation expressly applies to Native Hawaiians or the Native Hawaiian governing entity.

(e) REAL PROPERTY TRANSFERS.—Section 2116 of the Revised Statutes (commonly known as the ''Indian Trade and Intercourse Act'') (25 U.S.C. 177) does not apply to any purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from Native Hawaiians, Native Hawaiian entities, or the Kingdom of Hawaii that occurred prior to the date of the United States' recognition of the Native Hawaiian governing entity.

**SEC. 11. SEVERABILITY.**

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

**SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

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By Mr. AKAKA (for himself, Mr. CONRAD, Mr. FRANKEN, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 676. A bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce a technical amendment to the Act of June 18, 1934, the Indian Reorganization Act.

Trust land is essential to a tribe's ability to exercise their inherent sovereignty. It allows Tribal Nations to protect their historic, cultural and religious ties to the lands where their ancestors lived. Trust lands are also vital to tribal economic development and self-government as tribes provide a wide range of governmental services to their members including, running schools, community centers, health clinics, law enforcement and numerous other social and governmental services.

Federal Indian policy regarding tribal lands has not always been favorable to the Tribal governments and individuals. The General Allotment Act of 1887 led to land losses of more than 100 million acres of tribal homelands. Those land losses had a devastating effect on the tribal communities, institutions and economies that relied on their homelands. Seeking to address the consequences of that ill-advised policy, Congress enacted the Indian Reorganization Act in 1934.

This act was intended to reverse the prior federal policy of allotment. By passing the Indian Reorganization Act, Congress recognized that a land base was essential for the economic advancement and self-support of Indian communities. The IRA allowed tribes to restore their homelands and to rehabilitate their economies and communities. Restoration of land to tribal ownership was central to the overall purposes of the Indian Reorganization Act.

Unfortunately, a recent Supreme Court decision has brought uncertainty to 75 years interpretation regarding trust land acquisition under the Indian Reorganization Act. On February 24, 2009, the Supreme Court issued its decision in the Carcieri v. Salazar case. In that decision the Supreme Court held that the Secretary of the Interior exceeded his authority in taking land into trust for a tribe that was not under Federal jurisdiction at the time the Indian Reorganization Act was enacted in 1934. The Supreme Court decided that the act only applied to tribes who were ''under federal jurisdiction'' when it was passed in 1934.

The legislation I am introducing today is necessary to clarify the continuing authority of the Secretary of the Interior, under the Indian Reorganization Act of 1934, to take land into trust for all Indian tribes that are federally recognized on the date the land is placed into trust. The legislation also ratifies the prior trust acquisitions of the Secretary, who for the past 75 years has been exercising his authority to take lands into trust, as intended by the Indian Reorganization Act.

Inaction by Congress on the Carcieri decision will create two classes of tribes—those who are considered ''under federal jurisdiction'' and can have lands taken into trust and those who cannot. Creating two classes of tribes is unacceptable and runs counter to federal Indian policy, the Indian Reorganization Act, and subsequent Congressional Acts intended to ensure that all tribes are treated equally and have the same sovereign rights. The decision will also significantly impact planned development projects on Indian trust lands, such as housing, schools, community, and health centers, and result in a loss of jobs in an already challenging economic environment.

I want to thank Senators CONRAD, FRANKEN, INOUYE, JOHNSON, KERRY, TESTER and UDALL for their support on this critical legislation. My cosponsors are well aware of the negative impact this decision has already had, and would continue to have on our Native American communities. Affected tribes deserve our timely consideration of this bill. I urge my colleagues to join me in supporting the passage of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 676

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MODIFICATION OF DEFINITION.**

(a) MODIFICATION.—

(1) IN GENERAL.—The first sentence of section 19 of the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 479), is amended—

(A) by striking ''The term'' and inserting ''Effective beginning on June 18, 1934, the term''; and

(B) by striking ''any recognized Indian tribe now under Federal jurisdiction'' and inserting ''any federally recognized Indian tribe''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the Act of June 18, 1934 (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 479), on the date of enactment of that Act.

(b) RATIFICATION AND CONFIRMATION OF PRIOR ACTIONS.—Any action taken by the Secretary of the Interior pursuant to the Act of June 18, 1934, (commonly known as the ''Indian Reorganization Act'') (25 U.S.C. 461 et seq.) for any Indian tribe that was federally recognized on the date of that action is ratified and confirmed, to the extent that the action is challenged based on the question of whether the Indian tribe was federally recognized or under Federal jurisdiction on June 18, 1934, as if the action had, by prior act of Congress, been specifically authorized and directed.

(c) EFFECT ON OTHER LAWS.—

(1) IN GENERAL.—Nothing in this Act or the amendments made by this Act affects—

(A) the application or effect of any Federal law other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as amended by subsection (a)); or

(B) any limitation on the authority of the Secretary of the Interior under any Federal law or regulation other than the Act of June 18, 1934 (25 U.S.C. 461 et seq.) (as so amended).

(2) REFERENCES IN OTHER LAWS.—An express reference to the Act of June 18, 1934 (25 U.S.C. 461 et seq.) contained in any other

Federal law shall be considered to be a reference to that Act as amended by subsection (a).

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By Mr. KOHL (for himself, Mr. WHITEHOUSE, and Mr. COONS):

S. 678. A bill to increase the penalties for economic espionage; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, the ability of American companies to out innovate and better compete with their global competitors is more important today than ever. Yet, the FBI estimates that U.S. companies lose billions of dollars each year to criminals who steal their trade secrets—their innovative ideas, formulas, designs and other proprietary information. For example, last year, a Chinese national working for an American automobile manufacturer was convicted of stealing trade secrets for a Chinese competitor. His actions were estimated to cost the American company between $50 and $100 million.

That is why I rise today with Senators WHITEHOUSE and COONS to introduce the Economic Espionage Penalty Enhancement Act of 2011. This bill is simple and straightforward—it increases the maximum penalties for stealing a trade secret to benefit a foreign company. The measures in this bill were recommended to Congress by the U.S. Intellectual Property Enforcement Coordinator, in conjunction with the Departments of Commerce, Homeland Security, Justice and State, and the U.S. Trade Representative. The Economic Espionage Act Penalty Enhancement Act, while a modest bill, is intended to be a starting point for a larger discussion about the implementation of the Economic Espionage Act, EEA, and whether additional updates and improvements are needed in light of the global economy and advances in technology.

In 1996, Congress enacted the EEA, making it a federal crime to steal a trade secret. Nearly fifteen years later, trade secret theft and economic espionage continue to pose a threat to U.S. companies to the tune of billions of dollars a year. As we reexamine the law, we will be looking at how we can help prosecutors bring more of these criminals to justice and companies better protect their trade secrets. Among the issues we will look at are whether additional protections are needed for trade secrets as part of EEA prosecutions, whether whistleblower protections should be added, and whether we need a federal civil private right of action.

Businesses spend every resource at their disposal to develop proprietary economic information including their customer lists, pricing schedules, business agreements, and manufacturing processes, to name a few. This information is literally a business's lifeblood. Stealing it can be the death knell for a company. The chief executive of GM recently said that industrial espionage is a major threat to the company and that he worries about it ''every day.'' But these thefts have a much greater impact beyond the American company that falls victim to an economic spy. The economic strength, competitiveness, and security of our country rely upon the ability of industry to compete without unfair interference from foreign governments and from their own domestic competitors. Without freedom from economic sabotage, our companies lose their hard-earned advantages and their competitive edge.

This problem is not new, but it has grown and evolved in the fifteen years since the Economic Espionage Act became law. U.S. corporations face intense competition at home and abroad. As much as 80 percent of the assets of today's companies are intangible trade secrets. They must be able to protect their trade secrets to remain competitive and keep our economy strong. Advances in technology make the protection of trade secrets more difficult and more critical than ever. Trade secrets can simply be downloaded from a company's computer, uploaded to the Internet, and transferred anywhere in the world in a matter of minutes. Within a matter of days, a U.S. corporation can lose complete control over its trade secrets. Unfortunately, we have many examples of the risk and harm posed by economic espionage. In 2009, a Chinese-born engineer who had been employed by a leading aerospace company was convicted of economic espionage and sentenced to fifteen years in prison for collecting sensitive information about the U.S. space shuttle that he intended to share with the Chinese government. Prior to his sentencing, the district court judge said that although we do not know how much information he shared with China, we do know that he hurt not only his former employer but also the national security of the United States.

Domestic economic espionage, known as industrial espionage, can be just as threatening to American companies. For example, just this month a former computer programmer for a Wall Street bank was sentenced to eight years in prison for stealing secret code used in the bank's valuable high-frequency trading system. The trading system earned the bank $300 million in 2009 alone. He took a job at a startup company that was planning to directly compete with the Wall Street bank, and gave that company the stolen code.

In my home State of Wisconsin a disgruntled employee of a company that manufactures aftermarket airplane parts was prosecuted under the economic espionage statute and sentenced to thirty months in prison for attempting to sell trade secrets to competitors. The trade secret—details and measurements of particular airplane parts—took years and hundreds of thousands of dollars for the manufacturer to create, test and gain Federal Aviation Administration approval. Fortunately, the perpetrator was caught before he sold the trade secrets, but had he been successful the manufacturer would likely have been forced out of business.

The examples above illustrate the seriousness of these crimes. The legislation that we introduce today will increase the maximum sentence for economic espionage from 15 years to 20 years and to direct the Sentencing Commission to consider increasing the penalty range for theft of trade secrets and economic espionage. This is a first step in our efforts to do more to stem the flow of valuable business information out of our country. We must definitively punish anyone who steals information from American companies. Over the coming months, this measure will provide a framework for our discussions about how we can do more to solve this problem. I look forward to working with my colleagues on this critical problem.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 678

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Economic Espionage Penalty Enhancement Act''.

**SEC. 2. AMENDMENT TO TITLE 18.**

Section 1831(a) of title 18, United States Code, is amended by striking ''15 years'' and inserting ''20 years''.

**SEC. 3. DIRECTIVE TO SENTENCING COMMISSION.**

Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall—

(1) review its guidelines and policy relating to a two-level enhancement for economic espionage; and

(2) as a part of such review consider amending such guidelines to—

(A) apply the two-level enhancement to the simple misappropriation of a trade secret;

(B) apply an additional two-level enhancement if the defendant transmits or attempts to transmit the stolen trade secret outside of the United States and an additional three-level enhancement if the defendant instead commits economic espionage (i.e., he/she knew or intended that the offense would benefit a foreign government, foreign instrumentality, or foreign agent); and

(C) provide when a defendant transmits trade secrets outside of the United States or commits economic espionage, that the defendant should face a minimum offense level.

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By Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. REID, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. COLLINS, Mr. BROWN of Massachusetts, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. DURBIN, Mr. JOHANNS, Mr. LUGAR, Mr. REED, Mr. WHITEHOUSE, Mr. CARPER, and Mr. KYL):

S. 679. A bill to reduce the number of executive positions subject to Senate confirmation; to the Committee on Homeland Security and Governmental Affairs.

Mr. ALEXANDER. Mr. President, the Senator from New York and I are on the Senate floor today to introduce

legislation that will help make the Senate a more effective place to deal with the big issues facing our country, such as the debt, our national defense, and other issues.

This is the result of discussions we have had over the last several months with many Members of the Senate on both sides of the aisle. It began with some reforms in Senate rules, which included eliminating the so-called secret hold and doing other steps. It is the culmination of work by a number of Senators on both sides of the aisle—including Senator LIEBERMAN; Senator COLLINS; the leaders, Senator REID and Senator MCCONNELL, when they were whips; Senator SCHUMER and I; and others. We had bipartisan breakfasts on these reforms a couple years ago, and it came down to the questions: How many confirmations should the Senate have? How many confirmations are enough confirmations? Is it in the public interest to allow a new President, whether Democratic or Republican, to staff the government promptly? And is it in the public interest to get rid of this syndrome that is established in Washington, which I call ''innocent until nominated,'' where we invite a distinguished person to come in and run that person through a gauntlet that makes him or her out to be a criminal for making some mistake in the process of being confirmed?

We have worked together, and we have come up with legislation that Senator SCHUMER is introducing on behalf of both of us—on behalf of the leaders, Senator REID and Senator MCCONNELL, and on behalf of Senator LIEBERMAN and Senator COLLINS.

This legislation would answer the question, how many confirmations are enough confirmations, by reducing or streamlining the nomination process for about 450 nominees—out of a total of about 1,400 nominations. Over 1,000 Senate confirmed nominations will remain unchanged. Just to put that into perspective, that is still more confirmations than existed when President Clinton was President of the United States. It is almost four times as many confirmations as existed when President Kennedy was President of the United States. In other words, like many things in government, the number of confirmations has grown over time.

We have ended up confirming people we have no business confirming—people who are public relations officers, people who are financial information people—and we have made it difficult for the government to be staffed.

Is it in our interest, and the citizens', to staff the government promptly? Yes, I think it is. We have created this phenomenon where Administrations are slow to get staffed up. For example, when President Obama came in, Secretary Geithner, the Treasury Secretary, was sitting over at Treasury almost home alone during the middle of the worst recession since the Great Depression. According to news accounts, he did not have much help. The key vacant positions in Treasury were Assistant Secretary for Tax Policy, the Deputy Assistant Secretary for Tax Policy, the Deputy Assistant Secretary for Tax Analysis, Deputy Assistant Secretary for Tax, Trade, and Tariff Policy, and a variety of others. That situation was not helping any of us. Whether we agreed with President Obama or Secretary Geithner or not, after an election a President should be able to promptly staff the government, and we in the Senate should have procedures to give us a chance to review those nominees and offer our advice and consent and confirm or reject those nominees in a reasonable period of time.

If we are spending our time dealing with junior officials or PR officers, we are spending less time dealing with the Assistant Secretary for Tax Policy, on whom we should be focusing a lot of time, and to whom we should be asking a lot of questions.

Then, there is this business of what I call ''innocent until nominated''—all of us know this exists. It really exists by sloppiness on our part, both in the legislative branch and the executive branch. If you are asked to serve in the Federal Government—and I know this because I was asked by the first President Bush—you fill out forms. Well, there are many forms. There are many forms in the executive branch. They have different definitions; for example, the definition of ''income.'' If you were to carelessly fill out the same definition of ''income'' on one form as another form, you might have been incorrect on one of the forms, and then someone might say you were telling a lie and were not fit to serve. That has been called by others, including me, as being ''innocent until nominated.''

I remember when Ron Kirk, the former mayor of Dallas, was nominated by President Obama to be the Trade Representative. There was some issue about whether he had properly reported a speech fee he gave to charity. What difference did it make in terms of his overall fitness to serve? It held him up. It embarrassed him. It was not relevant to the inquiry.

So the legislation we have will do the following: It proposes eliminating the need for Senate confirmation or streamlining over 450 positions. About 200 of these nominations will be eliminated as Senate confirmations. These are the ones the Senate does not need to spend time on. The other half will come directly to the desk. Then, unless an individual Senator says: Send it on to committee to go through the regular order, it will be expedited. That still leaves us with 1,000 Senate confirmations that we can have—1,000 hostages we can take. That is more hostages than we could take under Bill Clinton. That is almost four times as many hostages than the Senate could take under President Kennedy. That ought to be plenty of hostages for any Senator to make his or her point if that is what we seek to do.

Second, the legislation would set up a process whereby an executive branch working group would review the various forms that nominees are expected to fill out, and try to have a single smart form in the executive branch. The working group will consult with committees of Congress. It might make sense to see if we can do the same thing with our forms, and make it possible that we can get all the information we want without unnecessarily subjecting nominees to harassment or trickery just because they are not wise enough to fill out different forms with different definitions.

I think this is a substantial step forward. It may not sound like much to those watching the Senate, but let me just say that both of our leaders, REID and MCCONNELL, have said they tried this and could not get it done. Senator LIEBERMAN and Senator COLLINS have tried, and they could not get it done. I worked with Senator LIEBERMAN 2 years ago and we could not get it done.

What has happened this time is a result of the discussion we had earlier in the year about making the Senate a more effective place to work—with the full support of the leaders, REID and MCCONNELL; with the full support of Senator LIEBERMAN and Senator COLLINS; and with the good work of Senator SCHUMER. We have come up with a consensus piece of legislation which has broad bipartisan support from both sides of the aisle, including chairmen and ranking members of the committees you would think might be the first ones to object. This legislation would still leave the Senate with the prerogatives it ought to have in terms of reviewing Presidential nominees and separates out those who take our time away from the more important things we ought to be doing.

I thank the Senator from New York for the way he has worked on this issue. He has been constructive and direct and helpful. I thank the leaders for their support. I hope the committees will rapidly consider the legislation Senator SCHUMER is introducing on our behalf, and I hope it will show we can take another small step in making the Senate a more effective place to work.

Mr. President, I ask unanimous consent to have printed in the RECORD a document entitled ''List of Presidential Appointments No Longer Requiring Senate Confirmation''—there are about 200 of those—and a document entitled ''Privileged Nominations.'' Those are the ones that will be expedited, unless a single Senator decides he or she wants to have this nominee sent to committee, and that is about another 240.

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

LIST OF PRESIDENTIAL APPOINTMENTS NO LONGER REQUIRING SENATE CONFIRMATION

Agriculture (11): Assistant Secretary for Congressional Relations, Department of Agriculture; Chief Financial Officer, Department of Agriculture; Assistant Secretary for

Administration, Department of Agriculture; Rural Utilities Service Administrator; Directors (7), Commodity Credit Corporation.

Armed Services (12): Assistant Secretary of Defense (Networks and Information Integration); Assistant Secretary of Defense (Public Affairs); Assistant Secretary of Defense (Legislative Affairs); Assistant Secretary of the Air Force (Comptroller); Assistant Secretary of the Army (Comptroller); Assistant Secretary of Navy (Comptroller); Members (6), National Security Education Board.

Banking (8): Assistant Secretary for Administration, Human Capital Officer, HUD; Chief Financial Officer, HUD; Assistant Secretary for Congressional and Intergovernmental Relations, HUD; Assistant Secretary for Public Affairs, HUD; Director of the Mint, Department of the Treasury; Members (2), Council of Economic Advisers; Administrator, Community Development Financial Institution Fund.

Budget (0).

Commerce (14 regular positions and 319 NOAA Officer Corps positions): Assistant Secretary for Legislative Affairs, Department of Commerce; Assistant Secretary for Administration and Chief Financial Officer, Department of Commerce; Assistant Secretary for Communication and Information, Department of Commerce; Chief Scientist, NOAA; Assistant Secretary for Budget and Programs—CFO, Department of Transportation; Assistant Secretary for Government Affairs, Department of Transportation; Deputy Administrator, Federal Aviation Administration (FAA); Chief Financial Officer, NASA; Associate Director, Office of Science and Technology Policy; Associate Director, Office of Science and Technology Policy; Associate Director, Science, Office of Science and Technology Policy; Associate Director, Technology, Office of Science and Technology Policy; Administrator, St. Lawrence Seaway Development Corporation; Federal Coordinator, Alaska Natural Gas Transportation Project; Officer Corps of NOAA (319 additional positions).

Energy (2): Chief Financial Officer, Department of Energy; Assistant Secretary for Congressional and Intergovernmental Affairs, Department of Energy.

Environment and Public Works (9): Alternate Federal Co-Chairman, Appalachian Regional Commission; Chief Financial Officer, EPA; Commissioners (7), Mississippi River Corporation.

Finance (4): Deputy Under Secretary/Assistant Secretary for Legislative Affairs, Department of Treasury; Assistant Secretary for Public Affairs and Director of Policy Planning, Department of Treasury; Assistant Secretary for Management and Chief Financial Officer, Department of Treasury; Treasurer of the United States.

Foreign Relations (14): Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State; Assistant Secretary for Public Affairs, Department of State; Assistant Secretary for Administration, Department of State; Chief Financial Officer, Department of State; Assistant Administrator for Legislative and Public Affairs, USAID; Assistant Administrator for Management, USAID; Governor, African Development Bank; Alternate Governor, African Development Bank; Governor, Asian Development Bank; Alternate Governor, Asian Development Bank; Governor, International Monetary Fund and International Bank for Reconstruction and Development; Alternate Governor, International Monetary Fund and International Bank for Reconstruction and Development; Governor, African Development Fund; Alternate Governor, African Development Fund.

HELP (101 regular positions and 2,536 Public Health Service Officer Corps positions): Chief Financial Officer, Department of Education; Assistant Secretary for Management, Department of Education; Assistant Secretary for Legislation and Congressional Affairs, Department of Education; Commissioner—Rehabilitation Services Administration; Commissioner—Education Statistics; Assistant Secretary for Resources and Technology/CFO, Department of HHS; Assistant Secretary for Public Affairs, Department of HHS; Assistant Secretary for Legislation, Department of HHS; Commissioner, Administration for Children, Youth, Families; Commissioner, Administration for Native Americans; Assistant Secretary for Administration and Management, Department of Labor; Chief Financial Officer, Department of Labor; Assistant Secretary for Congressional Affairs, Department of Labor; Assistant Secretary for Public Affairs, Department of Labor; Director of the Women's Bureau, Department of Labor; Chairperson, National Council on Disability; Vice Chairperson (2), National Council on Disability; Members (12), National Council on Disability; Members (24), National Science Foundation; Managing Directors (2), Corporation on National and Community Service; Members (15), National Board of Education Sciences; Members (20), National Museum and Library Services Board; Members (10), National Institute for Literary Advisory Board; Public Health Services Corps (2,536 additional positions).

HSGAC (6): Chief Financial Officer, Department of Homeland Security; Controller, Office of Federal Financial Management, OMB; Director, Office of Counternarcotics Enforcement, DHS; Assistant Secretary for Health Affairs Chief Medical Officer, DHS; Administrator, U.S. Fire Administration, Department of Homeland Security; Assistant Administrator, Grants, FEMA.

Indian Affairs (14): Commissioner, Navajo and Hopi Relocation; Members (13), Board of Trustees, Institute of American Indian and Alaska Native Culture.

Intelligence (0).

Judiciary (10): Assistant Attorney General—Legislative Affairs, Department of Justice; Director, Bureau of Justice Statistics; Director, Bureau of Justice Assistance; Director, National Institute of Justice; Administrator, Office of Juvenile Justice and Delinquency Prevention; Director, Office for Victims of Crime; Deputy Director, National Drug Control Policy; Deputy Director, Demand Reduction, National Drug Control Policy; Deputy Director, State and Local Affairs, National Drug Control Policy; Deputy Director, Supply Reduction, National Drug Control Policy.

Rules (0).

Small Business (0).

Veterans Affairs (5): Assistant Secretary for Management, Department of Veterans Affairs; Assistant Secretary for Human Resources and Administration, Department of Veterans Affairs; Assistant Secretary for Public and Intergovernmental Affairs, Department of Veterans Affairs; Assistant Secretary for Congressional and Legislative Affairs, Department of Veterans Affairs; Assistant Secretary for Information and Technology, Department of Veterans Affairs.

*Does not include NOAA Officer Corps and Public Health Services Officer Corps.

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PRIVILEGED NOMINATIONS

Agriculture (5): Members (5), Board of Directors, Federal Agricultural Mortgage.

Armed Services (0).

Banking (23): Members (15), Board of Directors, National Institute of Building Sciences; Members (3), Board of Directors, National Consumer Cooperative Bank; Directors (5), Securities Investors Protection Corporations.

Budget (0).

Commerce (8): Members (3), Board of Directors, Metropolitan Washington Airport Authority; Members (5), St. Lawrence Seaway Development Corporation.

Energy (0).

Environment and Public Works (9): Members (9), Board of Trustees, Morris K. Udall Scholarship and Excellence in National; Environmental Policy Foundation.

Finance (16): Member (7), IRS Oversight; Members (2), Board of Trustees, Federal Hospital Insurance Trust Fund; Member (2), Board of Trustees, Federal Old Age and Survivors Fund; Members (2), Board of Trustees, Federal Supplemental Insurance Trust Fund; Members (3), Social Secretary Advisory Board.

Foreign Relations (59): Chairman, Advisory Board for Cuba Broadcasting; Members (8), Advisory Board for Cuba Broadcasting; Members (4), Millennium Challenge Corporation Board of Directors; Board Members (8), Overseas Private Investment Corporation; Members (15), National Peace Corps Advisory Council; Commissioners (7), Commission on Public Diplomacy; Members (9), Board of Directors, Inter-American Foundation; Members (7), Board of Directors, African Development Foundation.

HELP (104): Members (15), Corporation on National and Community Service; Members (26), National Council on the Humanities; Chairman, Board of Directors, US Institute of Peace; Vice Chairman, Board of Directors, US Institute of Peace; Members (10), Board of Directors, US Institute of Peace; Members (8), Board of Trustees, Goldwater Scholarship; Members (8), Board of Trustees, Truman Scholarship; Members (6), Board of Trustees, Madison Fellowship; Members (11), Board of Directors, Legal Services Corporation; Members (18), National Council on the Arts.

HSGAC (5): Members (5), Federal Retirement Thrift Investment Board.

Intelligence (0).

Judiciary (13): Members (2), Foreign Claims Settlement Commission; Members (11), Board of Directors, State Justice Institute.

Rules (0).

Small Business (0).

Veterans Affairs (0).

Mr. ALEXANDER. I thank the Presiding Officer, and I notice that the Senator from New York is also on the Senate floor. I thank him for his work on this issue.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank my colleague from Tennessee. He has been a great partner in this effort. In fact, I would say it was his impetus that brought us here. He had thought about this long and hard and worked on it previously. As usual, it has been a pleasure to work with Senator ALEXANDER on the Rules Committee or anywhere else, and I thank him for spearheading this effort.

I also want to thank the two leaders, Senator REID, of course, my friend—and I am so proud to work under his leadership—and Senator MCCONNELL. I have to say this: Senator MCCONNELL and I have our differences, but on all of these issues of moving the Senate forward he has been operating in good faith, and his support of this legislation has allowed us to get here.

Also, the committee chair, Senator LIEBERMAN, as well as Ranking Member

COLLINS, have been equal partners in this legislation, and it will go through their committee.

Finally, I thank all the committee chairs. They have been very understanding of the need to do this. Obviously, committee chairs might say: I want to have before my committee every single person, but ultimately they have realized it slows down the Senate.

While we are introducing the legislation today, a number of committee chairs on our side—probably with the consent of their ranking members—have come to me and said there might be other positions they want to add to the list. That would be a good idea. We have tried to be careful. We do not want to step on any toes or prerogatives. In the past, when this legislation was attempted, people said: Well, just, I don't want this one; I don't want that one. So we were fairly minimal. It will have a real effect on the Senate. It is close to one-third of the appointments. But there may be different committees that say: I don't need to approve this. In my committee, the committee on which I am the chair, the committee on which I am the ranking member, we do not need to approve these five or six more. Add them to your list.

We would hope our committee chairs would do that before the bill is considered because it will be considered by Senator LIEBERMAN's committee, and there they could make such additions.

So let me say this about the process: One of the most important duties of the Senate is the constitutional advice-and-consent power. We were careful to balance this interest with the importance of making the confirmation process more efficient—not only for the benefit of the Senate but as well for the benefit of the administration, its agencies, and, as Senator ALEXANDER so aptly pointed out, for those individuals who are nominated as well.

The Senate was designed to be a thoughtful and deliberative body, but the confirmation process has often become dangerously close to being gridlocked. The American public is harmed when we are not able to get qualified people confirmed to positions in a timely manner. All of the positions covered in this proposal tend to be noncontroversial and more closely resemble appointments that are currently made without Senate approval.

This legislation consists of a stand-alone bill, the Presidential Appointment Efficiency and Streamlining Act, and a resolution. Senator ALEXANDER touched on the stand-alone bill, which will eliminate from Senate confirmation over 200 executive nomination positions and nearly 3,000 additional officer corps positions. The resolution will create a standing order that will streamline approval of almost 250 part-time board members.

We intend to move both of these pieces together in an effort to reform this process. Together, these two pieces will remove or streamline, as I mentioned, nearly one-third of currently confirmable Senate appointments.

The act will remove the need for confirmation for several categories of positions, including legislative and public affairs positions, chief financial officers, information technology administrators, internal management and administrative positions, and deputies or non-policy-related assistant secretaries who report to individuals who are Senate-confirmed. Removing these positions from Senate confirmation will allow a new administration to be set up with more efficiency and speed, thus making government work better for the people.

In addition, we have removed thousands of positions from the Public Health Service officers corps and the National Oceanic and Atmospheric Administration officer corps in the process. They are noncontroversial, and their removal will help prevent the possibility of further gridlock.

This act will also create a working group—because this is a work in progress, and Senator ALEXANDER has been working on it longer than I have or most of us in this body—that will provide recommendations on the process to further streamline the appointment and confirmation process. The group will make recommendations to the President and the Senate about streamlining the paperwork process for nominees by creating a single, searchable, electronic ''smart form'' and will also conduct a review of the current background investigation requirements.

Senators LIEBERMAN and COLLINS held a hearing on the confirmations process last month in the Homeland Security and Governmental Affairs Committee, which will have jurisdiction over this piece of the package. The hearing was extremely helpful to our working group efforts and further highlighted the fact that our system of dealing with executive nominations needs reform.

The resolution piece of the package will create a streamlined process for part-time positions on boards or commissions. A majority of these boards require political balance—a certain number of Democrats and a certain number of Republicans. We are doing this rather than eliminating Senate consideration in its entirety in order to ensure that these politically balanced boards remain bipartisan. This was actually a recommendation, I believe, by Senator MCCONNELL, and I think it is an apt one.

The resolution creates a standing order that will provide for an expedited process for this class of ''privileged nominations'' by creating new pages on the Executive Calendar. When the Senate receives a nomination from the President, it will be placed on a new section on the Executive Calendar called ''Privileged Nomination—Information Requested'' while the nominee submits paperwork to the committee of jurisdiction. When the chair of that committee certifies that all committee questionnaires have been received from the nominee, the nomination will be placed on the ''Privileged Nomination—Information Received'' section of the Executive Calendar.

As Senator ALEXANDER mentioned, after 10 session days, the nomination is placed on the full Executive Calendar and will await action by the full Senate, with the presumption that these positions will be passed by unanimous consent. So any single Senator can object, although we doubt in almost every case that any will.

From the beginning of the process until the expiration of 10 session days, any Member can request on his or her own behalf or on behalf of any identified Member that the nomination be referred to committee. We think that incorporating this safeguard is in line with our elimination of secret holds earlier this year.

The presumption for these part-time positions is, as I said, that they will be approved by unanimous consent and not be held up as part of other battles or leverage or whatever else.

This resolution would come before the Rules Committee, which Senator ALEXANDER and I lead, and we hope to take action on it very soon. We are confident this package will eliminate many of the delays in the current confirmation process. These delays are very detrimental to the efficient operation of government and to the efforts to recruit the most qualified people to these Federal jobs.

The package we propose today is the first step in protecting the American people's interests in having a newly elected President move quickly and efficiently to set up a government.

Before I yield the floor, I note that the Senator from New Mexico, Mr. UDALL, in his impetus to reform the Senate, can claim some credit for this move as well.

We are introducing this bipartisan legislation—Senator ALEXANDER and myself, along with Senators REID, MCCONNELL, COLLINS, LIEBERMAN, and I think about eight or nine other cosponsors as well—this afternoon.

Mr. LIEBERMAN. Mr. President, I rise today in support of legislation offered by Senators SCHUMER and ALEXANDER to streamline the nomination process so incoming Presidents can get their teams in place more quickly and put them to work doing the people's business.

On August 5, 1789, the Senate took up and confirmed 102 executive nominations that had been sent up by President Washington just 2 days earlier—rejecting only one nominee.

Our first President, in a letter to the Senate, complained about the one he didn't get. If the Senate ever doubted the fitness of one of his nominees it should—and I quote ''communicate that circumstance to me, and thereby avail yourselves of the information which led me to make them and which I would with pleasure lay before you.''

Modern Presidents of both parties would sigh over this bit of history because nowadays the process by which a person is selected, vetted, nominated, and then considered and confirmed by the Senate has become—in the words of one scholar—''nasty and brutish, without being short.''

One hundred days into President Obama's administration, only 14 percent of the Senate-confirmed positions in his administration had been filled. After 18 months, 25 percent of these positions were still vacant. This is not an aberration or anomaly. The timetables for putting in place a leadership team across the government has been pretty much the same each of the last three times there has been a change of occupant in the White House.

We have known about this problem a long time, but failed to act.

In 2001, the then Governmental Affairs Committee under former Chairman Fred Thompson, held hearings titled the State of the Presidential Appointment Process and recommended legislation, which did not pass.

In 2003, a bipartisan commission headed by Paul Volker recommended ways to speed up the nominations process. That got nowhere.

In 2004, the 9–11 Commission said the delays in getting a new government up and running actually pose a threat to our national security and in its report it also recommended ways to speed up the process.

Well after years of talk, it may be that we now finally have bipartisan support for change, although as the saying goes: ''It ain't over til it's over.''

In January, Majority Leader REID and Minority Leader MCCONNELL established a working group on executive nominations and appointed Senators SCHUMER and ALEXANDER—chairman and ranking member, respectively, of the Rules Committee—to lead it.

Senator COLLINS and I—as chairman and ranking member of the Homeland Security and Governmental Affairs Committee—have been part of this working group and the bill being introduced today has my full support.

In fact, we held a hearing earlier this month on the need for nomination reform and the numbers showed just how compelling the case for reform is.

A study by the Congressional Research Service says that delay occurs not so much at the Cabinet level positions. Presidents Reagan, George W. Bush, Clinton, and Obama all were able to get the vast majority of their nominees for Cabinet Secretaries in place on or shortly after Inauguration Day.

Where the delay is most pronounced, according to CRS, is in the sub-cabinet level positions. Under President Reagan, nominees averaged 114 days from the President's election to final confirmation. Under Clinton, George W. Bush, and Obama those numbers jumped to 185, 198, and 195 respectively.

Part of the problem is that the number of positions requiring confirmation has grown over time.

When President Reagan took office, he had 295 key policy positions requiring confirmation. By the time President Obama was inaugurated, that number had grown to 422 key positions, plus another nearly 800 lesser positions that also required Senate confirmation.

These numbers do not include foreign service officers, or public health officials who also require Senate confirmation.

The legislation Senators SCHUMER and ALEXANDER are introducing recommends eliminating Senate confirmation for approximately 200 presidential appointments to positions in the Executive Branch, including for legislative and public affairs positions, chief information officers, and internal management positions at or below the Assistant Secretary level.

This will free the Senate to concentrate on the more important policymaking nominees.

The bill also calls for a working group to simplify, standardize and centralize the forms and documentation required by both the White House and Senate so a nominee isn't burdened with duplicative paperwork and information requests.

Senators SCHUMER and ALEXANDER are also introducing a standing order this morning that would streamline the confirmation process for approximately 200 other Presidential appointments that receive Senate confirmation. Under the standing order, some nominees to part-time boards and commissions could have their nominations expedited by being held at the desk for a certain number of days and then placed directly onto the Executive Calendar rather than being referred to a Senate committee. I would also like to express my support for the standing order.

In the past, nominations reform legislation has stalled because of the perceived fears of some of our colleagues, particularly committee chairs and ranking members, that they would be giving up some of their jurisdiction and authority. But the simple truth is that some of these nominations shouldn't require Senate confirmation and, frankly, take up valuable time that should be used for more important work.

Nothing in the legislation we offer today will weaken in any way the Senate's important Constitutional role of ''advice and consent'' or our delicate system of checks and balances.

But if we don't fix what is broken in this system, I fear we risk discouraging some of our nation's most talented individuals from accepting nominations, thus leaving important positions unfilled.

If I may end with a little history, as Governeur Morris, one of the architects of the Constitution, said when speaking in favor of the ''advice and consent'' clause: ''As the President was to nominate, there would be responsibility. As the Senate was to concur, there would be security.''

Those founding principals will be unaffected by the kinds of modest changes this bill calls for, and I believe and hope we can get it done this year.

I call on my fellow chairmen, ranking members, and colleagues on both sides of the aisle to work with us on addressing this challenge so the next new administration, regardless of party, can recruit the best candidates and then put them to work quickly addressing the many challenges our Nation faces.

Ms. COLLINS. Mr. President, I rise today to support the Presidential Appointment Efficiency and Streamlining Act of 2011, as well as the Senate resolution to create an expedited confirmation process for some part-time boards and commissions.

I want to commend Senators SCHUMER and ALEXANDER for their work on this issue and to express my appreciation for all the members of the nomination reform working group—Senators REID, MCCONNELL, and LIEBERMAN. I was pleased to be a part of what has truly been a bipartisan effort.

The Constitution, in the Appointments Clause, makes the appointment of senior Federal executive officers a joint responsibility of the President and the Senate. The President determines who, in his view, is the best qualified to serve in the most senior and critical positions across the executive branch of our Government. It also requires that we, the Senate, exercise our independent judgment and experience to determine if nominees have the necessary qualifications and character to serve our Nation in these important positions of public trust.

The confirmation process must be thorough enough for the Senate to fulfill its Constitutional duty, but it should not be so onerous as to deter qualified people from public service.

National security reasons also compel attention to this problem. The National Journal has noted that ''[p]eriods of political transition are, by their very nature, chaotic'' and that ''terrorists strike when they believe governments will be caught off guard.''

Both the 1993 bombing of the World Trade Center and the attacks on September 11th, 2001, occurred within eight months of a change in presidential administrations. And in March 2004, just three days before Spain's national elections, al Qaeda-linked terrorists bombed Madrid commuter trains.

The 9/11 Commission found that ''[a]t the sub-cabinet level, there were significant delays in the confirmation of key officials, particularly at the Department of Defense,'' in 2001. It was not until six months after President Bush took office that he had his national security team in place.

Countless studies have been written and many experts have opined on how to improve the nomination and confirmation process—from the Brownlow Commission in 1937 to the 9/11 Commission in 2004.

This is also an issue that the Committee on Homeland Security and Governmental Affairs has been working to address for a long time. For example, in 2001, when Senator Fred Thompson chaired the Committee, we held two hearings focusing on the state of the Presidential appointment process. As a result of these hearings, the Committee reported out legislation to address concerns that were raised. A few of the provisions of this bill would later be included in the Intelligence Reform and Terrorism Prevention Act of 2004.

But more work remains to be done. On March 2nd of this year, the Committee held another hearing to review the nomination process. The witnesses echoed the concerns that have been raised over the years by the many commissions and that still remain unaddressed.

Based upon our review, there are a few areas in particular where improvements should be made. The first is to reduce the sheer number of positions subject to Senate confirmation.

In this regard, the National Commission on the Public Service, commonly known as the Volcker Commission, gathered some very illuminating statistics. When President Kennedy came to office, he had 286 positions to fill with the titles of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator. By the end of the Clinton Administration, there were 914 positions with these titles.

Today, according to the Congressional Research Service, CRS, there are more than 1,200 positions appointed by the President that require the advice and consent of the Senate.

The large number of positions requiring confirmation leads to long delays in selecting, vetting, and nominating these appointees. Consequently, administrations can go for months without key officials in many agencies. And when political appointees are finally in place, their median tenure is only about two and a half years.

A second area ripe for reform is to develop a consistent, common form for the nominees to complete in order to streamline the process, save time, and increase accuracy. This also would reduce the cost and burden on nominees.

The White House, Office of Government Ethics, and the Senate need to work together to reconcile the various questions that are asked of nominees. Currently, nominees will often find themselves repeating variations of, or even the exact same, response over and over.

In this regard, I believe Clay Johnson, the former head of Presidential Personnel from 2001 to 2003, made an excellent point. He noted that there is a thick file in the White House ''with every possible piece of relevant information on that person and yet none of that is made available to the Senate.''

A consistent, common form, which a nominee can respond to online, would help to facilitate the flow of information so the Senate can begin its review of the nomination earlier.

Finally, the executive branch also needs to review its own role and responsibilities in the process.

Specifically, the White House should review its background investigation requirements. The extent of the investigation should be tailored to the position. A person nominated to a non-national security-related position should not have to undergo the same detailed FBI background investigation as a nominee to a national security-related position, such as the Secretary of Homeland Security. In addition, the process should make some allowance for people who already have undergone the FBI full-field investigation for a different Senate-confirmed position. Reform of this process would help speed up the review of nominees and aid in the task of recruiting talented people for public service.

It also is the White House's responsibility to ensure that the Office of Presidential Personnel has the appropriate staffing level to meet the demands of a new administration.

As Mr. Johnson noted at our March 2nd hearing, ''[a] new administration has never had the capacity in the first six months to nominate persons for more than 250 cabinet and subcabinet positions, let alone 400 positions, which government reform individuals and groups suggest a new administration should be able to do.''

If these areas can be reformed, substantial time will be saved, and key leadership posts at our federal agencies will not be vacant for nearly as long.

Now, during this mid-term period, two years away from a Presidential election, we have the opportunity to streamline the executive branch nominations process. This can help ensure that the next presidential transition will be as smooth as possible, thwarting the terrorists' belief that they will be able to ''catch us off guard.''

The Schumer-Alexander bill and Senate Resolution go a long way to addressing the concerns that I have highlighted.

The bill will make more than 200 positions direct Presidential Appointments that would no longer require Senate confirmation. Many of these positions have little or no policy role, such as the Assistant Secretary for Legislative Affairs at the Department of Commerce, or are internal management or administrative positions, such as chief financial officers or assistant secretaries for public affairs.

By not requiring Senate confirmation, it will allow these positions be filled at a much faster pace and free up Senate resources to focus on more significant nominees.

The Senate resolution proposes that more than 240 positions on part-time boards or commissions go through a new ''expedited'' confirmation process. These positions will still require the nominee to respond to all committee questionnaires and still provide for the opportunity for closer scrutiny of the nominee, if warranted.

This retains the authority of the Senate over these positions, but streamlines the process, lessening the burden on the Senate for routine, noncontroversial nominations and providing for a faster road to confirmation as well.

While we must deliver on our duty to provide advice and consent, reforms are needed to improve the effective operation of government. We all want the most qualified people to serve the President and the Nation. We should, therefore, ensure that the process is not unnecessarily burdensome and that key leadership posts do not go unfilled for long stretches of time. Most of all, we need to reform the process so that good people, whose talents and energy we need, do not become so discouraged that they give up their goal of serving the public.

I am pleased to join Senators SCHUMER and ALEXANDER as a cosponsor of this legislation and the Senate resolution, both of which will help us attract well-qualified people to public service.

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By Ms. COLLINS (for herself, Ms. MIKULSKI, Mrs. BOXER, Mrs. HUTCHISON, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Ms. STABENOW, Ms. CANTWELL, Ms. MURKOWSKI, Mrs. SHAHEEN, Mrs. GILLIBRAND, Mr. LIEBERMAN, Mr. AKAKA, Mr. PRYOR, Mr. MERKLEY, Mr. BEGICH, Mrs. FEINSTEIN, and Ms. AYOTTE).

S. 680. A bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, I rise to introduce the National Women's History Museum Act of 2011, a bill that would clear the way to locate a long-overdue historical and educational resource in our nation's capital city. I appreciate the co-sponsorship today from 16 of my colleagues: Senators MIKULSKI, BOXER, HUTCHISON, MURRAY, SNOWE, LANDRIEU, STABENOW, CANTWELL, MURKOWSKI, SHAHEEN, GILLIBRAND, LIEBERMAN, AKAKA, PRYOR, MERKLEY, and BEGICH.

American women have made invaluable contributions to our country in such diverse fields as government, business, medicine, law, literature, sports, entertainment, the arts, and the military. A museum recognizing the contributions of American women is long overdue.

A Presidential commission on commemorating women in American history concluded that, ''Efforts to implement an appropriate celebration of women's history in the next millennium should include the designation of a focal point for women's history in our Nation's capital.''

That report was issued in 1999. Over a decade later, although Congress has made commendable provisions for the National Museum for African American History and Culture, the National Law Enforcement Museum, and the National Museum of the American Indian, there is still no institution in the capital region dedicated to women's roles in our country's history.

It is important to note that taxpayers will not shoulder the funding of this project. The proposed legislation calls for no new federal program and no new claims on the budget. The bill would simply direct the General Services Administration to negotiate and enter into an occupancy agreement with the National Women's History Museum, Inc. to establish a museum on a tract of land near the Smithsonian Museums located at 12th Street, SW., and Independence Avenue, SW.

In fact, the Museum would be putting dollars in the federal government's pocket in order to occupy this space because the transaction would be at a fair-market value for the land. This bill would be a win-win for the taxpayers and the Museum.

The National Women's History Museum is a non-profit, non-partisan, educational institution based in the District of Columbia. Its mission is to research and present the historic contributions that women have made to all aspects of human endeavor, and to present the contributions that women have made to the nation in their various roles in family, the economy, and society.

This museum would help ensure that future generations understand what we owe to the many generations of American women who have helped build, sustain, and advance our society. They deserve a building to present the stories of pioneering women like abolitionist Harriet Tubman, founder of the Girl Scouts Juliette Gordon Low, Supreme Court Justice Sandra Day O'Connor, and astronaut Sally Ride.

That women's roll of honor would also include a legendary predecessor in the Senate seat I now hold: the late Senator Margaret Chase Smith, the first woman nominated for President of the United States by a major political party, and the first woman elected to both houses of Congress. Senator Smith began representing Maine in the U.S. House of Representatives in 1940, won election to the Senate in 1948, and enjoyed bipartisan respect over her long career for her independence, integrity, wisdom, and courage. She remains my role model and, through the example of her public service, an exemplar of the virtues that would be honored in the National Women's History Museum.

Again, I thank my colleagues for their past support of this effort, and urge them to renew that support for this bill.

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By Ms. SNOWE:

S. 681. A bill to provide greater accountability in the Small Business Lending Fund; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 681

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Greater Accountability in the Lending Fund Act of 2011''.

**SEC. 2. REPAYMENT DEADLINE UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.**

(a) IN GENERAL.—Section 4103(d)(5)(H) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking ''; or'' and inserting a period;

(B) by striking subclause (II); and

(C) by striking ''will—'' and all that follows through ''be repaid'' and inserting ''will be repaid'';

(2) by striking clause (ii); and

(3) by striking ''that—'' and all that follows through ''includes,'' and inserting ''that includes,''.

(b) EFFECTIVE DATE; APPLICABILITY; SAVINGS CLAUSE.—

(1) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any investment made by the Secretary of the Treasury under the Small Business Lending Fund Program established under section 4103(a)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) (in this subsection referred to as the ''Program'') on or after the date of enactment of this Act.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, an investment made by the Secretary of the Treasury under the Program before the date of enactment of this Act shall remain in full force and effect under the terms and conditions under the investment.

**SEC. 3. SMALL BUSINESS LENDING FUND SUNSET.**

Section 4109 of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in subsection (b), by inserting ''and shall be limited by the termination date in subsection (c)'' before the period at the end; and

(2) by adding at the end the following:

''(c) TERMINATION OF PROGRAM.—

''(1) INVESTMENTS.—On and after the date that is 15 years after the date of enactment of this Act, the Federal Government may not own any preferred stock or other financial instrument purchased under this subtitle or otherwise maintain any capital investment in an eligible institution made under this subtitle.

''(2) AUTHORITIES.—Except as provided in subsection (a), all the authorities provided under this subtitle shall terminate 15 years after the date of enactment of this Act.''.

**SEC. 4. SMALL BUSINESS LENDING FUND TRIGGER.**

Section 4109 of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note), as amended by section 3, is amended by adding at the end the following:

''(d) FDIC RECEIVERSHIP.—The Secretary may not make any purchases, including commitments to purchase, under this subtitle if the Federal Deposit Insurance Corporation is appointed receiver of 5 percent or more of the number of eligible institutions that receive a capital investment under the Program.''.

**SEC. 5. SMALL BUSINESS LENDING FUND LIMITATION.**

(a) IN GENERAL.—Section 4103(d) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) by striking '', less the amount of any CDCI investment and any CPP investment'' each place it appears;

(2) by striking paragraph (7);

(3) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively; and

(4) by adding at the end the following:

''(10) PROHIBITION ON TARP PARTICIPANTS PARTICIPATING IN THE PROGRAM.—An institution in which the Secretary made a investment under the CPP, the CDCI, or any other program established by the Secretary under the Troubled Asset Relief Program established under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.) shall not be eligible to participate in the Program.''.

(b) EFFECTIVE DATE; APPLICABILITY; SAVINGS CLAUSE.—

(1) EFFECTIVE DATE; APPLICABILITY.—The amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any investment made by the Secretary of the Treasury under the Small Business Lending Fund Program established under section 4103(a)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) (in this subsection referred to as the ''Program'') on or after the date of enactment of this Act.

(2) SAVINGS CLAUSE.—Notwithstanding the amendments made by this section, an investment made by the Secretary of the Treasury under the Program before the date of enactment of this Act shall remain in full force and effect under the terms and conditions under the investment.

**SEC. 6. PRIVATE INVESTMENTS UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.**

Section 4103(d)(3) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in the paragraph heading, by striking ''MATCHED''; and

(2) in subparagraph (B)(i), by striking ''both under the Program and''.

**SEC. 7. APPROVAL OF REGULATORS.**

(a) IN GENERAL.—Section 4103(d)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) in the paragraph heading, by striking ''CONSULTATION WITH'' and inserting ''APPROVAL OF'';

(2) in the matter preceding subparagraph (A), by striking ''the Secretary shall'' and inserting ''the Secretary may not make a purchase under this subtitle unless'';

(3) in subparagraph (A)—

(A) by striking ''consult with''; and

(B) by striking ''to determine whether the eligible institution may receive'' and inserting ''determines that, based on the financial condition of the eligible institution, the eligible institution should receive'';

(4) in subparagraph (B)—

(A) by striking ''consider any views received from''; and

(B) by striking ''regarding the financial condition of the eligible institution'' and inserting ''determines that, based on the financial condition of the eligible institution, the eligible institution should receive such capital investment''; and

(5) in subparagraph (C)—

(A) by striking ''consult with''; and

(B) by inserting ''determines that, based on the financial condition of the eligible institution, the eligible institution should receive such capital investment'' before the period at the end.

(b) CONFORMING AMENDMENTS.—Section 4103(d)(3)(A) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended—

(1) by striking ''to be consulted under paragraph (2) would not otherwise recommend'' and inserting ''required to make a determination under paragraph (2) does not approve'';

(2) by striking ''to be so consulted''; and

(3) by striking ''to be consulted would recommend'' and insert ''would approve''.

**SEC. 8. BENCHMARK FOR SMALL BUSINESS LENDING.**

Section 4103(d)(5)(A)(ii) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended by striking ''for the 4 full quarters immediately preceding the date of enactment of this Act'' and inserting ''during calendar year 2007''.

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By Mr. NELSON of Florida:

S. 692. A bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, I rise today to introduce legislation on a subject that is never far from the minds of citizens in my home State of Florida, folks along the Gulf Coast, or on the Atlantic seaboard: the threat of hurricanes, and the devastation that these storms leave in their wake. This threat is ever nearer as we approach the 2011 hurricane season.

Hurricane damage is certainly not new to Florida. On September 1926, the Great Miami Hurricane was a harbinger of things to come. Two years later, a category four hurricane caused Lake Okeechobee to flood its banks killing 2500 out of South Florida's 50,000 residents. In August 1992, Hurricane Andrew struck South Florida causing an estimated $26 billion in damage to the United States. And we all when in August of 2005, Hurricane Katrina ripped through New Orleans and the Gulf Coast region, causing more than $91 billion in economic losses, forcing more than 770,000 people from their homes, and killing an estimated 1833 people.

According to the Insurance Information Institute, insurance companies had estimated losses of $40.6 billion on 1.7 million claims in 6 States from Hurricane Katrina, the largest loss in the history of insurance. Insured losses are predicted to double every decade as development along the Gulf and Atlantic Coasts increases.

The sheer magnitude of this loss is staggering and underscores the need for increased funding for hurricane research and improved forecasting. But hurricanes do not just affect those living along the coasts. These extreme events have national consequences with increased fuel prices and severe inland flooding.

U.S. Census data indicates that more than 35 million people live in areas that are most vulnerable to hurricanes. Emergency managers need to know exactly where a hurricane will strike and how hard it will strike before they can issue an evacuation warning.

Improvements in track and intensity forecasts will translate into better preparedness for coastal and inland communities, saving lives and reducing devastating impacts.

The impacts felt in the wake of Hurricane Katrina—despite a good meteorological forecast of the hurricane—emphasize the need for additional research and development in these areas.

I am committed to the protection of life and property. Hurricanes pose a serious threat to the Nation, and losses are growing. So today I am introducing the National Hurricane Research Initiative. This bill calls for prudent investments that will protect lives and prevent economic devastation, reducing our vulnerability to hurricanes.

The National Hurricane Research Initiative will dramatically expand the scope of fundamental research on hurricanes, including enhanced data collection and analysis in critical research areas, and the translation of research results into improved forecasts and planning. Specifically, the National Hurricane Research Initiative will improve our understanding and prediction of hurricanes and other tropical cyclones, including, storm tracking and prediction, storm surge modeling, and inland flood modeling. This research will expand our understanding of the impacts of hurricanes on and response of society and help us to develop infrastructure that is resilient to the forces associated with hurricanes.

We never know when the next big storm will hit. This type of research is urgently needed, and that research needs to be well coordinated. I look forward to working with Chairman ROCKEFELLER and the members of the Senate Committee on Commerce, Science, and Transportation on this important legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 692

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''National Hurricane Research Initiative Act of 2011''.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) ELIGIBLE ENTITIES.—The term ''eligible entities'' means Federal, State, regional, and local government agencies and departments, tribal governments, universities, research institutes, for-profit entities, and nongovernmental organizations.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(3) INITIATIVE.—The term ''Initiative'' means the National Hurricane Research Initiative established under section 3(a)(1).

(4) STATE.—The term ''State'' means any State of the United States, the District of Columbia, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the Virgin Islands.

(5) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe.

(6) UNDER SECRETARY.—The term ''Under Secretary'' means the Under Secretary for Oceans and Atmosphere.

**SEC. 3. NATIONAL HURRICANE RESEARCH INITIATIVE.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Under Secretary shall establish an initiative to be known as the ''National Hurricane Research Initiative'' for the purposes described in paragraph (2). The Initiative shall consist of—

(A) the activities carried out under this section; and

(B) the research carried out under section 4.

(2) PURPOSES.—The purposes described in this paragraph are as follows:

(A) To conduct research, incorporating to the maximum extent practicable the needs of eligible entities, to enable the following:

(i) Improvement of the understanding and prediction of hurricanes and other tropical storms, including—

(I) storm tracking and prediction;

(II) forecasting of storm formation, intensity, and wind and rain patterns, both within the tropics and as the storms move poleward;

(III) storm surge modeling, inland flood modeling, and coastal erosion;

(IV) the interaction with and impacts of storms with the natural and built environment; and

(V) the impacts to and response of society to destructive storms, including the socioeconomic impacts requiring emergency management, response, and recovery.

(ii) Development of infrastructure that is resilient to the forces associated with hurricanes and other tropical storms.

(iii) Mitigation of the impacts of hurricanes on coastal populations, the coastal built environment, and natural resources, including—

(I) coral reefs;

(II) mangroves;

(III) wetlands; and

(IV) other natural systems that can reduce hurricane wind and flood forces.

(iv) Improvement of communication with the public about hurricane forecasts and risks associated with hurricanes to reduce the harmful impacts of hurricanes and improve the response of society to destructive storms.

(B) To provide training for the next generation of hurricane researchers and forecasters.

(b) IMPLEMENTATION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall, in coordination with the Director of the National Science Foundation, develop a detailed, 5-year implementation plan for the Initiative that—

(A) incorporates the priorities for Federal science and technology investments set forth in the June 2005 publication, ''Grand Challenges for Disaster Reduction'', and in related 2008 implementation plans for hurricane and coastal inundation hazards of the Subcommittee on Disaster Reduction of the Committee on Environment and Natural Resources of the National Science and Technology Council;

(B) to the extent practicable and as appropriate, establishes strategic goals, benchmarks, milestones, and a set of systematic criteria and performance metrics by which the overall effectiveness of the Initiative

may be evaluated on a periodic basis, including evaluation of mechanisms for the effective transition of research to operations and the application of research results for reducing hurricane losses and related public benefits; and

(C) identifies opportunities to leverage the results of the research carried out under section 4 with other Federal and non-Federal hurricane research, coordination, and loss-reduction initiatives, such as—

(i) the National Windstorm Impact Reduction Program established by section 204(a) of the National Windstorm Impact Reduction Act of 2004 (15 U.S.C. 15703);

(ii) the National Flood Insurance Program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.);

(iii) the initiatives of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

(iv) wind hazard mitigation initiatives carried out by a State;

(v) the Science Advisory Board, Social Science Working Group, and Hurricane Forecast Improvement Project of the National Oceanic and Atmospheric Administration; and

(vi) the Working Group for Tropical Cyclone Research of the Office of the Federal Coordinator for Meteorological Services and Supporting Research.

(2) REVIEW.—Not later than 1 year after the date of the enactment of this Act, the Under Secretary shall make the implementation plan required by paragraph (1) available for review by the following:

(A) The Director of the National Science Foundation.

(B) The Secretary of Homeland Security.

(C) The Director of the National Institute for Standards and Technology.

(D) The Commanding General of the U.S. Army Corps of Engineers.

(E) The Commander of the Naval Meteorology and Oceanography Command.

(F) The Associate Administrator for Science Mission Directorate of the National Aeronautics and Space Administration.

(G) The Director of the U.S. Geological Survey.

(H) The Director of the Office of Science and Technology Policy.

(I) The Director of the National Economic Council.

(3) REVISIONS.—The Under Secretary shall revise the implementation plan required by paragraph (1) not less frequently than once every 5 years.

(c) RESEARCH.—

(1) ESTABLISHMENT OF RESEARCH OBJECTIVES.—The Under Secretary shall, in consultation with the Director of the National Science Foundation, establish objectives for research carried out pursuant to section 4 that are—

(A) consistent with the purposes described in subsection (a)(2); and

(B) based on the findings of the expert assessments and strategies published in the following:

(i) The June 2005 publication entitled, ''Grand Challenges for Disaster Reduction'', and the related 2008 implementation plans for hurricane and coastal inundation hazards of the Subcommittee on Disaster Reduction of the Committee on Environment and Natural Resources of the National Science and Technology Council.

(ii) The January 2007 report by the National Science Board entitled, ''Hurricane Warning: The Critical Need for a National Hurricane Initiative''.

(iii) The February 2007 report by the Office of the Federal Coordinator for Meteorological Services and Supporting Research entitled, ''Interagency Strategic Research Plan for Tropical Cyclones: The Way Ahead''.

(iv) Reports from the Hurricane Intensity Working Group of the National Science Advisory Board of the National Oceanic and Atmospheric Administration.

(2) AREAS OF CONCENTRATION.—The objectives required by paragraph (1) shall provide for 3 areas of concentration as follows:

(A) Fundamental hurricane research, which may include research to support continued development and maintenance of community weather research and forecast models, including advanced methods of observing storm structure and assimilating observations into the models, in which the agency or institution hosting the models ensures broad access and use of the model by the civilian research community.

(B) Technology assessment and development.

(C) Research on integration, transition, and application of research results.

(d) NATIONAL WORKSHOPS AND CONFERENCES.—The Under Secretary may, in coordination with the Director of the National Science Foundation, carry out a series of national workshops and conferences that assemble a broad collection of scientific disciplines—

(1) to address hurricane-related research questions; and

(2) to encourage researchers to work collaboratively to carry out the purposes described in subsection (a)(2).

(e) PUBLIC INTERNET WEBSITE.—The Under Secretary shall facilitate the establishment of a public Internet website for the Initiative—

(1) to foster collaboration and interactive dialogues among the Under Secretary, the Director of the National Science Foundation, and the public;

(2) to enhance public access to Initiative documents and products, including—

(A) reports and publications of the Initiative;

(B) the most recent 5-year implementation plan developed under subsection (b); and

(C) each annual cross-cut budget and report submitted to Congress under subsection (f); and

(3) that includes a publicly accessible clearinghouse of Federal research and development centers engaged in research and development efforts that are complementary to the Initiative.

(f) ANNUAL CROSS-CUT BUDGET AND REPORT.—

(1) REQUIREMENT FOR ANNUAL CROSS-CUT BUDGET AND REPORT.—Beginning with the first fiscal year beginning after the date the Under Secretary completes the implementation plan required by subsection (b), the Director of the Office of Science and Technology Policy shall, in conjunction with the Under Secretary, the Director of the National Science Foundation, and the Director of the Office of Management and Budget, submit to Congress each year, together with documents submitted to Congress in support of the budget of the President for the fiscal year beginning in such year (as submitted pursuant to section 1105 of title 31, United States Code)—

(A) a coordinated annual report for the Initiative for the last fiscal year ending before the date on which the report is submitted; and

(B) a cross-cut budget for the Initiative for the first fiscal year beginning after the date on which the report is submitted.

(2) CONTENTS.—The report required by paragraph (1)(A) shall—

(A) document the grants and contracts awarded to eligible entities under section 4;

(B) for each eligible entity that receives a grant or contract under section 4, identify what major activities were undertaken with such funds, grants, and contracts; and

(C) for each research activity or group of activities in an area of concentration described in subsection (c)(2), as appropriate, identify any accomplishments, which may include full or partial achievement of any strategic goals, benchmarks, milestones, or systematic criteria and performance metrics established for the implementation plan under subsection (b)(1)(B).

**SEC. 4. NATIONAL HURRICANE RESEARCH.**

(a) NATIONAL SCIENCE FOUNDATION COMPETITIVE GRANT RESEARCH PROGRAM.—

(1) IN GENERAL.—The Director of the National Science Foundation shall, in coordination with the Under Secretary, establish a program to award grants to eligible entities to carry out research that is consistent with the research objectives established under section 3(c)(1).

(2) SELECTION.—The National Science Foundation shall select grant recipients under this section through its merit review process.

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION RESEARCH PROGRAM.—

(1) IN GENERAL.—The Under Secretary shall, in coordination with the Director of the National Science Foundation, carry out a program of research that is consistent with the research objectives established under section 3(c)(1).

(2) RESEARCH ACTIVITIES.—Research carried out under paragraph (1) may be carried out through—

(A) intramural research;

(B) awarding grants to eligible entities to carry out research;

(C) contracting with eligible entities to carry out research; or

(D) entering into cooperative agreements to carry out research.

(3) DEMONSTRATION PROJECTS AUTHORIZED.—Research carried out under this subsection may include demonstration projects.

(c) COLLABORATION.—To the maximum extent practicable, each entity carrying out research under this section shall collaborate with existing Federal and Federally funded research centers operating in related fields, for-profit organizations, and international, regional, State, local, and tribal governments—

(1) to gather and share experiential information; and

(2) to advance scientific and engineering knowledge, technology transfer, and technology commercialization in the course of conduct of hurricane-related research and its application to mitigating the impacts of hurricanes and other tropical storms on society.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 115—DESIGNATING JULY 8, 2011, AS ''COLLECTOR CAR APPRECIATION DAY'' AND RECOGNIZING THAT THE COLLECTION AND RESTORATION OF HISTORIC AND CLASSIC CARS IS AN IMPORTANT PART OF PRESERVING THE TECHNOLOGICAL ACHIEVEMENTS AND CULTURAL HERITAGE OF THE UNITED STATES

Mr. TESTER (for himself and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 115

Whereas many people in the United States maintain classic automobiles as a pastime

and do so with great passion and as a means of individual expression;

Whereas the Senate recognizes the effect that the more than 100-year history of the automobile has had on the economic progress of the Nation and supports wholeheartedly all activities involved in the restoration and exhibition of classic automobiles;

Whereas collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society;

Whereas thousands of local car clubs and related businesses have been instrumental in preserving a historic part of the heritage of this Nation by encouraging the restoration and exhibition of such vintage works of art;

Whereas automotive restoration provides well-paying, high-skilled jobs for people in all 50 States; and

Whereas automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of the popular culture of the United States: Now therefore, be it

*Resolved,* That the Senate—

(1) designates July 8, 2011, as ''Collector Car Appreciation Day'';

(2) recognizes that the collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States;

(3) encourages the Department of Education, the Department of Transportation, and other Federal agencies to support events and commemorations of ''Collector Car Appreciation Day'', including exhibitions and educational and cultural activities for young people; and

(4) encourages the people of the United States to engage in events and commemorations of ''Collector Car Appreciation Day'' that create opportunities for collector car owners to educate young people on the importance of preserving the cultural heritage of the United States, including through the collection and restoration of collector cars.

## SENATE RESOLUTION 116—TO PROVIDE FOR EXPEDITED SENATE CONSIDERATION OF CERTAIN NOMINATIONS SUBJECT TO ADVICE AND CONSENT

Mr. SCHUMER (for himself, Mr. ALEXANDER, Mr. REID of Nevada, Mr. MCCONNELL, Mr. LIEBERMAN, Ms. COLLINS, Mr. BINGAMAN, Mr. LUGAR, Mr. DURBIN, Mr. JOHANNS, Mr. REED of Rhode Island, Mr. BROWN of Massachusetts, Mr. CARPER, Mr. WHITEHOUSE, and Mr. KYL) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 116

*Resolved,*

**SECTION 1. PROCEDURE FOR CONSIDERATION.**

(a) PRIVILEGED NOMINATIONS; INFORMATION REQUESTED.—Upon receipt by the Senate of a nomination described in section 2, the nomination shall—

(1) be placed on the Executive Calendar under the heading ''Privileged Nominations – Information Requested''; and

(2) remain on the Executive Calendar under such heading until the Executive Clerk receives a written certification from the Chairman of the committee of jurisdiction under subsection (b).

(b) QUESTIONNAIRES.—The Chairman of the committee of jurisdiction shall notify the Executive Clerk in writing when the appropriate biographical and financial questionnaires have been received from an individual nominated for a position described in section 2.

(c) PRIVILEGED NOMINATIONS; INFORMATION RECEIVED.—Upon receipt of the certification under subsection (b), the nomination shall—

(1) be placed on the Executive Calendar under the heading ''Privileged Nomination—Information Received'' and remain on the Executive Calendar under such heading for 10 session days; and

(2) after the expiration of the period referred to in paragraph (1), be placed on the ''Nominations'' section of the Executive Calendar.

(d) REFERRAL TO COMMITTEE OF JURISDICTION.—During the period when a nomination described in subsection (a) is listed under the ''Privileged Nomination—Information Requested'' section of the Executive Calendar described in section (a)(1) or the ''Privileged Nomination—Information Received'' section of the Executive Calendar described in section (c)(1)—

(1) any Senator may request on his or her own behalf, or on the behalf of any identified Senator that the nomination be referred to the appropriate committee of jurisdiction; and

(2) if a Senator makes a request described in paragraph (1), the nomination shall be referred to the appropriate committee of jurisdiction.

**SEC. 2. NOMINATIONS COVERED.**

The following nominations for the positions described (including total number of individuals to be appointed for the position) shall be considered under the provisions of this resolution:

(1) The Chairman and the Members of the Advisory Board for Cuba Broadcasting (9 Members including Chairman).

(2) The Chairman and the Members of the Corporation for National and Community Service (15 Members including Chairman).

(3) The Chairman and the Members of the Federal Retirement Thrift Investment Boards (5 Members including Chairman).

(4) The Members of the Internal Revenue Service Oversight Board (7 Members).

(5) The Members of the Board of the Millennium Challenge Corporation (4 Members).

(6) The Members of the National Council on the Arts (18 Members).

(7) The Members of the National Council for the Humanities (26 Members).

(8) The Members of the Board of Directors of the Overseas Private Investment Corporation (8 Members).

(9) The Members of the Peace Corps. National Advisory Council (15 Members).

(10) The Chairman, Vice Chairman, and the Members of the Board of Directors for the United States Institute of Peace (12 Members including Chairman and Vice Chairman).

(11) The Members of the Board of Directors of the Federal Agricultural Mortgage Corporation (5 Members).

(12) The Members of the Board of Directors of the National Consumer Cooperative Bank (3 Members).

(13) The Members of the Board of Directors of the National Institute of Building Sciences (15 to 21 Members).

(14) The Members of the Board of Directors of the Securities Investor Protection Corporation (5 Members).

(15) The Members of the Board of Directors of the Metropolitan Washington Airport Authority (3 Members).

(16) The Members of the Saint Lawrence Seaway Development Corporation Advisory Board (5 Members).

(17) The Members of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation (9 Members).

(18) The Members the Board of Trustees of the Federal Hospital Insurance Trust Fund (2 Members).

(19) The Members of the Board of Trustees of the Federal Old Age and Survivors Trust Fund and Disability Insurance Trust Fund (2 Members).

(20) The Members of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund (2 Members).

(21) The Members of the Social Security Advisory Board (3 Members).

(22) The Members of the Board of Directors of the African Development Foundation (7 Members).

(23) The Members of the Board of Directors of the Inter American Foundation (9 Members).

(24) The Commissioners of the United States Advisory Commission on Public Diplomacy (7 Members).

(25) The Members of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation (8 Members).

(26) The Members of the Board of Trustees of the Harry Truman Scholarship Foundation (8 Members).

(27) The Members of the Board of Trustees of the James Madison Memorial Fellowship Foundation (6 Members).

(28) The Members of the Board of Directors of the Legal Services Corporation (11 Members).

(29) The Members of the Foreign Claims Settlement Commission (2 Members).

(30) The Members of the Board of Directors of the State Justice Institute (11 Members).

**SEC. 3. EXECUTIVE CALENDAR.**

The Secretary of the Senate shall create the appropriate sections on the Executive Calendar to reflect and effectuate the requirements of this resolution.

**SEC. 4. EFFECTIVE DATE.**

This resolution shall take effect 60 days after the date of adoption of this resolution.

## SENATE RESOLUTION 117—SUPPORTING THE GOALS AND IDEALS OF PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

Ms. STABENOW (for herself, Mr. BEGICH, Mr. BROWN of Ohio, Mr. LEVIN, Mr. COCHRAN, Ms. LANDRIEU, Mr. SANDERS, and Mr. JOHNSON of South Dakota) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 117

Whereas social work is a profession of hope, grounded in practical problem-solving expertise;

Whereas social workers are positive change agents who dedicate their careers to helping people transform their lives and improving environments to make that transformation possible;

Whereas more than 640,000 trained social work professionals in the United States work tirelessly to provide resources and guidance that support social functioning in agencies, hospitals, hospices, schools, universities, legislatures, private practices, corporations, and the military;

Whereas social workers have education and experience to guide individuals, families, and communities through complex issues and choices;

Whereas social workers stand up for others to make sure that everyone has access to the

same basic rights, protections, and opportunities;

Whereas social workers have been an important force behind several significant social movements in the United States;

Whereas social workers are on the frontlines, responding to such human needs as homelessness, poverty, family breakups, mental illness, physical and mental disability, substance abuse, domestic violence, and many other issues;

Whereas Professional Social Work Month and World Social Work Day, which is March 15, 2011, build awareness of the role that professional social workers play in the community and the wide range of contributions social workers make throughout their careers; and

Whereas the 2011 Professional Social Work Month theme, ''Social Workers Change Futures'', showcases the expertise and dedication of professional social workers in helping to improve lives: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Professional Social Work Month and World Social Work Day;

(2) acknowledges the diligent efforts of individuals and groups who promote the importance of social work and observe Professional Social Work Month and World Social Work Day;

(3) encourages the people of the United States to engage in appropriate ceremonies and activities to promote further awareness of the life-changing role which social workers play; and

(4) recognizes with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work.

## SENATE RESOLUTION 118—DESIGNATING APRIL 2011 AS ''NATIONAL 9-1-1 EDUCATION MONTH''

Ms. KLOBUCHAR (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 118

Whereas 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that ''a single number should be established'' nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968 the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106-81);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9-1-1 system to be ''a high national priority'' and part of ''our Nation's homeland security and public safety'';

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the system works today, and the steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9-1-1 a significant homeland security asset;

Whereas more than 6,000 9-1-1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9-1-1 calls each year in the United States;

Whereas a growing number of 9-1-1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9-1-1 and implementing an enhanced 9-1-1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas the ability to communicate through voice, text, data, and video conferencing provides an opportunity for the Nation's 9-1-1 system to adopt next generation applications and services, greatly enhancing the capabilities of 9-1-1 services;

Whereas numerous other ''N-1-1'' and 800 number services exist for non-emergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers, and mental health hotlines, and the public needs to be educated about when to use such services in addition to, or instead of, 9-1-1;

Whereas international visitors and immigrants make up an increasing percentage of the population of the United States each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9-1-1 and it is critical to educate people on the proper use of 9-1-1;

Whereas senior citizens are at high risk for needing to call 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made each year by children who are properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children about 9-1-1 early in life;

Whereas the 9-1-1 system is often misused, such as through the placement of prank and non-emergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources, and such misuse needs to be reduced;

Whereas parents, teachers, and caregivers must be educated about 9-1-1 in order to play an active role in 9-1-1 education for children;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas parents, teachers, and the National Parent Teacher Association contribute significantly to the goal of educating children about the importance of 9-1-1 through targeted outreach efforts to public and private schools;

Whereas the United States should strive to host at least 1 annual educational event regarding the proper use of 9-1-1 in every school in the Nation;

Whereas the people of the United States deserve the best education regarding the use of 9-1-1; and

Whereas programs to promote proper use of 9-1-1 during ''National 9-1-1 Education Month'' may include—

(1) public awareness events, such as conferences and media outreach;

(2) training activities for businesses, parents, teachers, school administrators, and other caregivers;

(3) educational events in schools and other appropriate venues; and

(4) production and distribution of information about the 9-1-1 system, designed to educate people of all ages on the importance and proper use of 9-1-1: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2011 as ''National 9-1-1 Education Month''; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe ''National 9-1-1 Education Month'' with appropriate ceremonies, training events, and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 268. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 269. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 270. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 271. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 272. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 273. Mr. COBURN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 274. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 275. Ms. SNOWE (for herself, Mr. THUNE, Mr. RUBIO, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 276. Mr. PAUL proposed an amendment to the bill S. 493, supra.

SA 277. Ms. STABENOW (for herself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 268.** Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 38, strike lines 7 and 8 and insert the following:

(ee) owned and controlled by service-disabled veterans, veterans recently separated, discharged, or released from service in the

Armed Forces, or members of a reserve component of the Armed Forces;

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**SA 269.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 504. 8(a) PROGRAM.**

(a) AMENDMENT TO DEFINITION OF INDIAN TRIBE.—Section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and adjusting the margins accordingly;

(2) by striking ''the term 'Indian tribe' means'' and inserting the following: ''the term 'Indian tribe'—

''(A) means'';

(3) by striking '', including any Alaska Native village or regional or village corporation (within the meaning of the Alaska Native Claims Settlement Act)'';

(4) in subparagraph (A)(i), as so designated, by striking '', or'' and inserting ''; or'';

(5) by striking the period at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(B) does not include an Alaska Native Corporation or Alaska Native Village.''.

(b) SOCIAL AND ECONOMIC DISADVANTAGE.—

(1) IN GENERAL.—Section 29(e) of the Alaska Native Claims Settlement Act (43 U.S.C. 1626(e)) is amended—

(A) in paragraph (1), by striking ''For all purposes of'' and inserting ''Except as provided in paragraph (5), for all purposes of'';

(B) in paragraph (2), by striking ''For all purposes of'' and inserting ''Except as provided in paragraph (5), for all purposes of''; and

(C) by adding at the end the following:

''(5) For purposes of sections 7(j)(10) and 8(a) of the Small Business Act (15 U.S.C. 636(j)(10) and 637(a)), whether a Native Corporation or Native village or a direct and indirect subsidiary corporation, joint venture, or partnership of a Native Corporation or Native village is socially or economically disadvantaged shall be determined in accordance with paragraph (5) or (6), respectively, of section 8(a) of the Small Business Act.''.

(2) STANDARDS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended—

(A) in paragraph (4)—

(i) in subparagraph (A)—

(I) in clause (i)—

(aa) in subclause (II), by striking ''or'' at the end; and

(bb) by adding at the end the following:

''(IV) a socially and economically disadvantaged Alaska Native Corporation or Alaska Native Village, or''; and

(II) in clause (ii)—

(aa) in subclause (II), by striking ''or'' at the end;

(bb) in subclause (III), by striking the period at the end and inserting '', or''; and

(cc) by adding at the end the following:

''(IV) a socially and economically disadvantaged Alaska Native Corporation or Alaska Native Village.'';

(ii) in subparagraph (B)—

(I) in clause (ii), by striking ''or'' at the end;

(II) in clause (iii), by striking the period at the end and inserting '', or''; and

(III) by adding at the end the following:

''(iv) members of a socially and economically disadvantaged Alaska Native Corporation or Alaska Native Village described in subparagraph (A)(i)(IV) or subparagraph (A)(ii)(IV).''; and

(iii) by adding at the end the following:

''(D) The Administrator may not waive the requirement under this paragraph that the management and daily business operations of a business concern participating in the program under this subsection are controlled by one or more socially and economically disadvantaged individuals for a business concern owned by an Alaska Native Corporation or Alaska Native Village.'';

(B) in paragraph (5)—

(i) by inserting ''(A)'' after ''(5)''; and

(ii) by adding at the end the following:

''(B) For purposes of this subsection and section 7(j)(10), the Administrator shall determine whether an Alaska Native Corporation or Alaska Native Village is, as an entity, socially disadvantaged in accordance with the factors described in subparagraph (A).''; and

(C) in paragraph (6), by adding at the end the following:

''(F) For purposes of this subsection and section 7(j)(10), the Administrator shall annually determine whether an Alaska Native Corporation or Alaska Native Village is economically disadvantaged in the same manner as for an applicant for or participant in the program under this subsection that is a Native Hawaiian organization.''.

(c) AFFILIATION.—Section 7(j)(10)(J)(ii)(II) of the Small Business Act (15 U.S.C. 636(j)(10)(J)(ii)(II)) is amended by inserting '', as defined in section 8(a)(13)'' after ''Indian tribe''.

(d) SOLE SOURCE CONTRACTING DOLLAR LIMITS.—

(1) COMPETITIVE THRESHOLDS.—Not later than 270 days after the date of enactment of this Act, the Administrator shall amend the regulations issued under sections 7(j)(10) and 8(a) of the Small Business Act (15 U.S.C. 636(j)(10) and 637(a)) in accordance with this section and the amendments made by this section to apply to small business concerns owned by an Alaska Native Corporation or Alaska Native Village the competitive thresholds for awarding sole source contracts under section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)) that are applicable to small business concerns that are owned by a socially and economically disadvantaged individual.

(2) MAXIMUM TOTAL DOLLAR AMOUNT.—Section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)) is amended by adding at the end the following:

''(iii) For purposes of eligibility for the award of a contract on the basis of restricted competition under this subparagraph, the Administrator may not establish a maximum total dollar amount of such awards during the period of Program Participation for participants that are owned by an Alaska Native Corporation or Alaska Native Village that is different from the amount for Program Participants that are owned by a socially and economically disadvantaged individual.''.

(e) ONE TIME ELIGIBILITY.—Section 7(j)(11)(B)(iii) of the Small Business Act (15 U.S.C. 636(j)(11)(B)(iii)) is amended in the matter preceding subclause (I) by inserting ''(as defined in section 8(a)(13))'' after ''Indian tribe''.

(f) GRADUATION.—

(1) IN GENERAL.—Section 7(j)(15) of the Small Business Act (15 U.S.C. 636(j)(15)) is amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ''(A)'' after ''(15)''; and

(C) by adding at the end the following:

''(B) The Administrator may not extend or waive the time limitations under this paragraph for a business concern owned by an Alaska Native Corporation or Alaska Native Village.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(A) in section 7(j) (15 U.S.C. 636(j))—

(i) in paragraph (10)(E)(ii), by striking ''paragraph (15)'' and inserting ''paragraph (15)(A)''; and

(ii) in paragraph (11)(D), by striking ''paragraph (15)'' and inserting ''paragraph (15)(A)''; and

(B) in section 8(a)(1)(C) (15 U.S.C. 637(a)(1)(C)), in the matter preceding clause (i), by striking ''section 7(j)(15)'' and inserting ''section 7(j)(15)(A)''.

(g) REPORTING.—Section 8(a)(6)(B) of the Small Business Act (15 U.S.C. 637(a)(6)(B)) is amended—

(1) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(2) by inserting ''(i)'' after ''(B)''; and

(3) by adding at the end the following:

''(ii) The annual report submitted under clause (i) by a Program Participant that is an Alaska Native Corporation or Alaska Native Village shall include, for the period addressed by the report—

''(I) the total revenue of the Alaska Native Corporation or Alaska Native Village;

''(II) the revenue of the Alaska Native Corporation or Alaska Native Village attributable to the participation of the Alaska Native Corporation or Alaska Native Village in the program under this subsection; and

''(III) the total amount of benefits paid to shareholders of the Alaska Native Corporation or Alaska Native Village.''.

(h) REGULATIONS.—Not later than 270 days after the date of enactment of this Act, the Administrator shall amend the regulations issued under sections 7(j)(10) and 8(a) of the Small Business Act (15 U.S.C. 636(j)(10) and 637(a)) in accordance with this section and the amendments made by this section, which shall include—

(1) establishing criteria for determining whether an Alaska Native Corporation or Alaska Native Village is, as a group, socially disadvantaged, in accordance with the factors described in section 8(a)(5)(A) of the Small Business Act, as so designated by this section;

(2) establishing criteria for determining whether an Alaska Native Corporation, Alaska Native Village, or Native Hawaiian Organization is economically disadvantaged;

(3) repealing the provision that excludes certain affiliates of an Alaska Native Corporation or Alaska Native Village in determining whether a business is a small business concern;

(4) repealing the waiver for Alaska Native Corporations and Alaska Native Villages of the requirement that the management and daily business operations of a business concern participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) are controlled by one or more socially and economically disadvantaged individuals;

(5) applying to small business concerns owned by an Alaska Native Corporation or Alaska Native Village the limitation on eligibility for a sole source award under section 8(a)(1)(D) of the Small Business Act (15 U.S.C. 637(a)(1)(D)) based on the maximum total amount of competitive and sole source awards under such section 8(a) that are applicable to small business concerns that are owned by a socially and economically disadvantaged individual;

(6) prohibiting a single Alaska Native Corporation or Alaska Native Village from conferring eligibility to participate in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) on more than 1 small business concern at any one time; and

(7) applying to small business concerns owned by an Alaska Native Corporation or

Alaska Native Village the limitation on ownership of other firms participating in the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a)) that is applicable to small business concerns that are owned by a socially and economically disadvantaged individual.

(i) DEFINITIONS.—In this section—

(1) the terms ''Alaska Native Corporation'' and ''Alaska Native Village'' have the meanings given those terms in section 3(p)(6) of the Small Business Act (15 U.S.C. 632(p)(6)); and

(2) the term ''Native Hawaiian Organization'' has the meaning given that term in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

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**SA 270.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. _____. TEAMING ARRANGEMENTS AND AGENCY CONTRACTING GOALS.**

Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by adding at the end the following:

''(3) TEAMING ARRANGEMENTS AND AGENCY CONTRACTING GOALS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'covered small business concern' means—

''(I) a small business concern owned and controlled by service-disabled veterans;

''(II) a small business concern owned and controlled by socially and economically disadvantaged individuals, as defined in section 8(d)(3)(C);

''(III) a small business concern owned and controlled by women, as defined in section 8(d)(3)(D); or

''(IV) a qualified HUBZone small business concern; and

''(ii) the term 'teaming arrangement entity' means a prime contractor under a contractor team arrangement, as defined in section 9.601 of the Federal Acquisition Regulation, as in effect on October 1, 2009.

''(B) CONTRACTING GOALS.—If a covered small business concern performs the obligations of a teaming arrangement entity under a contract between the teaming arrangement entity and a Federal agency, the head of the Federal agency may deem the contract to be a contract awarded to the covered small business concern for purposes of determining whether the Federal agency has met the goals established by the head of the Federal agency under paragraph (2).''.

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**SA 271.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. ___. IDENTIFICATION OF QUALIFIED CENSUS TRACTS BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.**

(a) DESIGNATION OF QUALIFIED CENSUS TRACTS.—Not later than 2 weeks after the date on which the Secretary of Housing and Urban Development receives from the Census Bureau the data obtained from each decennial census relating to census tracts, the Secretary of Housing and Urban Development shall identify census tracts that meet the requirements of section 42(d)(5)(B)(ii) of the Internal Revenue Code of 1986 (determined without regard to Secretarial designation) and shall deem such census tracts to be qualified census tracts (as defined in such section) solely for purposes of determining which areas qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(b) DETERMINATION BY ADMINISTRATOR.—Not later than 3 months after the date on which the Secretary of Housing and Urban Development identifies qualified census tracts under subsection (a), the Administrator shall determine which areas qualify as HUBZones under section 3(p)(1)(A) of the Small Business Act (15 U.S.C. 632(p)(1)(A)).

(c) APPLICATIONS FOR CERTIFICATION AS QUALIFIED HUBZONE SMALL BUSINESS CONCERN.—

(1) APPLICATION.—During a period beginning on a date on which the Secretary of Housing and Urban Development identifies qualified census tracts under subsection (a) and ending on the date the Administrator determines which areas qualify as HUBZones, a small business concern located in an area identified as a qualified census tract under subsection (a) may submit to the Administrator an application for certification as a qualified HUBZone small business concern.

(2) CERTIFICATION.—The Administrator may not certify a small business concern that submits an application under paragraph (1) as a qualified HUBZone small business concern before the date on which the Administrator determines which areas qualify as HUBZones.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the date on which a census tract is designated as a qualified census tract for purposes of section 42 of the Internal Revenue Code of 1986.

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**SA 272.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 16, strike ''and''.

On page 49, between lines 18 and 19, insert the following:

(C) in subparagraph (C), by striking ''and'' at the end;

(D) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(E) developing and manufacturing in the United States new commercial products and processes resulting from such projects.'';

On page 78, line 2, strike ''or''.

On page 78, line 4, strike ''and'' and insert ''or''.

On page 78, between lines 4 and 5, insert the following:

''(viii)(I) has a product, process, technology, or service that received funding under the SBIR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and

On page 80, line 5, strike ''or''.

On page 80, line 15, strike ''and'' and insert ''or''.

On page 80, between lines 15 and 16, insert the following:

''(viii)(I) has a product, process, technology, or service that received funding under the STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States; and

On page 81, line 24, strike ''or''.

On page 82, strike line 5 and insert the following:

(20 U.S.C. 1001); or

''(vi)(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of the Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States.''.

On page 83, line 15, strike ''and''.

On page 83, strike line 22 and insert the following:

program; and

''(ix) whether the small business concern—

''(I) has a product, process, technology, or service that received funding under the SBIR or STTR program of a Federal agency and that is produced or delivered for sale to or use by the Federal Government or commercial markets; and

''(II) for each product, process, technology, or service described in subclause (I), is testing or producing the product, process, technology, or service in the United States;'';

On page 90, line 10, strike ''and''.

On page 90, strike line 13 and insert the following:

STTR program of the agency; and

''(D) estimate, to the extent practicable, the amount of production and manufacturing in the United States that resulted from awards under the SBIR program or STTR program of the agency; and

''(E) make recommendations, if any, for changes to the SBIR program or STTR program of the agency that would increase production and manufacturing in the United States.

On page 91, line 20, strike ''and'' at the end.

On page 91, strike line 22 and insert the following:

award; and

''(4) whether the small business concern or individual receiving the Phase III award is developing, testing, producing, or manufacturing the product or service that is the subject of the Phase III award in the United States.''.

On page 105, line 2, strike ''and''.

On page 105, between lines 6 and 7, insert the following:

(C) ways for Federal agencies to create incentives for recipients of awards under the SBIR program and the STTR program to carry out research, development, testing, production, and manufacturing in the United States; and

On page 115, line 8, insert after ''programs'' the following: '', including the impact on production and manufacturing in the United States''.

At the end, add the following:

**SEC. 504. REQUIREMENT TO PERFORM RESEARCH AND RESEARCH AND DEVELOPMENT WORK IN THE UNITED STATES.**

Section 9 of the Small Business Act (15 U.S.C. 638), as amended by this Act, is amended by adding at the end the following:

''(nn) REQUIREMENT TO PERFORM RESEARCH AND RESEARCH AND DEVELOPMENT WORK IN THE UNITED STATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a small business concern that receives a Phase I or Phase II award under an SBIR program or STTR program (including an award under a pilot program under subsection (ff)) shall perform or obtain the research or research and development work required under the award in the United States.

''(2) EXCEPTION.—A Federal agency that makes an award under the SBIR program or STTR program may approve a specific portion of research or research and development work under the award to be performed or obtained outside the United States if—

''(A) a rare or unique circumstance, including a supply, material, or other item that is not available in the United States, requires the portion of the work to be performed or obtained outside the United States; and

''(B) the Federal agency makes the approval in writing.''.

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**SA 273.** Mr. COBURN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. ___. CONSOLIDATING UNNECESSARY DUPLICATIVE AND OVERLAPPING GOVERNMENT PROGRAMS.**

Notwithstanding any other provision of law, not later than 150 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall coordinate with the heads of the relevant department and agencies to—

(1) use available administrative authority to eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP) and apply the savings towards deficit reduction;

(2) identify and report to Congress any legislative changes required to further eliminate, consolidate, or streamline Government programs and agencies with duplicative and overlapping missions identified in the March 2011 Government Accountability Office report to Congress entitled ''Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue'' (GAO–11–318SP);

(3) determine the total cost savings that shall result to each agency, office, and department from the actions described in subsection (1); and

(4) rescind from the appropriate accounts the amount greater of—

(A) $5,000,000,000; or

(B) the total amount of cost savings estimated by paragraph (3).

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**SA 274.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STIR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

**SEC. ___. TERMINATING LEFTOVER CONGRESSIONAL EARMARK ACCOUNTS.**

(a) IN GENERAL.—Any language specifying an earmark in an appropriations Act for fiscal year 2010, or in a committee report or joint explanatory statement accompanying such an Act, shall have no legal effect with respect to funds appropriated after Fiscal Year 2010.

(b) DEFINITION.—For purposes of this section, the term ''earmark'' means a congressional earmark or congressionally directed spending item, as defined in clause 9(e) of rule XXI of the Rules of the House of Representatives and paragraph 5(a) of rule XLIV.

(c) REDUCTION REQUIRED.—Any funds appropriated in fiscal year 2011 to any program shall be reduced by the total amount of congressional earmarks or congressionally directed spending items contained within a committee report or joint explanatory statement accompanying such an Act that provided appropriations to the program in fiscal year 2010.

(d) RESCISSION.—The amounts reduced by subsection (c) are rescinded and returned to the Treasury for the purpose of deficit reduction.

(e) PRIOR LAW.—Subsections (c) and (d) shall not apply to any programs or accounts that were reduced in the same manner by Public Law 112–4 or any other bill that takes effect prior to date of enactment of this Act.

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**SA 275.** Ms. SNOWE (for herself, Mr. THUNE, Mr. RUBIO, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. ENZI, and Mr. VITTER) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. 504. USE OF STIMULUS FUNDS TO OFFSET.**

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116), $150,000,000 is rescinded on a pro rata basis, by account, from unobligated amounts appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 116) (other than under title X of division A of such Act) in order to offset the cost under this Act, and the amendments made by this Act, relating to the SBIR program or the STTR program. The Director of the Office of Management and Budget shall report to each congressional committee the amounts rescinded under this subsection within the jurisdiction of such committee.

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**SA 276.** Mr. PAUL proposed an amendment to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; as follows:

At the appropriate place, insert the following:

It is the sense of the Senate, that ''The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the nation''.

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**SA 277.** Ms. STABENOW (for herself and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

**SEC. 504. SUSPENSION OF STATIONARY SOURCE GREENHOUSE GAS REGULATIONS.**

(a) DEFINED TERM.—In this section, the term ''greenhouse gas'' means—

(1) water vapor;

(2) carbon dioxide;

(3) methane;

(4) nitrous oxide;

(5) sulfur hexafluoride;

(6) hydrofluorocarbons;

(7) perfluorocarbons; and

(8) any other substance subject to, or proposed to be subject to, any regulation, action, or consideration under the Clean Air Act (42 U.S.C. 7401 et seq.) to address climate change.

(b) IN GENERAL.—Except as provided in subsection (d), and notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), any requirement, restriction, or limitation under such Act relating to a greenhouse gas that is designed to address climate change, including any permitting requirement or requirement under section 111 of such Act (42 U.S.C. 7411), for any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202(a) of such Act (42 U.S.C. 7521(a)), shall not be legally effective during the 2-year period beginning on the date of the enactment of this Act.

(c) TREATMENT.—Notwithstanding any other provision of law, any action by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (b) that causes greenhouse gases to be pollutants subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.), except for purposes other than addressing climate change, shall not be legally effective with respect to any source other than a new motor vehicle or a new motor vehicle engine (as described in section 202 of such Act).

(d) EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

(1) the implementation and enforcement of the rule entitled ''Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards'' (75 Fed. Reg. 25324 (May 7, 2010) and without further revision);

(2) the finalization, implementation, enforcement, and revision of the proposed rule entitled ''Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles'' published at 75 Fed. Reg. 74152 (November 30, 2010);

(3) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(4) any action relating to the provision of technical support at the request of a State.

**SEC. 505. GREENHOUSE GAS EMISSIONS FROM AGRICULTURAL SOURCES.**

In calculating the emissions or potential emissions of a source or facility, emissions of greenhouse gases that are subject to regulation under title III of the Clean Air Act (42 U.S.C. 7601 et seq.) solely on the basis of the effect of the gases on global climate change shall be excluded if the emissions are from—

(1) changes in land use;

(2) the growing of commodities, biomass, fruits, vegetables, or other crops;

(3) the raising of stock, dairy, poultry, or fur-bearing animals; or

(4) farms, forests, plantations, ranches, nurseries, ranges, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

**SEC. 506. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.**

(a) IN GENERAL.—Subsection (d) of section 48C of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) ADDITIONAL 2011 ALLOCATIONS.—

''(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this paragraph, the Secretary, in consultation with the Secretary of Energy, shall establish a program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors with respect to applications received on or after the date of the enactment of this paragraph.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program described in subparagraph (A) shall not

exceed the 2011 allocation amount reduced by so much of the 2011 allocation amount as is taken into account as an increase in the limitation described in paragraph (1)(B).

''(C) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2), (3), (4), and (5) shall apply for purposes of the program described in subparagraph (A), except that—

''(i) CERTIFICATION.—Applicants shall have 2 years from the date that the Secretary establishes such program to submit applications.

''(ii) SELECTION CRITERIA.—For purposes of paragraph (3)(B)(i), the term 'domestic job creation (both direct and indirect)' means the creation of direct jobs in the United States producing the property manufactured at the manufacturing facility described under subsection (c)(1)(A)(i), and the creation of indirect jobs in the manufacturing supply chain for such property in the United States.

''(iii) REVIEW AND REDISTRIBUTION.—The Secretary shall conduct a separate review and redistribution under paragraph (5) with respect to such program not later than 4 years after the date of the enactment of this paragraph.

''(D) 2011 ALLOCATION AMOUNT.—For purposes of this subsection, the term '2011 allocation amount' means $5,000,000,000.

''(E) DIRECT PAYMENTS.—In lieu of any qualifying advanced energy project credit which would otherwise be determined under this section with respect to an allocation to a taxpayer under this paragraph, the Secretary shall, upon the election of the taxpayer, make a grant to the taxpayer in the amount of such credit as so determined. Rules similar to the rules of section 50 shall apply with respect to any grant made under this subparagraph.''.

(b) PORTION OF 2011 ALLOCATION ALLOCATED TOWARD PENDING APPLICATIONS UNDER ORIGINAL PROGRAM.—Subparagraph (B) of section 48C(d)(1) of such Code is amended by inserting ''(increased by so much of the 2011 allocation amount (not in excess of $1,500,000,000) as the Secretary determines necessary to make allocations to qualified investments with respect to which qualifying applications were submitted before the date of the enactment of paragraph (6))'' after ''$2,300,000,000''.

(c) CONFORMING AMENDMENT.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''48C(d)(6)(E),'' after ''36C,''.

## 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 7, 2011, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing entitled ''Promise Fulfilled: The Role of the SBA 8(a) Program in Enhancing Economic Development in Indian Country.''

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

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on March 30, 2011, at 10:30 p.m. in SR 328A.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 30, 2011, at 10 a.m. in Dirksen 406.

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

COMMITTEE ON FINANCE

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 30, 2011, at 10 a.m. in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''How Do Complexity, Uncertainty and Other Factors Impact Responses to Tax Incentives?''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 30, 2011, at 10 a.m. to conduct a hearing entitled ''Ten Years After 9/11: A Report From the 9/11 Commission Chairmen.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 30, 2011, at 2:30 p.m. to conduct a hearing entitled ''Securing the Border: Building on the Progress Made.''

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 30, 2011, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Oversight of the Federal Bureau of Investigation.''

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

COMMITTEE ON THE JUDICIARY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 30, 2011, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Nominations.''

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 30, 2011. The Committee will meet in room SD–106 in the Dirksen Senate Office Building beginning at 10:30 a.m.

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

SUBCOMMITTEE ON NATIONAL PARKS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on March 30, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on March 30, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON SURFACE TRANSPORTATION AND MERCHANT MARINE INFRASTRUCTURE, SAFETY, AND SECURITY

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 30, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

## BIRTHDAY WISHES

Mr. REID. Mr. President, happy birthday.

The PRESIDING OFFICER. Thank you.

## CONGRATULATING THE PENNSYLVANIA STATE UNIVERSITY IFC/PANHELLENIC DANCE MARATHON

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 112, and the Senate now proceed to its consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 112) congratulating the Pennsylvania State University IFC/Panhellenic Dance Marathon (''THON'') on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be

agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 112

Whereas the Pennsylvania State IFC/Panhellenic Dance Marathon (referred to in this preamble as ''THON'') is the largest student-run philanthropy in the world, with 700 dancers, more than 300 supporting organizations, and more than 15,000 volunteers involved in the annual event;

Whereas student volunteers at the Pennsylvania State University annually collect money and dance for 46 hours straight at the Bryce Jordan Center for THON, bringing energy and excitement to campus for a mission to conquer cancer and awareness about the disease to thousands of individuals;

Whereas all THON activities support the mission of the Four Diamonds Fund at Penn State Hershey Children's Hospital, which provides financial and emotional support to pediatric cancer patients and their families and funds cancer research;

Whereas each year, THON is the single largest donor to the Four Diamonds Fund at Penn State Hershey Children's Hospital, having raised more than $69,000,000 since 1977, when the 2 organizations first became affiliated;

Whereas in 2011, THON set a new fundraising record of $9,563,016.09, besting the previous record of $7,838,054.36, which was set in 2010;

Whereas THON has helped more than 2,000 families through the Four Diamonds Fund, is currently helping to build a new Pediatric Cancer Pavilion at Penn State Hershey Children's Hospital, and has helped support pediatric cancer research that has caused some pediatric cancer survival rates to increase to nearly 90 percent; and

Whereas THON has inspired similar events and organizations across the United States, including at high schools and institutions of higher education, and continues to encourage students across the United States to volunteer and stay involved in great charitable causes in their community: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the Pennsylvania State University IFC/Panhellenic Dance Marathon (''THON'') on its continued success in support of the Four Diamonds Fund at Penn State Hershey Children's Hospital; and

(2) commends the Pennsylvania State University students, volunteers, and supporting organizations for their hard work putting together another recordbreaking THON.

## NATIONAL 9-1-1 EDUCATION MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 118.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 118) designating April 2011 as ''National 9-1-1 Education Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 118

Whereas 9-1-1 is nationally recognized as the number to call in an emergency to receive immediate help from police, fire, emergency medical services, or other appropriate emergency response entities;

Whereas in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that ''a single number should be established'' nationwide for reporting emergency situations, and other Federal Government agencies and various governmental officials also supported and encouraged the recommendation;

Whereas in 1968 the American Telephone and Telegraph Company (AT&T) announced that it would establish the digits 9-1-1 as the emergency code throughout the United States;

Whereas 9-1-1 was designated by Congress as the national emergency call number under the Wireless Communications and Public Safety Act of 1999 (Public Law 106-81);

Whereas section 102 of the ENHANCE 911 Act of 2004 (47 U.S.C. 942 note) declared an enhanced 9-1-1 system to be ''a high national priority'' and part of ''our Nation's homeland security and public safety'';

Whereas it is important that policy makers at all levels of government understand the importance of 9-1-1, how the system works today, and the steps that are needed to modernize the 9-1-1 system;

Whereas the 9-1-1 system is the connection between the public and the emergency response system in the United States and is often the first place emergencies of all magnitudes are reported, making 9-1-1 a significant homeland security asset;

Whereas more than 6,000 9-1-1 public safety answering points serve more than 3,000 counties and parishes throughout the United States;

Whereas dispatchers at public safety answering points answer more than 200,000,000 9-1-1 calls each year in the United States;

Whereas a growing number of 9-1-1 calls are made using wireless and Internet Protocol-based communications services;

Whereas a growing segment of the population, including the deaf, hard of hearing, deaf-blind, and individuals with speech disabilities are increasingly communicating with nontraditional text, video, and instant messaging communications services and expect those services to be able to connect directly to 9-1-1;

Whereas the growth and variety of means of communication, including mobile and Internet Protocol-based systems, impose challenges for accessing 9-1-1 and implementing an enhanced 9-1-1 system and require increased education and awareness about the capabilities of different means of communication;

Whereas the ability to communicate through voice, text, data, and video conferencing provides an opportunity for the Nation's 9-1-1 system to adopt next generation applications and services, greatly enhancing the capabilities of 9-1-1 services;

Whereas numerous other ''N-1-1'' and 800 number services exist for non-emergency situations, including 2-1-1, 3-1-1, 5-1-1, 7-1-1, 8-1-1, poison control centers, and mental health hotlines, and the public needs to be educated about when to use such services in addition to, or instead of, 9-1-1;

Whereas international visitors and immigrants make up an increasing percentage of the population of the United States each year, and visitors and immigrants may have limited knowledge of our emergency calling system;

Whereas people of all ages use 9-1-1 and it is critical to educate people on the proper use of 9-1-1;

Whereas senior citizens are at high risk for needing to call 9-1-1 and many senior citizens are learning to use new technology;

Whereas thousands of 9-1-1 calls are made each year by children who are properly trained in the use of 9-1-1, which saves lives and underscores the critical importance of training children about 9-1-1 early in life;

Whereas the 9-1-1 system is often misused, such as through the placement of prank and non-emergency calls;

Whereas misuse of the 9-1-1 system results in costly and inefficient use of 9-1-1 and emergency response resources, and such misuse needs to be reduced;

Whereas parents, teachers, and caregivers must be educated about 9-1-1 in order to play an active role in 9-1-1 education for children;

Whereas there are many avenues for 9-1-1 public education, including safety fairs, school presentations, libraries, churches, businesses, public safety answering point tours or open houses, civic organizations, and senior citizen centers;

Whereas parents, teachers, and the National Parent Teacher Association contribute significantly to the goal of educating children about the importance of 9-1-1 through targeted outreach efforts to public and private schools;

Whereas the United States should strive to host at least 1 annual educational event regarding the proper use of 9-1-1 in every school in the Nation;

Whereas the people of the United States deserve the best education regarding the use of 9-1-1; and

Whereas programs to promote proper use of 9-1-1 during ''National 9-1-1 Education Month'' may include—

(1) public awareness events, such as conferences and media outreach;

(2) training activities for businesses, parents, teachers, school administrators, and other caregivers;

(3) educational events in schools and other appropriate venues; and

(4) production and distribution of information about the 9-1-1 system, designed to educate people of all ages on the importance and proper use of 9-1-1: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2011 as ''National 9-1-1 Education Month''; and

(2) urges Government officials, parents, teachers, school administrators, caregivers, businesses, nonprofit organizations, and the people of the United States to observe ''National 9-1-1 Education Month'' with appropriate ceremonies, training events, and activities.

## ORDERS FOR THURSDAY, MARCH 31, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday,

March 31; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be 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, with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

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

## PROGRAM

Mr. REID. Mr. President, I apologize to everyone, including the Presiding Officer, for having to wait, but there was an important meeting with a number of Senators going on in the Vice President's office, and I had to have those Senators there before I could determine that we were not to do anything more tonight. So I apologize to everyone for the downtime.

Mr. President, we are working to reach an agreement regarding amendments to the small business jobs bill. Senators will be notified when votes are scheduled. I spoke to Senator MCCONNELL earlier today. We know we have some problems to work through, and we will continue to try to do that tomorrow.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, 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 7:43 p.m., adjourned until Thursday, March 31, 2011, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

### DEPARTMENT OF STATE

HENRY S. ENSHER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA.

KENNETH J. FAIRFAX, OF KENTUCKY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER—COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KAZAKHSTAN.

### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DEEPA GUPTA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2016. (NEW POSITION)

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

TRAVIS R. ADAMS
MATTHEW D. ALBRIGHT
LISA M. BADER
KENNETH J. BARON
CHRISTIE L. BARTON
BRETT L. BISHOP
JULIE A. BLAKEMAN
BRIAN G. BLALOCK
SAMANTHA E. BLANCHARD
JOHN C. BOWERS, JR.
MATT J. COWAN
CHRISTOPHER M. CUTLER
ROBERT M. ENINGER
VINCENT D. FALLS
MICHAEL J. FEA
FRANK M. FISCHER
CELENE A. FYFFE
TIMOTHY A. GAMEROS
NISARA SUTHUN GRANADO
JULIE V. GUILL
MICHAEL R. HOBSON
FREEMAN HOLIFIELD, JR.
ANGELA M. HUDSON
BRIDGET M. JACKSONOAKLEY
ANTHONY J. JARECKE
RODNEY M. JORSTAD
GLENN L. LAIRD
JASON J. LENNEN
MICHELLE R. LOPER
DANIEL J. LOVELESS
ALICIA A. MATTESON
SHANNON S. MCDONALD
TROY E. MCGILL
DEANNA S. MEDINA
ROBIN E. MITCHELL
HEATHER A. NELSON
RENA A. NICHOLAS
PAMELA L. NOVY
ROBERT K. POHL, JR.
PATRICK A. POHLE
MARK A. POMERINKE
DAVID L. PUGH
GERARDO RAMOS
STANLEY M. SEARCY
JESSICA R. SPITLER
BERNADETTE M. STEELE
DAVID A. TORRES
WENDY J. TRAVIS
ROBERT J. VANECEK
DAVID G. WATSON
KEITH R. WILSON
ILAINA M. WINGLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

FREDERICK C. ABAN
MICHAEL B. AKINS
JENNIFER L. BAKER
SARAH B. BAKER
REN E. BEDELL
RICARDO M. BENAVIDES
BRIAN R. BLANCHARD
LETICIA BLAND
BRYAN W. BOVITZ
JENNIFER L. BRADLEY
MAJELLA G. BROWN
RYAN L. BUHITE
MICHAEL P. CALNICEAN
ALICIA M. CAPPS
MICHAEL J. CERANOWSKI
KERRY L. CIOLEK
WILLIAM P. CLARKSON II
MATTHEW A. CLUGSTON
CHERYL L. CONAT
MARY J. CRUMLEY
PATRICK A. CUTTER
JARED H. DAHLE
LUANNE DANES
RYAN C. DANLEY
TIMOTHY J. DAVIS
MONA DIONISIONELSON
ALFRED E. DOBY III
CHRISTINA V. ENCINA
EMILY F. ESCHBACHER
KEVIN R. FISCHER
KENDRA S. FLETCHER
TRINETTE FLOWERSTORRES
JOEL T. FOSTER
JONATHAN D. FRANK
SAUL J. FREEDMAN
MARCUS T. GRANT
ERIC A. GREEN
SARAH K. GREEN
JOSHUA M. HANEY
JAMES E. HAY
GRETCHEN L. HAYWOOD
THOMAS J. HEIER
CHUCK HENDERSON
KIMBERLY M. HIGHLAND
DOREEN M. HINSZ
CRAIG A. HOLDER
MICHAEL W. HORENZIAK
PHILLIP M. HOWELL
LISA M. HOYT
DAVID R. JARNOT
JENNIFER N. JOHNSON
KATHRYN E. KANZLER
VICTORIA M. KEITH
JUDY C. KELLY
TODD J. KUHNWALD
AARON W. LAMBERT
DONNA M. LAULO
WON HEE T. LEE
RHIANNON MARIE LEUTNER
TAK L. LI
TODD A. LIGMAN
GLENN M. LITTLE, JR.
LANCE M. MABRY
KYLIE C. MACLELLAN
ISAIAH D. MANIGAULT
TRACY L. MARKLE
SCOTT C. MARTIN
EMILY M. MAYFIELD
JULIE M. MEEK
JESSICA M. MELCHIOR
DANIEL B. MICHEL
JEREMY M. MINITER
SIDDIG A. MIRGHANI
LISA J. MULL
ANTHONY V. MURPHY
BRIANNE D. NEWMAN
ROBERT V. NIEWOONDER
JOAQUIN C. OROZCO
KRIS A. OSTROWSKI
CHRISTINA PEACE
ALEJANDRO RAMOS
RICHARD V. RAY
JASON RAY ROGERS
JEFFREY RAYMOND M. SABIDO
SHARON SAMAYOA
STEVEN J. SAMSON
MICHAEL T. SAPP
ERNEST L. SCOTT
ISSAM SEBAIHI
CHARNELL E. SMITH
EDWARD L. SMITH
SHAUNA G. SPERRY
NICOLE L. STEINERPAPPALARDO
CARLA A. STEPHANYCOX
MARC P. SYLVANDER
APRIL J. TAYLOR
SAMUEL B. TOBLER
ETHEL D. TOMASI
ROBERT E. TONER III
THO N. TRAN
JOSEPH M. UZPEN
ANDREW J. WAGNER
JEFFREY D. WALKER
WESLEY W. WALKER
EDWARD B. WALTERS
DAVID A. WELCH
DORIAN R. WILLIAMS
HEATH S. WOOCKMAN
CATHERINE L. WYNN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

JAY O. AANRUD
JAMES M. ABATTI
DEREK A. ABEYTA
EDWARD T. ACKERMAN
TODD E. ACKERMAN
CLOYCE J. ADAMS
MICHAEL E. ADDERLEY
CRAIG ALLTON
DAVID S. ANDRUS
SCOTT A. ARCURI
JASON R. ARMAGOST
RUSSELL L. ARMSTRONG
CHARLES F. ARNOLD, JR.
JOSEPH ATKINS
ELISABETH S. AULD
DAVID E. BACOT
KENNETH W. BAILEY
PETER K. BAILEY
THOMAS E. BAILEY
JOHN P. BAKER
WARREN P. BARLOW
CHRISTOPHER C. BARNETT
PAUL K. BARNEY
GREG A. BARNHART
FRANK BATTISTELLI
BRIEN J. BAUDE
KRIS A. BAUMAN
EUGENE V. BECKER
KELI A. BEDICS
ROBERT L. BEHNKEN
CHERYL J. BEINEKE
ALMARAH K. BELK
JAMES BELL
LANE M. BENEFIELD
MIKE BENSON
PETER M. BILODEAU
ROBERT K. BLAGG
DANIEL E. BLAKE, JR.
FREDERICK H. BOEHM
BRIAN C. BOHANNON
DAVID B. BOSKO
GENTRY W. BOSWELL
JOEL D. BOSWELL
MARK E. BOWEN
KENNETH B. BOWLING
NANCY M. BOZZER
NOEL D. BRADFORD
MARK P. BRAISTED
MIKE M. BRANTLEY
ANDRE J. BRIERE
RAYMOND E. BRIGGS, JR.
ROBERT A. BRISSON
CHRISTOPHER D. BROOKS
CHARLES E. BROWN, JR.
JASON M. BROWN
MARK A. BROWN
DAVID W. BRUCE
ROBERT J. BRUST
HAROLD D. BUGADO
DAVID S. BUNZ
HEATHER L. BUONO
STEVEN C. BURGH
LLOYD A. BUZZELL
DAVID M. CADE
STEVEN E. CAHANIN
JOHN T. CAIRNEY
MICHAEL E. CALTA
SHAWN D. CAMERON
BRYAN H. CANNADY

HOUSTON R. CANTWELL
WILLIAM J. CARLE
MICHAEL E. CARTER
BRENDA P. CARTIER
BENJAMIN M. CASON
VINCENT R. CASSARA
GLENN S. CHADWICK
DAVID B. CHISENHALL, JR.
RAYMOND E. CHUVALA, JR.
ANTON W. CIHAK II
JOHN D. CLINE
DEAN A. CLOTHIER
JAMES R. CLUFF
TAMMY S. COBB
PAMELA D. COLEMAN
JEFFREY G. COMPTON
JOSEPH E. COOGAN
BARRY W. COOK
JOHN J. COOPER
TODD M. COPELAND
DOUGLAS S. COPPINGER
DAVID B. COX
ADRIANE B. CRAIG
JEFFREY E. CREHAN
KEVIN P. CULLEN
CASE A. CUNNINGHAM
SCOTT M. CURTIN
NORMAN W. CZUBAJ, JR.
MARK T. DALEY
WALTER C. DANIELS II
KAREN M. DARNELL
BENJIMAN W. DAVIS
HARRY A. DAVIS, JR.
JOSEPH C. DAVISSON
MICHAEL A. DAY
DOUGLAS C. DELAMATER
DAVID A. DELMONACO
MARCELINO E. DELROSARIO, JR.
JAVIER A. DELUCCA
RICHARD A. DENNERY
SEAN M. DEWITT
DAVID W. DIEHL
THOMAS W. DOBBS
PATRICK H. DONLEY
MARK J. DORIA
TODD A. DOZIER
ERNEST S. DRAKE
JAMES D. DRYJANSKI
BRIAN A. DUDAS
DOUGLAS S. DUDLEY
CHRISTOPHER G. DUFFY
MICHAEL B. DUFFY
JONATHAN M. DUNCAN
JOHN J. DUNKS
TROY E. DUNN
LIONEL F. EARL, JR.
MICHELE C. EDMONDSON
WILLIAM A. EGER III
ELIZABETH A. EIDAL
VIKKI L. ELLISON
GREGORY L. ENDRIS
ROBERT W. ERICKSON
STEVEN E. ERICKSON
TODD C. ERICSON
PHILIP C. EVERITTE
SHAWN C. FAIRHURST
ERIC V. FAISON
SCOTT R. FARRAR
SEAN M. FARRELL
VINCENT R. FISHER
ALBERT H. FITTS
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MASON B. PIGUE
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AARON M. SMITH
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MATTHEW A. STEVENS
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HARRY W. VANDERBACH
REX S. VANDERWOOD
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DAVID S. VAUGHN
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MARK A. VIVIANS
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BRENT R. VOSSELLER
ANDREW M. WALLACE
GINGER L. WALLACE
SCOTT A. WARNER
JAMES L. WARNKE
DANIEL L. WATERS
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GORDON K. WATTS
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CHRISTOPHER L. WHEELER
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PHILIP W. WIELHOUWER
DAVID A. WIESNER
GARY WILEY, JR.
CURTIS L. WILKEN
JAMES B. WILKIE
BERNARD M. WILLI
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JOHN H. WILSON
ROBERT P. WINKLER
ERIC P. WOHLRAB, JR.
MARK A. WOOTAN
CHRISTOPHER A. WORLEY
ZEV YORK
WILLIAM E. YOUNG, JR.
SCOTT C. ZIPPWALD

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

MICHAEL G. POND
THERESA L. RAYMOND
WILLIAM M. STEPHENS

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

CARROLL J. CONNELLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

SAMUEL H. CARRASCO

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

MEDRINA B. GILLIAM

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

PAUL E. SCHOENBUCHER, JR.