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Senate

The Senate met at 10 a.m. and was called to order by the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire.

PRAYER

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

Let us pray.

O God, who has blessed us abundantly with inner joy and external blessings, enlighten our minds this day so that we can reach beyond guessing to knowing and beyond doubting to certainty. Purify our hearts so that the wrong desires may not only be kept under control but may be destroyed.

Strengthen the wills of our lawmakers so that they may pass beyond resolving to doing and beyond intention to action. Answer for them the questions no human wisdom can answer.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEANNE SHAHEEN 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 legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 14, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEANNE SHAHEEN, a Senator from the State of New Hampshire, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. SHAHEEN 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, the Senate will be in morning business until 11 a.m. this morning. The majority will control the first half, the Republicans will control the final half. At 11 a.m., the Senate will be in executive session to consider the Cecchi and Salas nominations, with 1 hour of debate. At noon, there will be up to two votes on confirmation of the Cecchi and Salas nominations. Following the votes, the Senate will recess for the weekly caucus meetings until 2:15 p.m. At 2:15 p.m., there will be an additional rollcall vote on the motion to invoke cloture on the Coburn amendment No. 436 regarding ethanol. Finally, following the cloture vote, Senator RUBIO will be recognized to give his maiden speech to the Senate.

Madam President, I ask unanimous consent that morning business consist of 1 full hour equally divided rather than ending at 11 a.m.

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

MEDICARE

Mr. REID. Madam President, on this side of the aisle, we Democrats want to protect seniors on Medicare. That is our top priority. I have heard my friend, the ranking member of the Budget Committee, come here and talk for hours, and he keeps talking about things that really have no bearing on what I think is important for the country today.

We know the Republicans have put forward a budget that destroys Medicare. That is what we received. We voted on it over here, and it was turned down. It must be the Republicans' top priority because we have had votes on the Senate floor protecting taxpayer handouts, especially to oil companies. We had a full debate here that suggested we take this money that now goes to these oil companies—and even executives have said that they do not want the money, that they do not need the money—and apply it toward the deficit. Overwhelmingly, the Republicans voted no, so we couldn't get it done. So it appears clear they would rather balance the budget on the backs of seniors and Medicare than end the constant giveaways to oil and gas companies making billions a year in profits. These oil companies have made the largest profits in the history of the world. In the last quarter, they had $36 billion in net profits.

The Republicans' plan to end Medicare as we know it would put insurance company bureaucrats between seniors and their doctors and raise seniors' drug costs, forcing them to pay $6,400 more out-of-pocket costs every year. The American people are overwhelmingly opposed to this plan to end Medicare. A poll released yesterday showed that less than half the Republicans support the Republicans' plan to end Medicare. Overwhelmingly, Independents and Democrats joined with these Republicans who oppose the Republicans' plan to end Medicare.

We believe there is a need to reduce our deficit. That is why we have been working with Vice President BIDEN. Representing the Democrats in the Senate, Senator INOUYE, chairman of the Appropriations Committee, and

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

Senator BAUCUS, chairman of the Finance Committee, are meeting with Vice President BIDEN, and progress is being made.

There is no question we should be closing tax loopholes and targeting wasteful giveaways to oil companies. I am sure Vice President BIDEN is leading the Senators and House Members toward that end. Closing these tax loopholes and targeting wasteful giveaways to the oil companies making these record profits while charging—Madam President, here in the Washington, DC, area, as I do my morning exercise, I walk past a station right off the waterfront where gasoline is $5 a gallon. I haven't looked at it since this past week, but that is what it is. It is over $4 a gallon all over the United States, in many, many different places. We should be focusing on that instead of ending Medicare.

So I tell my friend, the ranking member of the Budget Committee, come and talk about the Republican plan to end Medicare as we know it. And what about the subsidies for these oil companies. Shouldn't we get rid of them? It is time the Republicans abandoned their ideological plan to end Medicare and work with us to strengthen and preserve our promise to seniors instead.

Madam President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

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

WAR ON TERROR

Mr. MCCONNELL. Madam President, since the attacks on 9/11 and the very beginning of the war on terror in 2001, most Americans have understood that we could no longer kind of passively wait for the next enemy attack. In order to defeat, dismantle, and disrupt al-Qaida, our intelligence, military, and law enforcement officials would have to work together to defeat terrorist cells, whether they are in the tribal areas of Pakistan or, frankly, here in our own backyard. Yet, if some had begun to think, after the killing of Osama bin Laden, that we could now sit back and relax a little, the recent arrest in my State, in the hometown of my colleague, Senator PAUL, of two foreign fighters who have openly admitted to conducting attacks against U.S. soldiers and marines in Iraq shows how mistaken a notion that is.

Let's look at that again. Here are two Iraqi terrorists arrested in Bowling Green, KY, within the last couple of weeks. And the Director of Central Intelligence stated in an open hearing on Capitol Hill last week that about 1,000 members of al-Qaida in Iraq continue to fight us over in Iraq. Now we know that at least two of them—at least two of them—have left the battlefield over there to live right here in the United States.

The case of Waad Ramadan Alwan and Mohanad Shareef Hammadi shows us that terrorists continue to pose an imminent threat. We owe a debt of gratitude to the men and women who made sure they couldn't inflict more harm on Americans here or abroad once they arrived here. Anyone who has read about the investigation into their activities can only be impressed with the courage, the skill, and the professionalism of those who were involved in this effort.

Specifically, I wish to thank the men and women from the FBI's Louisville Division, the U.S. Attorney's Office for the Western District of Kentucky, the Louisville Joint Terrorism Task Force, and the Justice Department's National Security Division. Every one of those folks involved clearly did their job, and they did it very well.

That having been said, I think it is safe to say that a lot of Kentuckians, including me, would like to know why two men who either killed or plotted to kill U.S. soldiers and marines over in Iraq aren't sitting in a jail cell in Guantanamo right now. When it comes to enemy combatants, our top priority, as I have said repeatedly, should be to capture, detain, and interrogate. That wasn't done here. These men are foreign fighters—unlawful enemy combatants—who should be treated as such.

Alwan is on tape admitting to having procured explosives and missiles in Iraq and to using them daily—daily—to conduct strikes.

He said he had personally used improvised explosive devices, or IEDs, hundreds of times over a period of several years. He has talked about using them against U.S. troops and the damage he has done to U.S. military vehicles such as Humvees. He told undercover agents he was ''very good with a sniper rifle end.'' In a reference to attacks on U.S. troops, he said his lunch and dinner would be ''an American.'' He admitted that he ''collected everything,'' TNT, electronic detonators, tank explosive detonators, IED detonators, mortar shells, and rocket-propelled grenades. He also said that he often placed IEDs after the curfew, and it was this activity that led to his being asked to join the mujahedin.

He even tried to demonstrate his expertise as a foreign fighter by drawing diagrams of four types of IEDs, explaining how to build them and discussing various occasions in which he used these devices against U.S. troops in Iraq. In describing one particular type of IED, Alwan said, ''Anything lethal could be stuffed into it, such as ball bearings, nails, gravel, and whatever item that kills.'' Alwan's fingerprints have also allegedly been found on IEDs over in Iraq in an area in which he is known to have lived.

Once Alwan made his way to the United States, he is alleged to have recruited Hammadi to continue his fight against Americans over in Iraq by burrowing himself into a community where he thought he would go undetected. Like Alwan, Hammadi was an experienced insurgent fighter in Iraq. He too had participated in IED attacks and was part of an insurgent group that had 11 surface-to-air missiles.

Together, these two men organized shipments of money and weapons, including rocket grenade launchers, Stinger missiles, and C4 explosives that they thought they were sending back to the war zone in Iraq.

Anyone who has taken up arms against U.S. forces in the field of battle is an enemy combatant, pure and simple, and should be treated like one. They should be hunted and captured, detained and interrogated, and tried away from civilian populations according to the laws of war.

Unfortunately, since the earliest days of this administration when the President signed a series of Executive orders which directed the closing of the military detention facility at Guantanamo Bay, and limited the ability of the military and intelligence community to detain and interrogate prisoners, a higher priority has been placed upon prosecution than on executing the war on terror.

But I can say with certainty that Kentuckians don't want foreign fighters who have bragged about killing and maiming U.S. soldiers in a combat theater treated like common criminals in their own backyards. They don't want foreign fighters to be afforded all of the legal rights and privileges of U.S. citizens. They don't want foreign fighters to have their interrogations curtailed. And they don't want their fellow citizens in Kentucky subjected to the risk of reprisal that is associated with these kinds of cases, reprisals against civilian judges, reprisals against civilian jurors, and the broader community in which civilian trials are held. That was one of the many reasons that residents and lawmakers in New York City rebelled against the administration's equally foolhardy plan to try Khalid Sheikh Mohammed in a courtroom in New York. That is to say nothing of the security costs and the disruption that civilian trials for terrorists create for any American community. We have firsthand experience of this from the 2006 murder trial of Zacarias Moussaoui in Alexandria, VA.

Despite all of this, however, the administration seems fixated on the idea that once we have caught terrorists, the goal isn't to get as much intelligence out of them as quickly as possible to prevent further attacks on soldiers and citizens but to prove that we can treat them the same way we treat everybody else.

My response to that is, maybe we could. Maybe we can do that. And you can put them in a U.S. court, but why in the world would you want to? You could, but should you?

The administration likes to tout its confidence in the U.S. legal system. Well, I don't believe the American people need to try any enemy combatants in our own hometowns and cities to prove that our court system works. We know it works. We are American citizens.

Prosecution is certainly important. But let's be clear, prosecution is not our ultimate goal in this war. Our goal is to capture or kill those who want to kill us, here and abroad, and who are plotting even now, as this case clearly proves, to wreak havoc on our troops overseas.

This is quite simple: Those whom we capture should be interrogated and, if necessary, indefinitely detained and tried in a military setting. Through these interrogations additional intelligence can be derived that leads to additional targets, thereby weakening al Qaeda and other associated terror groups at a moment when they are vulnerable.

The good news is we already have the perfect solution for a case such as the one I have been discussing in Kentucky. These men don't belong in a courtroom in Kentucky. They belong in a secured detention facility at Guantanamo Bay, Cuba, far away from U.S. civilians. Sending them to Gitmo is the only way to ensure they will not enjoy all the rights and privileges of U.S. citizens. Sending them to Gitmo is the only way we can be certain there won't be retaliatory attacks in Kentucky. How would you like to be the judge in this case? How would you like to be the jurors in this case? Do they run the risk of being targets for the rest of their lives? Are they in sort of witness protection programs indefinitely? Why should we subject U.S. citizens to this kind of risk?

Sending them to Gitmo is the only way we can prevent Kentuckians from having to cover the cost and having to deal with the disturbance and disruptions that would come with a civilian trial, and sending them to Gitmo is the best way to ensure they get what they deserve.

Today I am calling on the administration to change course. Get these men out of Kentucky. Send them to Guantanamo where they belong. Get these terrorists out of the civilian system, get them out of our backyards, and give them the justice they deserve.

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 until 11 a.m. for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with time equally divided and controlled between the two leaders and their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from California.

ETHANOL

Mrs. FEINSTEIN. Madam President, I rise today in support of the Ethanol Subsidy and Tariff Repeal Act, which Senator COBURN has offered and I have cosponsored, along with Senators BURR, CARDIN, COLLINS, CORKER, LIEBERMAN, RISCH, SHAHEEN, TOOMEY, and WEBB.

I know the fact that this amendment is on the floor scheduled to be voted on at 2:15 this afternoon has caused some deep consternation on my side of the aisle. There is objection to the procedures used. I am not going to get into that. I am going to say a vote is a vote, and we are facing a vote at 2:15 unless something changes.

To be candid, if there were an offer to bring this to the floor next week or the week after for a time specific and a commitment specific, I believe the author and myself and our cosponsors would certainly agree to that. But in the absence of that offer, it is important that the Senate take a position on a program that has become both gross and egregious, and I want to explain why I feel that way.

No other product I know of has the triple crown of government support that corn ethanol enjoys in this country. Its use is mandated by law. Oil companies are paid by the Federal Government to use it, so there is a subsidy, and corn ethanol is protected by a rather high tariff. Consequently, it has been very profitable for farmers. This amounts to almost $6 billion a year of taxpayers' money that goes to support the corn ethanol industry in this country.

Put another way, that is $15 million each and every day spent on this subsidy at a time when, candidly, we simply can't afford it.

They say there are very few privileges left out there. This is one that is enormous, and I think we have to take a look at it. I think if this amendment passes, nearly $3 billion is saved between July 1 and the end of the year. That is not insignificant. It goes into the general fund and it helps abate the deficit.

Since 2005, we have spent $22.6 billion on this subsidy, and it gets more expensive every year. In 2011, the government will spend $5.7 billion; in 2012, $5.9 billion; in 2013, $6.2 billion. And you can see, since the program came into being in 2005—and I voted against it then—it was at $1.5 billion; the next year, $2.6 billion; the next year, $3.3 billion; the next year $4.4 billion, the next year, $5.2 billion; and 2010, $5.7 billion of a trifecta of triple-crown subsidies to go to recompense people for using corn ethanol. It is wrong.

On top of this subsidy, we have imposed a 54-cent-per-gallon tariff on ethanol products from Brazil, India, and Australia and others that could import it more cheaply than it is grown here. This then contributes to making the United States more dependent on oil imports from OPEC.

Our amendment is simple. Beginning July 1, we would repeal the 45-cent-per-gallon ethanol subsidy, which goes overwhelmingly to large oil companies, and it would eliminate the 54-cent-per-gallon tariff on imported ethanol.

I believe very strongly that we need to act to repeal these subsidies and these tariffs before another $2.7 billion in taxpayer money, which is $15 million a day, is wasted over the remaining 6 months of this year.

Let me describe the real-world impact of these unwise subsidies and tariffs to our economy.

Last week, I was in the Central Valley at an event and I would say anywhere from six to eight farmers came up to me and said, ''Thank you for trying to end the ethanol business. I can no longer afford feed.'' I began to think, and so we took a look at what the situation is. The fact is this ethanol policy is inflating the price of corn and impacting other sectors of the economy.

Today, approximately 39 percent of our corn crop is now used to produce ethanol in this country. Here is where it has gone: The percent of corn for 2000, 7 percent; 2005, 14 percent; and 2010, 39 percent of the entire corn crop goes to produce ethanol. Corn futures reached a record $7.99 a bushel on the Chicago Board of Trade last week. Prices are up 140 percent in the past 12 months and continue to rise. In 2006, prices were $2 a bushel. Today they are $7.99 a bushel.

This has been a real spike in the price of feed. If it continues one can expect major price increases in grain and food as well. The average price of corn has risen 225 percent since 2006.

Here it is, here it goes on this chart. It goes down slightly and then it has gone up.

In California, the annual feed costs for Foster Farms—this is the largest poultry producer on the west coast—has tripled over the past year, increasing Foster Farms' cost for feed by more than $2 million. This is more than the largest profit the company has ever made.

I hear similar stories from small producers, from co-ops, from dairymen and cattlemen throughout California. The price of feed is rising to such an extent that experts are predicting a mass slaughter of hogs and dairy cows this summer. In other words, it is becoming cheaper to slaughter the animals rather than to feed them. That is wrong.

Paul Cameroon of Imperial County, CA, recently wrote to me:

As a cattle producer who has never asked for a subsidy of any kind, I only ask that

ethanol production stand on its own and allow true supply and demand to dictate the real price of corn.

It seems to me he is spot on. It seems to me when we look at charts like this on grain prices, on the huge subsidy that oil companies get, on the protective tariff, we have to say enough is enough. The USDA predicts that continued demand from the livestock, ethanol, and food industry will reduce corn reserves to the lowest level since the mid-1990s. These low grain reserves will have repercussions globally. We know rising food prices exacerbate global poverty and could intensify political unrest in some parts of the world. But the bottom line is, diverting 39 percent of our crop toward ethanol is artificially driving up corn prices, which in turn is straining people and industries that depend on affordable corn.

In addition to impacting the price of corn, the $6 billion annual ethanol subsidy is fiscally irresponsible. If the current subsidy were to exist through 2014, as the industry has proposed, the Treasury would pay oil companies at least $31 billion to use 69 billion gallons of corn ethanol that the Federal renewable fuels standard already requires them to use under the Clean Air Act. The biggest recipient receiving money is BP. According to reports, it receives $55 million. We cannot afford and should not pay oil companies such as ExxonMobil and BP to follow the law to the tune of $6 billion a year. As the GAO has found, the mandate for the use ''is duplicative in stimulating domestic production and use of ethanol, and can''—and is—''resulting in substantial loss of revenue to the Treasury.''

Let me just say one thing about the tariff. The tariff on low-carbon sugarcane ethanol, which I proposed repealing in 2006, makes our Nation more dependent on foreign oil. How? The combined tariffs on ethanol are 60 cents per gallon, at least 15 cents per gallon higher than the ethanol subsidies they supposedly offset. So this is essentially a major trade barrier.

We have a real problem with this triple crown: We mandate its use, we pay people to use it, and then we set a large tariff barrier to prevent anybody from importing any ethanol, whether it is corn or sugar, that is cheaper. This is expensive, $15 million a day, $6 billion, as I said, a year.

I know many of my colleagues agree with the substance of this legislation, and I appreciate very much that the amendment is being considered under somewhat unusual circumstances and procedures. I hope we can have a fair vote. I hope Members will not disregard the import of what we are doing. We are essentially saving the government nearly $6 billion a year by simply repealing the subsidy, repealing the mandate, and repealing the tariff. I believe the time has come.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

LIBYA

Mr. UDALL of New Mexico. Madam President, I rise today because I believe the United States is headed down a slippery path toward an escalation of military force in Libya. I also believe if the U.S. military is to be involved in such an escalation, then the Congress must exercise its constitutional authority and approve or disapprove the President's proposal.

I supported President Obama's initial decision to engage in a limited military operation to prevent an imminent humanitarian catastrophe. President Obama and the international community were clear that targeting of civilians by Muammar Qadhafi would not be tolerated. It has been over 60 days since the President notified the Congress that he intended to use military force in Libya. We are adrift. We are without direction. We are in danger of fighting an expanded war, a war that was originally justified as a limited military operation, a no-fly zone, to prevent civilian casualties and imminent catastrophe. This war has now been slowly expanded for one that is pushing for regime change.

We have been down this path before. Let's not go there. In Libya we are now receiving reports that helicopter gunships are being used to target ground forces—something that was never originally intended under the premise of a no-fly zone. In fact, it seems that the no-fly zone has slowly evolved into what some have called a no-drive zone. Congress has not approved this action.

I do not believe the U.N. Security Council approved such an action in U.N. Security Council Resolution 1973.

We also hear it is now the policy to support regime change and that there are some plans to arm rebel groups. Some outside groups and Members of Congress are clamoring to escalate the war in Libya. They believe air power will never dislodge Muammar Qadhafi and his family. The Congress has not approved the use of military force to achieve regime change. Flooding the region with small arms is also being proposed. This would be a major mistake and could lead to a host of unintended consequences.

We do not know enough about the rebels fighting Qadhafi, but we do know there are plenty of mercenaries, as well as members of al-Qaida, waiting to exploit any chaos. If arms are flooded into the region, there is no guarantee they will be able to account for those arms. In my opinion, there is a high likelihood those arms could end up in the hands of some very unsavory and dangerous individuals.

The bottom line is this: Congress has not had the opportunity to weigh in. Like my colleagues, I deplore Muammar Qadhafi. I support a democratic transition and his departure from power, but the military goals should be defined and limited as a matter of policy. It should not include regime change. This would be a dangerous escalation.

As many of you know, the Senate Foreign Relations Committee was planning a markup for last Thursday of S. Res. 194, titled ''Expressing the Sense of the Senate on the United States Military Operations in Libya.'' I had strong concerns about the resolution we were scheduled to consider. A sense of the Senate is clearly not an authorization for use of military force. A sense of the Senate does not meet the requirements of the War Powers Act. And a sense of the Senate falls short of meeting our constitutional obligation to declare war.

I drafted an amendment to S. Res. 194. I ask unanimous consent the text of this amendment be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. UDALL of New Mexico. My amendment stated:

The President is not authorized to deploy ground forces, including special operations forces, in pursuance of any goals related to United States policy in Libya, unless expressly authorized by Congress or as determined necessary by the President to protect a member of the United States Armed Forces currently deployed in the region.

I believe any authorization of military force should contain similar language. I understand Senator WEBB and Senator CORKER have introduced a resolution with these prohibitions and exceptions to protect our troops and I support these efforts to limit the mission in Libya. It is important that we do not escalate military actions in Libya. An escalation would be a dangerous course, and it would be costly to the region and our country.

While the markup has been postponed, it is my understanding that Senator KERRY and others are working on language that would fulfill our constitutional obligations and comply with the War Powers Act. I look forward to consideration of a resolution of this kind in the Foreign Relations Committee and strongly believe it should include language similar to the amendment I was going to offer.

I have been proud to serve in the Congress for more than a decade. We have fought two lengthy wars during this period of time. I have seen the impact on our military, on their families, on our national deficit. Before the United States escalates its involvement in another overseas conflict, Congress must weigh in. It is our constitutional duty.

EXHIBIT 1

DRAFT AMENDMENT TO S. RES. 194

That the President is not authorized to deploy ground forces, including special operations forces, in pursuance of any goals related to United States policy in Libya, unless expressly authorized by Congress or as determined necessary by the President to protect a member of the United States Armed Forces currently deployed in the region.

Mr. DURBIN. Will the Senator from New Mexico yield for a question?

Mr. UDALL of New Mexico. I will be happy to yield.

Mr. DURBIN. Madam President, I thank the Senator from New Mexico, my colleague on the Senate Foreign Relations committee, for his statement on the floor this morning. It reflects my sentiments completely. I have believed since I was first elected to the House of Representatives and my time in the Senate that we have an awesome responsibility under the Constitution to speak for the American people when the United States of America makes a decision to engage in conduct that relates to our military—particularly when it comes to a declaration of war.

It is clearly understood that if American citizens are under attack or American soil is under threat of attack, the President has the power to move, and move quickly, as Commander in Chief to protect us. In this instance, the War Powers Act suggests that it is now, after 60 days, at that point the responsibility of Congress to step forward, to speak for the American people, and to make a decision as to whether we go forward with a military commitment.

What the Senator from New Mexico has suggested I believe goes right to the heart of our constitutional responsibility. It is a responsibility which we swore to uphold. It is also a responsibility which politically we try to avoid. It is a hard debate and a hard decision.

I am sure the Senator from New Mexico believes, as I do, that some of the toughest votes we have ever had to face as Members of Congress relate to this decision because if the decision is made to go to war, we know the lives of Americans are at risk.

That is why I believe what the Senator from New Mexico said on the Senate floor this morning is so critically important. I am going to work with him and with the chairman of the Senate Foreign Relations Committee to move forward on a resolution which is consistent with the War Powers Act which expressly states the feelings of the American people through their Representatives in Congress about this decision and our constitutional responsibility.

I sincerely hope we can resolve this before we end this work period, which will be about July 1. If we can bring an issue forward on the floor for that purpose, I believe it is in the best interests of our senatorial responsibility.

I might say, because I have discussed this with the Senator from New Mexico, we know one of our colleagues on the other side of the aisle wants to expressly authorize the use of ground forces in Libya. Let me make it clear, the President has not asked for that. He is not engaged with ground forces, land forces in Libya. At this time I would not only reject it, I would fight it. I think it is a bad decision. I think to engage the United States in a third theater of war with ground forces is way too much at this moment in our history.

So I thank the Senator from New Mexico for not letting this issue disappear amidst the hubbub of all the agendas we face on the floor of the Senate but coming to the floor and reminding us of our constitutional responsibility.

I will close by thanking Senator CARDIN of Maryland as well, who has been a lead sponsor in our efforts. I will be working with him and the Senator from New Mexico and other like-minded Senators.

I thank the Senator for coming to the floor.

I know that wasn't in the nature of a question, but I ask the Senator, does he agree?

Mr. UDALL of New Mexico. I thank the Senator for his statement. I believe with all of us working together—our chairman of the Foreign Relations Committee, Senator CARDIN, and others, as well as the Presiding Officer, who is also on the Foreign Relations Committee with us—we can come to a resolution which complies with what the President has stated.

The President says he has no intention of sending ground forces into Libya. But it is important at this point in time, as the Senator from Illinois pointed out and as the Constitution mandates, that we step in and express the will of the American people on this issue. That is the whole purpose of what I am on the floor for today, and I look forward to working very closely with the Senator from Illinois.

With that, I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

Mr. COATS. 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.

Mr. COATS. Madam President, I know the Democratic side has not used its full allotment of time, but because another speaker is not here, I will go ahead, and hopefully we will be able to yield time if someone else does come forward.

THE ECONOMY

Mr. COATS. Madam President, I have been on the Senate floor several times now during the last few weeks to discuss our grave economic condition, the need to reduce Washington's out-of-control spending, and, most importantly, the urgent need to start taking action before time runs out.

If there is any remaining doubt in anyone's mind that the U.S. economy is facing a historic and unprecedented fiscal crisis, consider a few of the recent news reports since I last spoke on the floor, which was not that many days ago. Reports came out saying that the national unemployment rate increased to 9.1 percent, with over 22 million Americans unemployed or underemployed. This is not how we rebound from a recession, historically. There is something more going on here than the normal downturns and upturns of the economic cycle. This is something of historic proportion.

Since I last spoke on this floor, two more rating agencies—Moody's and Fitch—have issued serious warnings that they may downgrade America's AAA debt rating. This comes after S&P already lowered its outlook of the U.S. economy to negative.

Just last week, on its cover, USA TODAY published the frightening headline ''U.S. owes $62 trillion; unfunded obligations amount to $534,000 per household.'' Those are unfunded obligations. We have funded obligations we currently owe in addition to that, and some put those even higher.

There was an interview yesterday with Bill Gross, who heads up PIMCO, the largest bondholder in the country—in the world, actually. Bill Gross indicated in this interview that the money owed to cover future liabilities in entitlement programs in the United States is actually in worse financial shape than Greece and other debt-laden European countries. Much of the attention, of course, is focused on our public debt, which is running at $14.3 trillion, but what hasn't been focused on as much are the unfunded liabilities that will come due, the obligations and promises already made that will have to be paid for, that will be in addition to the $14.3 trillion already on the books. Taken together, Gross said this is going to equal nearly $100 trillion. It is a number beyond anyone's comprehension, it is hard to fathom what $100 trillion means to the American taxpayer, to America's abilities, obligations and financial responsibilities. Now, maybe $100 trillion is a little high. It doesn't matter whether it is $80 trillion or $90 trillion or $100 trillion; it is certainly going to put our country in a very, very difficult position.

I wish to read one more piece from the CNBC interview with Bill Gross:

> We've always wondered who will buy Treasurys after the Federal Reserve purchases the last of its $600 billion to end the second leg of its quantitative easing program later this month. It's certainly not Pimco and it's probably not the bond funds of the world.

I quoted Erskine Bowles, who is a Democrat, was Chief of Staff for President Clinton and was one of the coauthors of the fiscal commission report presented at the request of the President laying out the dire crisis we face and recommendations on how to address it. Erskine Bowles, co-chair of the President's fiscal reform commission, said that the growing national debt and Federal deficits are ''a cancer and they are truly going to destroy this country from within, unless we have the common sense to do something about it.''

This is the challenge before us—each Member of the House of Representatives and each Member of the Senate

and the President of the United States. This dwarfs all other matters before this Congress. With all due respect, the Senate spending several weeks on the Small Business Innovation Research Act, the Federal Aviation Administration's bill, and now the Economic Development Revitalization Act has left little time for the debate that ought to be undertaken on this floor in continuous fashion to address this fiscal situation. The crisis has implications for the future of our country, the future of this Nation.

The rapid escalation of the deficit and debt requires our full engagement—not later but now. The growing consensus among those who have given serious analysis to our fiscal plight calls for an all-of-the-above approach in addressing the problem, including—dare I say it—entitlement spending, which essentially is Social Security, Medicaid, and Medicare.

If Congress and the White House are serious about preventing the destruction of our economy, it is time we get serious about talking about entitlements, including Medicare, because the hard truth is that if Medicare is not included in the debate, any effort to put together any kind of a credible plan necessary to bring about fiscal stability will be defeated.

Medicare has proven to be the greatest fiscal challenge facing this country. It alone last year took in $1.8 trillion of new liabilities, which is more than we spend on all nondefense discretionary spending. Nondefense discretionary spending is that spending which goes to every other function of the Federal Government other than interest on our national debt and mandatory spending.

The Medicare trustees recently sounded alarm bells in a report announcing that the program's total of unfunded future obligations is a staggering $38.4 trillion. They cautioned that the hospital trust fund, known as Medicare Part A, will be exhausted by 2024. This is 5 years earlier than what they had predicted just a year earlier. So 1 year has passed, and the trustees are now so alarmed they are saying we are going to run out of money 5 years earlier than we thought. What are they going to say next year? They will probably shorten that time even more.

Economists and policy experts on both sides of the aisle—Republican, Democratic, conservative, liberal—have been warning about the dangers of Medicare spending and the impact on our national debt for years. Yet Congress has punted its responsibilities, saying ''we will take care of it after the next election.''

Back in 2006, Chairman of the Federal Reserve Alan Greenspan warned lawmakers, saying that Medicare spending is unsustainable and could one day drive debt and government interest rates substantially higher. I suggest that date is here, and this crisis is knocking on our door.

Michael Cannon, director of health policy studies at the Cato Institute, said: Nothing presents as great a threat to the Federal budget—and therefore to economic growth—as the persistent and rapid growth of Medicare spending.

At a White House summit last year, President Obama recognized the unsustainability of entitlement spending. This is a quote from our President:

> Almost all of the long-term deficit and debt that we face relates to the exploding costs of Medicare and Medicaid. Almost all of it. That is the single biggest driver of our federal debt. And if we don't get control over that, we can't get control over our federal budget.

I am quoting the words of the President of the United States, who now has taken the position that we shouldn't address the Medicare problem. Yet, as President, he has said that almost all of the deficit and debt we face relates to the exploding costs of these two programs, Medicare and Medicaid. He repeats it by saying ''almost all of it'' and ''the single biggest driver of our Federal debt.''

Alice Rivlin, who served as budget director under President Bill Clinton, said it best: ''There's no mystery about what we ought to do, we just need to get on with it.''

Madam President, we just need to get on with it. But that hasn't happened. Despite the President's own recognition of the single biggest driver of our Federal debt and despite the warning sirens from economists and even the Medicare trustees, the President has yet to submit a single proposal to address this urgent problem.

Others in positions of leadership have also decided to ignore these critical warnings about Medicare and its looming insolvency and threat to our fiscal house. They have rejected any proposals for changing Medicare as we know it. Well, the category for these people are the ''do-nothings.''

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. COATS. I ask unanimous consent for 2 more minutes.

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

Mr. COATS. Let me skip forward here.

Despite the President's own recognition of this problem, we have not taken this plan forward. There are do-nothings who think that if we do not act, Medicare will be secure. Actually, the do-nothings are the ones who are making Medicare's future unstable. It is those who have taken the responsibility to stand up and recognize this problem and be free and open in debate and honest with the American people who are the ones who have had the courage to go forward. Yet they get reviled for ''throwing grandma under the bus'' or taking Medicare away.

I was approached by a person in a factory in Indiana who came up to me and said: You are taking away my 88-year-old mother's health care. He was upset, and rightfully so, but I told him he is upset at the wrong person because we are trying to save that health care. We are trying to save Medicare.

We have two options: We can either continue with the status quo and let Medicare go bankrupt or we can step up to the plate, debate thoughtful proposals, and work to keep our promise to America's seniors by enacting meaningful reform. It is those of us who are willing to step up to the plate who are here to save Medicare, not destroy Medicare. It is those who are saying we need to do nothing or who refuse to do anything who are going to cause Medicare to go bankrupt and take benefits away from seniors.

This is the debate we need to have. We are burdened by this. We need to address it. It is the challenge of the day. Let's go forward, stand up, and do the right thing.

I appreciate the extension of time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. I ask unanimous consent to speak as in morning business and that I be followed by Senator COBURN.

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

ETHANOL

Mr. CHAMBLISS. Madam President, I rise today to speak about the amendment offered by my colleague, the Senator from Oklahoma, to the Economic Development Revitalization Act which would repeal the volumetric ethanol excise tax credit. His amendment is No. 436.

For months, there has been very heated public debate surrounding the blender tax credit for ethanol and the tariff on imported ethanol. Some of my colleagues advocate repealing ethanol tax incentives immediately, while others are adamantly opposed to changing course on tax policy that was enacted at the end of the last Congress and would extend these tax credits through the end of this year. Regardless, it is clear that Congress must make a decision on whether to reform the ethanol blenders tax credit and import tariff this year.

In my home State of Georgia, I see both the positive and the negative effects this tax policy has had. While it has spurred the growth of the ethanol industry, some say it has caused drastic increases in the price of corn-based feedstock.

A new study prepared for the upcoming G20 meeting shows that biofuel subsidies are directly related to food price volatility. I believe that because the credit is set to expire in December of this year and many ethanol producers have the credit embedded in their business plans, Congress should not immediately repeal the tax credit. When it expires at the end of this year—even though I have supported this tax credit for all the years I have

served in both the House and the Senate—I think the time has come for it to end. If we tell the blenders today that at the end of this year this tax credit is going to expire, it needs to expire then. So I do not intend to support an extension of that tax credit beginning upon the expiration at the end of this year.

Regardless of where one stands on the underlying issue itself, I believe the amendment deserves to have a vote on its merits and not be blocked by procedural tactics. Because so much attention has been paid to the issue and because we have had such extensive debates, this amendment deserves an up-or-down vote, rather than being stopped by a filibuster. For this reason, I intend to vote in favor of the motion to invoke cloture on the amendment of the Senator from Oklahoma, and I encourage my colleagues to do the same.

I yield the floor.

Mr. COBURN. Madam President, may I make an inquiry of the Chair?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. How much time remains for the Republicans in morning business?

The ACTING PRESIDENT pro tempore. There is 15 minutes 20 seconds.

Mr. COBURN. I thank the Chair.

These are interesting days in our country. We find ourselves in a very deep hole, and it is not the fault of the people; it is the fault of the Congress. We continue to spend money we do not have on things we do not need. When we do that personally, we end up filing bankruptcy. Pretty soon, we run out of new credit cards to take on, and we get to the point where we can't pay our debts. That is a question that is in front of our country today as our economy is struggling and we have this massive debt. We ought to be about every small, medium, and large step we can take to solve the problem, not to solve the problem by saying we can't pay our bills but to solve the problem so we create a prosperous future for our kids and those who follow us.

There is a lot of controversy over the amendment I offered, and it is inaccurately claimed by the majority leader that this amendment was rule XIV'd. It was not rule XIV'd. According to the procedures of the Senate, you can file cloture on any amendment at any time. That is a privilege every Senator has. Why would somebody file cloture on an amendment? It is because, over the first 5½ months of this year, through the leadership of the Senate, we have been unable to have a free and open debate and free and open offering of amendments. Because the procedure is rarely used does not mean it is not ethical and not accurate. As a matter of fact, the reason the procedure was put there was in case at a point in time your rights as a Senator to offer amendments are being limited by the majority. That is why we have this rule. Because you can take 16 of your colleagues and file a cloture petition and, therefore, have a vote on your amendment.

So what we are hearing going on in the background today is, the reason you shouldn't vote for this amendment, even though you agree we should get rid of and save $3 billion, much as the Senator from California outlined, $3 billion that the very people who are blending and receiving the $3 billion don't want, the argument is, it is because they don't like the way the amendment came to the floor. Explain to the people at home, you have an opportunity to save this country $3 billion and you know it is the right policy, but you are not going to vote for it because you don't like the way the amendment came to the floor. I would remind my colleagues that of the $3 billion we are going to save, 1.2 billion of it we are going to borrow from China, if we go on and spend it, and we are going to charge that 1.2 billion to our kids and grandkids. The interesting point is, we have grown, over 20-some years, to rely on ethanol for 7 percent of our fuel, and it has been a very expensive process. It is expensive directly because when you go to buy gasoline today, it is not the price you pay at the pump that you are actually paying. Take all the subsidies and all the tax credits and all the low-interest loans and all the nonrepayment of all the grants and all the moneys that have been put into this program, and when you buy that tank of gas, every gallon that you put into your car after you pay for it, you already paid $1.72 through your taxes to have that gallon there.

So we are not getting rid of the mandate on ethanol. It is 7½ percent. It has helped us in some ways. It is a very inefficient fuel that causes us to consume more fuel, produce more CO_2. But the fact is, we have an amendment in the Chamber that is designed to take away a subsidy, and the only reason we are taking away the subsidy is because in law we are saying you have to do it anyway.

I would introduce, for the record, a letter from the refiners that states—this is the National Petroleum Refiners Association, representing 97 percent of the people who get this tax credit—97 percent of the $3 billion. They say they don't want the $3 billion. The vote is going to come down to something very clear. We are going to give $3 billion to some of the most profitable companies in America or we are not. The interesting fact is, they are saying: Please don't give it to us. Please don't give us this money.

Think of the time when we are borrowing the money to give to them and they are saying don't give it to us. We are going to have a vote in the Chamber and very likely not win because of a procedure or because of parochial interests. The fact is, every gallon of ethanol that is blended to gasoline, whoever does the blending, gets 45 cents a gallon, and they don't need it because they are going to blend it anyway. So the real question is, Will we continue to be ignorant in Washington of the common sense the American people want us to have? The common sense is, if you are paying somebody to do something and by law they have to do it anyway and then they write you a letter and say: Please don't pay me anymore to do this, I am going to do it anyway, why would we continue to send them the money? Why would we continue to do that, especially when 40 percent of it we have to borrow from the Chinese to be able to pay it to the American oil company? It makes no sense. There is no logic you can come up with. The calculations out of Iowa State University on this $3 billion is that the amount of jobs that have come out of this in the past cost $14 million a year per job—14 million a year per job created out of this subsidy.

No wonder we are broke. No wonder we are failing financially. No wonder we are failing our children and our grandchildren, because we continue to do things that don't have any correlation with logic or common sense. I know the arguments. I know the argument is that, well, we passed this last year as part of the extension. Well, as a Republican, I was one of the few Republicans who did not vote for that extension. Because not only did we pass additional tax cuts and additional unpaid programs, we cut no spending to be able to pay for it. So what we did was borrow a whole bunch more money and not solve any of the critical issues that lie in front of our country.

Forty percent of last year's corn crop went to ethanol. As a matter of fact, there is so much ethanol production, last year we shipped 400 million gallons overseas. That is great, except when you take the time to think about that with that 400 million gallons, we sent $500 million worth of subsidy. So now we are subsidizing the ethanol that goes to Europe with your tax dollars so they can have cheaper gasoline than we have, because they are taking $1.72 per gallon and getting the benefit of our tax dollars to have cheaper ethanol in Europe than they can get from other places.

So there is nothing about this that makes sense, other than if you are a wonk and study the politics and the procedures and the parochialism that goes on inside the political body. That is what has gotten us into trouble. We are more interested in power and position and party. I am sick of both parties. We better start focusing on the real problems in front of our country. We are going to have a $1.7 trillion deficit this year, and the way you get rid of that is 1 billion or 2 billion or 3 billion at a time.

Here is something that makes absolutely no sense. Here is something that has no true demand for it. Here is something that is $3 billion that the people we are paying it to say they don't want, and we are not going to take them up on it? What part of stupid are we? This is like a Ferrell movie. It doesn't make sense. It is comedic.

We have had a lot of debate. Let me just talk for a minute about what is going on in the agricultural community throughout this country if you are a poultry, milk or livestock producer.

You can't bring your cattle to feedlots right now because corn is too expensive—$7.65 a bushel yesterday. You can't afford to fatten your cattle, so they are not bringing them in from the range. We are slaughtering dairy cows all across this country because 70 percent of the cost of dairy cattle is the corn you feed them. We are going to get all sorts of untoward interruptions and price increases in our food if we continue this policy. Seventy percent of the cost for chickens is feed. We are having chicken processors close and go into bankruptcy. We are having chicken raisers, the actual chicken farms—a lot in Oklahoma, a lot in Arkansas, a lot throughout the South, even over in Delaware and in Virginia—can't afford to feed the chickens. So what is going to happen because we have this false subsidy? The fact is, right now, 15 percent of the food increases in this country that you have seen in the last year are directly associated with this policy—directly associated with this policy. That doesn't have any effect on the fact that what could we do by sending $7 corn out of this country to our balance of payments, which would help our trade imbalance? Instead, we are burning it, and it is a highly inefficient fuel. It is a highly inefficient fuel. Everybody knows that when they fill up with 15 percent or 10 percent ethanol, they get much poorer gas mileage. Everybody knows that. In Oklahoma, we have all these stations where it says ''ethanol free.'' Why do people pay 10 or 15 cents more a gallon? Because they win on mileage. They actually get better performance when they don't have ethanol in their fuel. We all know that. It is just in some States you don't have that option. We are fortunate. We can still buy real gas.

I understand we have about 3 minutes remaining. I will close with the following statement. This is going to be a historic vote, not about ethanol, not about subsidies. It is going to be a historic vote that sends a signal to the American people. Either the people in Washington get it and are going to stop wasting money on programs they don't need to waste money on and they are going to start acting in the best long-term interests of the country, they are either going to do that or they are not. So when we see the results of this vote, you are going to have a hard time explaining: I voted against that because I didn't like the way the amendment came up. The fact is, here is $3 billion we don't have to spend over the next 6 months. If we don't spend it, that is $3 billion we are not going to have to borrow from our children and that they are not going to be paying interest on for the next 30 years.

This comes down to the point in time, does this Senate recognize the amount of trouble we are in, and are Senators willing to give up parochial interests, procedural interests, are they willing to do what is necessary to put this country back on course? My hope and prayer is they are.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

ENERGY

Mr. HOEVEN. Madam President, I rise this morning to talk about America's energy future. The reality is we need a diversified energy future. What I mean by that is we need to develop all of our energy resources. In my home State of North Dakota, we are doing just that. We have coal, and we are developing clean coal technologies. We have oil and gas. We have hydro. We have biofuels—ethanol and biodiesel. We have solar. We have wind. We have biomass. We are working aggressively to develop all of them, both traditional sources of energy and our renewable sources of energy.

Ten years ago, in 2000 when I started as Governor of North Dakota, we set a course to develop a comprehensive energy plan to develop all of our energy resources, both traditional and renewable, and to do it in tandem, by encouraging private investment that would spur the development of new technologies—new technologies to develop traditional sources of energy and renewable sources of energy, and create new and exciting synergistic partnerships that would both diversify our energy mix, help us produce more energy most cost effectively, create good-quality jobs and improve environmental stewardship.

That is exactly what is happening. That is exactly what is happening in our State. That is exactly what we need to do as a nation. Let me give you some examples from our State. Oil and gas. Oil and gas development has taken off in North Dakota. We are now the fourth largest oil-producing State in the Union. We recently passed States such as Oklahoma and Louisiana, producing more oil, and we are producing it from new formations such as the Bakken Shale and the Three Forks, and we are doing it with new technologies: directional and horizontal drilling. We figured out how to use those technologies such as directional drilling and hydraulic fracturing in new ways that produce more energy but do it with good environmental stewardship. For example, in the case of hydraulic fracturing, we recycle the water. We go down 2 miles underground, we drill directionally underground for miles. So it is a small footprint. One well now produces what maybe 10 or 12 wells used to produce. The water we use to force the oil to the surface we send back down; we recycle it—we use it again—and ultimately we put it back down the hole where we drew it from in the first place when it came up with much of the oil that is produced.

In the case of coal, we take lignite coal and we produce synthetic natural gas. We put it in pipelines and we send it to other parts of the country, just like the gas you pull out of the ground. At the same time, in one of our plants, we are capturing CO_2, the carbon dioxide. We are capturing it, we are compressing it, we are putting it in pipelines, and we are sending it off to the oilfields for second or tertiary oil recovery.

Those are some of the new developments we are undertaking in traditional sources of energy. But as we do that with things such as oil and gas and coal, we are also developing the renewables. For example, wind. Our State is now the ninth largest wind energy State of all 50. We are continuing to move up the ranks, and that includes investing billions of dollars to make it happen. Again, that is more energy for our country, from more diversified sources, creating good jobs in the process.

Think how important that is. Think how important it is to create good jobs at a time when we have more than 9 percent unemployment, 15-plus million people out of work, an economy that we need to get going and growing. Energy development represents an incredible opportunity to make that happen. But when we talk about energy development, we need all of the different sources of energy. Each has strengths and each has weaknesses. That is why we need the mix.

In our State we also produce biofuels: ethanol and biodiesel. Clearly the discussion today is how do we best create that environment to continue the development, the production, and the growth of ethanol in a way that is cost effective, that serves the taxpayers of the country, but continues to develop that vital industry for our country at a time when we need to reduce our dependence on foreign oil, when we need more domestically produced energy, when we need quality jobs, when we need a growing economy.

We can do it. We can do it with the right kind of energy policy—with the right kind of energy policy—and that is what we are talking about today. Think about ethanol. It helps reduce our dependence on foreign oil. For every gallon of ethanol we use as part of the fuel mix, that is 1 less gallon of gasoline we are bringing in from the Middle East, and by increasing supply we help reduce the cost of gasoline at the pump for our consumers.

In addition to that, we are creating good-paying American jobs. In 2010, the ethanol industry employed 400,000 workers in good jobs throughout the United States—400,000 jobs. It provided an important market for American farmers throughout our country. It displaced the need for 445 million barrels of foreign oil. Let me repeat that. It displaced the need for 445 million barrels of foreign oil. It reduced the price of gasoline at the pump by 80 cents a gallon for the American consumer.

In addition to all of that, the ethanol industry paid $11 billion in Federal taxes in 2010. I want to emphasize that point. In 2010, the ethanol industry paid $11 billion in Federal tax. So it is an important industry to our country and we need it to continue.

The point of the discussion today, though, is how best to do that. So for this discussion today, how do we create the right environment to stimulate private investment so we have that growing economy, we have more jobs, we have more energy, but we also generate more tax revenues with less government spending so we both grow our way out of this debt and deficit, we get this economy going, we create a better energy future for these young people and young people all over our great country.

That is why I have sponsored legislation, along with Senator THUNE and Senator KLOBUCHAR, that will reform the ethanol tax credit. It will provide deficit reduction and set us on the right path for alternative fuel development in our country for the long run. The legislation is called the Ethanol Tax Reform and Deficit Reduction Plan.

It is the right way to transition from the current VEETC, the volumetric ethanol excise tax credit, rather than the amendment today to simply do away with VEETC. This is the right transition for us to make from the VEETC to creating the right environment to stimulate investment and energy growth in biofuels for the future. The ethanol tax reform and deficit reduction plan provides $1 billion in deficit reduction right away—provides $1 billion in deficit reduction. But it also provides the right transition for ethanol by providing the right kind of energy policy. Specifically, we provide incentives for things such as blender pumps that offer consumers choice. We provide the right kind of incentives for research, development, and deployment of second-generation ethanol, specifically cellulosic ethanol, so that instead of making ethanol from food products, we make it from stover and wheat straw and other sources.

By combining blender pumps, flex fuel vehicles, and commonsense regulation on the part of the EPA that encourages higher fuel blends, we create the business environment that will foster growth in the ethanol industry.

What does that mean? That means, No. 1, we avoid the ongoing cost of subsidies such as the VEETC. Second, we set the ethanol industry up for long-term growth. Third, we gain jobs. We gain jobs at a time when we badly need them. We produce more energy, which reduces our dependence on foreign oil, and we gain tax revenues. We gain tax revenues to help reduce our deficit.

So we not only spend less directly, helping to reduce the deficit, we grow our economy, and that growing economy builds on the $11 billion that the industry is already paying in Federal taxes, and we grow that base while we are growing our jobs. That is the right way to move forward, to move out of our deficit situation in this economy, to get our economy going and also to produce more energy.

This is a market-based approach that will give customers more choice and also reduce their fuel costs. For example, you go into the station, there is a blender pump there. You have a flex fuel vehicle. You can dial up whatever blend you choose, anywhere from 0 percent biofuels all the way up to 85 percent, whatever works best for you, whatever works best for your pocketbook, whatever works best for your vehicle.

We have blender pumps in my State. We have an incentive for blender pumps in my State. As a result, we have more blender pumps than any other State in the country. The reality is today, if you buy fuel in North Dakota, almost all of the fuel you buy will have ethanol in it and you do not even realize it. Why? Because at a 90–10 percent blend, every vehicle can use it, and it is the lowest price gasoline at the pump, so dealers want to sell it. Consumers buy it. They simply buy it because they pick the lowest priced fuel at the pump. It is a 90–10 blend.

That is where we are going with this, a market-based approach. That is how it can work for the benefit of our economy, for the benefit of our energy future, for the benefit of reducing spending, and for the benefit of growing our tax revenues. That is the choice we have today. That is the right way to approach job creation and energy development in our country. We are reducing spending. We are improving and creating an environment for private sector investment that will help us build a probusiness climate for energy and economic growth in our country.

I urge my fellow Senators to make that progrowth choice.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TESTER). Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CLAIRE C. CECCHI TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

NOMINATION OF ESTHER SALAS TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nominations which the clerk will report.

The assistant legislative clerk read the nominations of Claire C. Cecchi, of New Jersey, to be United States District Judge for the District of New Jersey, and Esther Salas, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided and controlled between the two leaders or their designees.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, today is a distinct honor for me to have the opportunity to fulfill the constitutional commitment that each of us has to assure the public at large that justice is being administered as it should be. We fulfill this commitment by making sure vacancies on the Federal bench are filled with individuals who have the proper experience and will provide the kind of fairness and balance in decisionmaking that confirms America's basic tenets.

Mr. President, during a 2-year hiatus that I took from the Senate, I was honored with the naming of a Federal courthouse in Newark after me, and I was so pleased to have that association with the justice administered in our society. Before the building was dedicated, I asked that an inscription that I authored be placed on the wall. It reads exactly as I labored to write it. It says:

> The true measure of a democracy is the dispensation of justice.

As a matter of fact, when I shared that moment with my dear departed colleague, Senator Ted Kennedy, who questioned whether I wrote it because he knew I wasn't a lawyer, we joked about it, and I confirmed it. That is the way I saw things.

The sentiment behind that quote underscores how seriously I take my role in recommending New Jersey District Court nominees to President Obama. That is why I am so proud to come to the floor today and urge my colleagues to confirm President Obama's nomination of Judge Claire Cecchi and Judge Esther Salas to the U.S. District Court for New Jersey. Both are well qualified for the court, having devoted their careers to upholding the rule of law.

Throughout her career, Judge Cecchi has demonstrated her ability to navigate complicated legal matters and manage complex cases. During the confirmation process, she showed her temperament and diligence, she let us know something of her candor, and displayed the kind of character that she brings to the bench.

For the past 5 years, Judge Cecchi has served as a U.S. magistrate judge in the District of New Jersey, where she has presided over hundreds of civil and criminal cases.

Before joining the bench, Judge Cecchi spent 14 years in private practice, focusing on complex civil litigation. One of her passions is to encourage young people to pursue a career in the law. She has hosted Bring Your Child to Work Day programs in the district court, as well as a mock trial for

a local sixth grade class, to let young people have some understanding of what goes into making sure justice is fairly served in the Federal courts.

Judge Cecchi's community spirit is pronounced in her activities. She has volunteered for the Junior League, Orphans with AIDS, the Human Needs Food Pantry, and the Salvation Army, to name just a few.

She graduated from Fordham University Law School, and cum laude from Barnard College at Columbia University. Before being appointed to the bench, she was a partner at two New Jersey law firms, and she was an assistant corporation counsel for the City of New York.

Like Judge Cecchi, Judge Salas has earned the respect and admiration of New Jersey's legal community—first as an accomplished litigator and, for the past 5 years, as a U.S. magistrate judge. She was the first Latina in New Jersey to serve as a magistrate judge.

In a newspaper profile a few years ago, Judge Salas recalled how, when she was 10 years old, her family lost everything in a fire in the apartment building where they lived. The judge's mother said to her:

Things are going to be fine. We've gotten this far, and we are going to make it.

What determination that showed. I like to tell this story because I believe it demonstrates how Judge Salas's experiences have shaped her life and her career. She has known hardship, but she has also known great success as a member of New Jersey's legal community.

Before Judge Salas became a magistrate judge, she served 9 years as an assistant Federal public defender in Newark, representing indigent clients in a variety of cases. In addition, Judge Salas has worked in private practice, handling appellate work for a New Jersey law firm. She is a graduate of the Rutgers University School of Law, and she clerked for New Jersey Superior Court Judge Eugene Codey.

Additionally, Judge Salas has served as the president of the Hispanic Bar Association of New Jersey, an organization to which she has devoted countless volunteer hours throughout her career.

As I shared with the Judiciary Committee when I introduced Judge Cecchi and Judge Salas in March, I am not a lawyer, but I have a deep and abiding respect for the law. I was pleased to recommend Judge Claire Cecchi and Judge Esther Salas because both are unquestionably qualified to serve on the district court, and they will bring honor to the people of New Jersey and our country.

I am confident that my colleagues in the Senate will agree and vote overwhelmingly to confirm their nominations.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. 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. LAUTENBERG. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided, and I suggest the absence of a quorum.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MENENDEZ. 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. MENENDEZ. Mr. President, I rise to urge my colleagues to vote for the confirmation of two of New Jersey's most outstanding judicial professionals to fill two vacancies for United States District Court judges for the District of New Jersey. I understand that vote will be taking place around noon. Both of these very qualified women are now U.S. magistrate judges.

Judge Claire Cecchi and Judge Esther Salas are among the most respected leaders in New Jersey's judicial community. Both have demonstrated skill and professionalism on the bench and an impressive ability to manage the heavy and complex dockets before them.

Judge Cecchi has a broad range of litigation experience, having worked in the private sector for over 14 years. After serving in the Office of Corporation Counsel for the City of New York, she practiced with Robinson, St. John & Wayne, and later with Robinson, Lapidus, and Livelli, both large and well-respected New Jersey firms.

She has been no stranger to complex litigation for both defendants and plaintiffs. In the course of her distinguished career, she has focused on a range of challenging issues—from security litigation and complex tort matters to employment law, criminal cases, construction cases, and contracts. In handling a case involving a suit by the Securities and Exchange Commission—a prominent case against two companies in Federal Court in the Southern District of New York—Judge Cecchi demonstrated outstanding legal skills. She was singled out by many in the legal profession in New Jersey for her depth and range of knowledge on the subject and for her conduct of the case.

Judge Cecchi later went to the firm of Carpenter, Bennet & Morrisey, the second oldest law firm in New Jersey, where she worked for almost a decade developing a range of experience in environmental and toxic tort cases, class actions, patent cases, and employment law.

She is a graduate of Fordham University and Barnard College at Columbia University, and began her career clerking for the Honorable Kevin Thomas Duffy of the Southern District of New York.

As a U.S. magistrate judge, she has shown a unique set of judicial skills that makes her an exceptional choice for the position of United States District Court Judge for the District of New Jersey, and I urge my colleagues to vote to confirm her nomination.

Magistrate Judge Esther Salas has been an exceptional public servant. In 2006, she became the first Hispanic to serve as a U.S. magistrate judge for the District of New Jersey. In her handling of a docket of well over 400 cases, she has earned the respect of many in the legal community who have said she is the finest judge they have worked with in many years of practice.

In a 10-year environmental dispute involving 350 attorneys, she managed the resulting avalanche of motions and countermotions involving Federal and State claims for more than $300 million in cleanup costs and damages. Her handling of the case prompted several lawyers not only to credit her with being the principal moving force in bringing the parties to agreement but recommending her to the Judiciary Committee with their unqualified support.

Prior to serving as a U.S. magistrate judge, Judge Salas worked for almost 10 years in the Federal Public Defenders Office, where she zealously provided her clients with her best legal advice and a skilled defense in what were often difficult and complex cases.

Judge Salas clerked with distinction for Superior Court Judge Eugene Codey, and—a proud New Jerseyan—she earned her degrees from Rutgers University and Rutgers University Law School.

She is a respected member of the New Jersey State Bar, a past president of the Hispanic bar of New Jersey, and an extraordinary jurist.

These two extraordinary nominees—two of New Jersey's most respected legal professionals—both deserve confirmation by the full Senate as U.S. District Court Judges for the District of New Jersey. I urge my colleagues to confirm their nominations and give New Jersey two respected and distinguished District Court judges who have earned the confidence of the legal community in my State, the recommendation of the Judiciary Committee and, in my view, deserve a unanimous vote in the full Senate.

Mr. President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. 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. LEAHY. Mr. President, the Senate last confirmed a judicial nominee on May 17, almost 1 month ago. This is despite the fact that almost a score of

qualified nominees have been awaiting final consideration since that date. Last month, the Senate recessed for Memorial Day with 19 judicial nominees pending on the Senate's Executive Calendar. Of those, 16 are by anyone's definition consensus nominees. All 16 were unanimously approved by every Republican and every Democratic Senator on the Judiciary Committee after thorough review. They are all supported by their home State Senators, Republicans and Democrats. These are the kind of nominees who in past years would be confirmed within days of being reported to the Senate and without the extended delays that now burden every nomination.

With judicial vacancies continuing at crisis levels, affecting the ability of courts to provide justice to Americans around the country, I have been urging the Senate to vote on the judicial nominations reported favorably by the Judiciary Committee and pending on the Senate's Executive Calendar. My efforts have not yielded much success or sense of urgency. Nor have the statements by the Chief Justice of the United States, the Attorney General of the United States, the White House counsel, the Federal Bar Association and a number of Federal judges across the country.

Those who delay or prevent the filling of these vacancies must understand that they are delaying and preventing the administration of justice. We can pass all the bills we want to protect American taxpayers from fraud and other crimes, but you cannot lock up criminals or recover ill-gotten gains if you do not have judges. The mounting backlogs of civil and criminal cases are growing larger.

We should have regular votes on President Obama's highly qualified nominees, instead of more delays. With vacancies still totaling more than 90 on Federal courts throughout the country, and with nearly two dozen future vacancies on the horizon, there is no time to delay consideration of these nominations. Had we taken positive action on the consensus nominees, vacancies would have been reduced to below 80 for the first time since the beginning of President Obama's administration.

All of the nominations reported by the Judiciary Committee and pending on the Senate's Executive Calendar have been through the committee's fair and thorough process. We review extensive background material on each nominee. All Senators on the committee, Democratic and Republican, have the opportunity to ask the nominees questions at a live hearing. Senators also have the opportunity to ask questions in writing following the hearing and to meet with the nominees. All of these nominees which the committee reported to the Senate have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All have the support of their home state Senators, both Republican and Democratic. They should not be delayed for weeks and months needlessly after being so thoroughly and fairly considered by the Judiciary Committee.

Today, the Senate is being allowed to vote on two more of President Obama's outstanding judicial nominees, Esther Salas and Claire Cecchi—both currently Federal magistrate judges for the U.S. District Court for the District of New Jersey, the court to which they are nominated. Judge Salas previously served as a Federal public defender and in private practice. She is a graduate of Rutgers University and Rutgers University School of Law. Judge Cecchi previously worked in private practice and for the city of New York. She graduated from Barnard College of Columbia University and Fordham University School of Law. Judge Salas and Judge Cecchi both have the strong support of their home state Senators, Senator LAUTENBERG and Senator MENENDEZ.

After today's votes on the two New Jersey nominees, there will remain more than a dozen other judicial nominations that were reported unanimously and that are being stalled for no good reason and without justification. They include several nominees to fill judicial emergency vacancies, including Paul Engelmayer and William Kuntz of New York, Richard Brooke Jackson of Colorado, Kathleen Williams of Florida, and Nelva Gonzales Ramos of Texas, as well as Henry Floyd of South Carolina to the Fourth Circuit.

Other nominations reported unanimously and without any opposition are Paul Oetken of New York, Romana Manglona of the Mariana Islands, Sara Lynn Darrow of Illinois, John Andrew Ross of Missouri, Timothy M. Cain of South Carolina, Nanette Jolivette Brown of Louisiana and Nancy Torreson of Maine. Some have been needlessly stalled before the Senate for months. Those with home state Republican Senators in support include Bernice Donald of Tennessee to the Sixth Circuit, Henry Floyd of South Carolina to the Fourth Circuit, Sara Lynn Darrow of Illinois, Kathleen Williams of Florida, Nelva Gonzales Ramos of Texas, John Andrew Ross of Missouri, Timothy Cain of South Carolina, Nannette Jolivette Brown of Louisiana, and Nancy Torresen of Maine. In spite of all this, we continue to be unable to secure consent from the Republican leadership for the Senate to consider and vote on these nominations. They will all be confirmed if allowed to be considered.

We could have made significant progress helping Americans seeking justice in our Federal courts before the Memorial Day recess. I hope Senators across the aisle can join together with us and work with the President to provide needed judicial resources before our Fourth of July recess.

I congratulate both of the outstanding nominees we will confirm today, and their families on what I expect will be their unanimous confirmations today.

Mr. GRASSLEY. Mr. President, today, the Senate will confirm two more of President Obama's judicial nominees. Both nominees are for seats in the District of New Jersey. With these confirmations today, the District of New Jersey will be fully staffed, with no vacancies.

I have been working throughout this Congress to confirm consensus nominees. Yet we continue to hear complaints in the blogs and elsewhere on the lack of confirmations or on the slow pace of confirmations. I think the record demonstrates otherwise. We have taken positive action on more than 60 percent of President Obama's nominees in this Congress. We have reported out of committee more than half the nominees. Twenty-six nominees will have been confirmed after today. Even with this pace, I remind my colleagues that we continue to carefully review the qualifications of all nominees. This is not a pro forma process. We expect quality nominations from the President, not just quantity.

Today, the Senate will consider two nominations, both to be U.S. district judge for the District of New Jersey. Since 2006, both have been serving as a U.S. magistrate judge for the District of New Jersey. I congratulate these nominees.

The first nominee is Claire Cecchi. Judge Cecchi received her bachelor's degree from Barnard College, Columbia University in 1986, and her juris doctorate from Fordham University School of Law in 1989.

Upon graduation, Judge Cecchi worked for the Office of Corporation Counsel for the city of New York. In 1992 she became an associate with the firm of Robinson, St. John & Wayne and its successor firm, Robinson, Lapidus & Livelli. There she focused her work in general practice with an emphasis on securities litigation. In 1997 Judge Cecchi joined the firm of Carpenter, Bennett & Morrissey, where she handled general litigation, including products liability, employment, antitrust, and patent law cases. She became a partner in that firm in 2001. In 2004 she joined the firm McElroy, Deutsch, Mulvaney & Carpetner, as of counsel. She was a partner in that firm in 2005 to 2006. Judge Cecchi also served as a State-certified mediator for the New Jersey State courts system while in private practice. She was appointed a magistrate judge in 2006, where she presides over pretrial motions, mediations, and settlements.

The American Bar Association has rated Judge Cecchi ''majority qualified, minority well qualified.''

The second nominee, Esther Salas, received both her bachelor's and juris doctorate from Rutgers University in 1991 and 1994, respectively.

Judge Salas began her legal career as a law clerk for Judge Eugene Cody of the Superior Court of New Jersey. After her clerkship, Judge Salas worked at the firm of Garces & Grabler, where she handled criminal

work and appellate matters. In 1997, she joined the Office of the Federal Public Defender as an assistant public defender, working for indigent criminals in Federal criminal matters. She was appointed as a U.S. magistrate judge for the District of New Jersey in 2006.

The American Bar Association has rated Judge Salas unanimously ''well qualified.''

I support these two nominees and congratulate them for their achievement and public service.

Mr. WHITEHOUSE. I now yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Claire C. Cecchi, of New Jersey, to be United States District Judge for the District of New Jersey?

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 88 Ex.]

YEAS—98

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Grassley	Murray
Barrasso	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Hatch	Paul
Bennet	Heller	Portman
Bingaman	Hoeven	Pryor
Blumenthal	Hutchison	Reed
Blunt	Inhofe	Reid
Boozman	Isakson	Risch
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Johnson (WI)	Rubio
Burr	Kerry	Sanders
Cantwell	Kirk	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Chambliss	Kyl	Shelby
Coats	Landrieu	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Lee	Thune
Conrad	Levin	Toomey
Coons	Lieberman	Udall (CO)
Corker	Lugar	Udall (NM)
Cornyn	Manchin	Vitter
Crapo	McCain	Warner
DeMint	McCaskill	Webb
Durbin	McConnell	Whitehouse
Enzi	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	

NOT VOTING—2

Casey	Inouye

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the clerk will report the next nomination.

The legislative clerk read the nomination of Esther Salas, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Esther Salas, of New Jersey, to be United States District Judge for the District of New Jersey?

The nomination was confirmed.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, notwithstanding the previous order, I ask unanimous consent that there be 5 minutes of debate equally divided and controlled between the proponents and opponents of the Coburn amendment No. 436, as modified, prior to a cloture vote on the Coburn amendment. That would be for debate only.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, that debate would come after the recess.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

ECONOMIC DEVELOPMENT REVITALIZATION ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 782, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 782) to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes.

Pending:

DeMint amendment No. 394, to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Paul amendment No. 414, to implement the President's request to increase the statutory limit on the public debt.

Cardin amendment No. 407, to require the FHA to equitably treat homebuyers who have repaid in full their FHA-insured mortgages.

Merkley/Snowe amendment No. 428, to establish clear regulatory standards for mortgage servicers.

Kohl amendment No. 389, to amend the Sherman Act to make oil-producing and exporting cartels illegal.

Hutchison amendment No. 423, to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.

Portman amendment No. 417, to provide for the inclusion of independent regulatory agencies in the application of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.).

Portman amendment No. 418, to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to strengthen the economic impact analyses for major rules, require agencies to analyze the effect of major rules on jobs, and require adoption of the least burdensome regulatory means.

McCain amendment No. 411, to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

McCain amendment No. 412, to repeal the wage rate requirements commonly known as the Davis-Beacon Act.

Merkley amendment No. 440, to require the Secretary of Energy to establish an Energy Efficiency Loan Program under which the Secretary shall make funds available to States to support financial assistance provided by qualified energy efficiency or renewable efficiency improvements.

Coburn modified amendment No. 436, to repeal the volumetric ethanol excise tax credit.

Brown (MA)/Snowe amendment No. 405, to repeal the imposition of withholding on certain payments made to vendors by government entities.

Inhofe amendment No. 430, to reduce amounts authorized to be appropriated.

Inhofe amendment No. 438, to provide for the establishment of a committee to assess the effects of certain Federal regulatory mandates.

Merkley amendment No. 427, to make a technical correction to the HUBZone designation process.

McCain amendment No. 441 (to Coburn modified amendment No. 436), to prohibit the use of Federal funds to construct ethanol blender pumps or ethanol storage facilities.

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes for debate only equally divided on amendment No. 436, as modified, offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time? No one has yielded time. Time will be charged equally to both sides.

The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am speaking on this amendment. I oppose the amendment. I urge my colleagues to do the same. There is going to be a change with biofuels in this country. We are going to see a phasing out of the support for biofuels in terms of Federal policy. But the time to do it is not in the middle of the year after 7 years of Federal support with 5 days' notice.

Senator THUNE and I have an alternative bill that actually takes the rest of the year, the last 6 months of this year, the funding, and puts $1 billion into deficit reduction, and then allows the industry to keep its footing so it can actually compete with oil.

I would remind my colleagues that this is now 10 percent of our fuel supply. There have been studies done that show the price of gasoline would escalate up to $1 more a gallon if the rug were suddenly pulled out from under this industry. It is the only competition with oil. So while this industry, unlike the oil industry, has acknowledged that there is change ahead and that they are willing to be part of this change and actually put money on the

table, the time to do it is not now on an unrelated bill with no discussion of a comprehensive energy plan for this country.

I know Senator THUNE would like to talk about his opposition to this amendment.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I urge my colleagues to vote no on this motion. As the Senator from Minnesota has pointed out, there is a better way to do this. I think we can all work together in a constructive way and accomplish what the proponents of this amendment want to do, but do it in a way that does not disrupt this industry.

In December, 81 Senators—81 Senators—voted for tax policy. Here we are 6 months later and we are going to say we are going to pull the rug out. We are going to tell you guys just to go pound sand—after giving them a commitment back in December that we would have this tax policy in place until the end of the year.

That is not the way to do business. This can be done in the right way. I urge my colleagues to defeat this motion, and then we can work together to try to get to where we have a solution in place that is good for jobs, good for the energy industry in this country, and good for the taxpayers of America.

Mr. HATCH. Mr. President, one negative aspect of Senator COBURN's amendment No. 436, as modified, to the Economic Development Revitalization Act of 2011 is that it is a tax increase that is not offset by a tax cut of an equal or greater amount.

It takes away a tax incentive and therefore increases taxes but fails to cut taxes in another area, such as by lowering tax rates. I do not favor taking away tax incentives without cutting taxes in other areas to reach a revenue-neutral result.

Revenue-neutrality should be judged using a current-policy baseline and not the unrealistic current-law baseline that builds in trillions of dollars of tax increases.

However, in this case, the policy considerations regarding ending the tax incentive for corn-based ethanol outweigh this general principle. I will note that this is not the case for the larger-dollar, and more significant, tax incentives such as the home mortgage interest deduction.

With respect to these tax incentives, any changes that increase revenue must be offset with a tax cut in another area, such as by lowering tax rates. My vote in favor of the Coburn amendment should not be viewed as a precedent for increasing taxes.

Taxes are already headed higher than they historically have been according to the nonpartisan Congressional Budget Office. Americans are not undertaxed, Washington overspends, and we need to get that spending under control.

In terms of energy policy for our Nation, I think the case is more clear in favor of this amendment. I do not believe it makes sense to provide a tax incentive for a product that is also mandated by the Federal Government, which is what we have with ethanol. Moreover, energy tax incentives should be a temporary boost, not a long-term strategy to support an energy source that cannot compete on its own. I believe the time has come for corn ethanol to stand on its own as a transportation fuel.

Mr. BLUMENTHAL. Mr. President, I will vote today against cloture on amendment No. 436, dealing with subsidies for the ethanol industry, because its author used inappropriate procedural tactics to attach it to an unrelated bill devoted to economic development.

I support eliminating unnecessary tax subsidies to the ethanol industry, but today's vote is a political maneuver orchestrated by members of the minority party. I am pleased that the Senate will have an opportunity to vote on the merits of this issue, without extraneous debates over Senate procedure and process, in the coming days.

I will then support this measure to eliminate subsidies to the ethanol industry, which is necessary to save taxpayer dollars, reduce the deficit, and rein in our national debt.

Mr. WHITEHOUSE. Mr. President, I rise to discuss my vote on the motion to invoke cloture on Senator COBURN's amendment to the Economic Development Revitalization Act of 2011 to repeal the volumetric ethanol excise tax credit and the tariff on ethanol imports. I will vote against cloture on this amendment because of assurances that there would be another vote on ethanol subsidies in the near future without the extraordinary procedural problems occasioned by this amendment as it was brought to the floor.

My position on corn ethanol subsidies is clear. I am a cosponsor of Senator COBURN's Volumetric Ethanol Excise Tax Credit Repeal Act. I also signed a letter last fall along with several of my colleagues opposing the current extension of the volumetric ethanol excise tax credit and the tariff on ethanol imports.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, we have introduced into the RECORD the industry that gets this tax credit—they represent 97 percent of all of the ethanol that is blended—does not want the $3 billion. They say it is not a disruption to them, and, in fact, it is $3 billion that we cannot afford to pay.

It is something that already has accomplished its purpose through a government mandate. I would yield the remainder of my time to the Senator from California, Mrs. FEINSTEIN.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Oklahoma. I think everybody in this body now knows that I am strongly for this measure. Unfortunately, I think it has created a lot of feelings that really do not work to the benefit of this body.

It is my understanding there is an offer from the leader that we will have a vote by Friday next, which means a week from this Friday. I tend to just say what I think. On our side, I think there are real concerns about the process used to bring this amendment to the floor. I think that has created some, unfortunately, very bad feelings which even are enough to affect people's votes.

My view has been a little different. I have watched this ethanol amendment go from $1.5 billion in the early part of the 2000s to where it costs $5.7 billion now. It is a triple crown. It is a subsidy, it is a mandate, it is a protective tariff. It should go. I have no question about that.

I also want to see this body have an ability to work together. It also gives us a little bit of time to see if we can negotiate some agreement between the Senator from Minnesota and the Senator from South Dakota. That would be the best of all worlds. Whether we can do this, I do not know, but I am certainly willing to try.

What I hate to see is this vote get so caught up—which it is now caught up in process—that we have no chance of sorting it out. I have asked the Senator from Oklahoma would he consider withdrawing this amendment so we can try and see if we could——

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I would ask unanimous consent for a couple of seconds more.

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

Mrs. FEINSTEIN.—so that we could try and see if we can work something out with Senators KLOBUCHAR and THUNE. I would implore him once again, I think for the best interests of our body as a whole, both sides, we ought to take the time to try to work it out. I think we lose votes right now on the basis of the process alone that we would not lose on just a straight vote.

I believe if it were not for the process, we would have 60 votes. That is my belief. So I want the Senator from Oklahoma to know that right up front. I would implore him to let us withdraw the amendment, try to negotiate a solution, and then take this up, as the leader has pledged, by Friday next.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent for 2 minutes.

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

Mr. COBURN. Mr. President, the reason this amendment ended up the way it is, is because we don't have an open amendment process in the Senate anymore. Rule XXII gives every Senator the right to offer an amendment. We

have no Senate unless we have the right to offer an amendment.

There is no usurpation of the power of the majority leader. He gets to set what bills are on the floor. Every Senator has the right to file cloture on their amendments—every Senator. They also have every right to offer amendments.

We would not be in this position if we did not have a closed amendment process instead of an open amendment process. I would like to solve this problem. I recognize that this is going to be blue-slipped anyway. I thank the majority leader for his offer. I do not think it accomplishes what we want. I think we end up losing what we can get and what we should get.

I think the American people deserve to have us take this $3 billion out of the hands of the large oil companies now, not to the benefit of any American except to their detriment and their children.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the pending amendment No. 436, as modified, to S. 782.

Tom Coburn, Jim DeMint, John McCain, Richard Burr, David Vitter, Kelly Ayotte, Scott P. Brown (MA), James E. Risch, James M. Inhofe, Bob Corker, Michael B. Enzi, Johnny Isakson, John Barrasso, Lamar Alexander, John Cornyn, Jeff Sessions.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on amendment No. 436, as modified, offered by the Senator from Oklahoma, Mr. COBURN, to S. 782, the Economic Development Revitalization Act of 2011, should be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Pennsylvania (Mr. CASEY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 40, nays 59, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—40

Alexander	Crapo	Lieberman
Ayotte	DeMint	Manchin
Barrasso	Enzi	McCain
Boozman	Graham	McConnell
Brown (MA)	Hatch	Murkowski
Burr	Heller	Paul
Cantwell	Hutchison	Pryor
Chambliss	Inhofe	Risch
Coburn	Isakson	Rubio
Collins	Johnson (WI)	Sessions
Corker	Kyl	
Cornyn	Lee	
Shelby	Tester	Vitter
Snowe	Toomey	Webb

NAYS—59

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Hoeven	Nelson (FL)
Bennet	Inouye	Portman
Bingaman	Johanns	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kerry	Roberts
Boxer	Kirk	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Coats	Lautenberg	Stabenow
Cochran	Leahy	Thune
Conrad	Levin	Udall (CO)
Coons	Lugar	Udall (NM)
Durbin	McCaskill	Warner
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden
Grassley	Moran	

NOT VOTING—1

Casey

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Florida.

THE AMERICAN CENTURY

Mr. RUBIO. Mr. President, I have the honor of representing the people of the great State of Florida here in the Senate, and today I speak for the first time on this floor on their behalf.

The Senate is a long ways away from where I come from, both literally and figuratively. I come from a hard-working and humble family, one that was neither wealthy nor connected. Yet I have always considered myself to be a child of privilege because growing up I was blessed with two very important things: I was raised by a strong and stable family, and I was blessed to be born here in the United States of America.

America began from a very powerful truth—that our rights as individuals do not come from our government, they come from our God. Government's job is to protect those rights. And here, this Republic, has done that better than any government in the history of the world.

Now, America is not perfect. It took a bloody civil war to free over 4 million African Americans who lived in slavery. It took another 100 years before they achieved full equality under the law. But since its earliest days, America has inspired people from all over the world, inspired them with the hope that one day their own countries would be one like this one.

Many others decided they could not wait, and so they came here from everywhere to pursue their dreams and to work to leave their children better off than themselves. The result was the American miracle—a miracle where a 16-year-old boy from Sweden, with no English in his vocabulary and $5 in his pocket, saved enough money to open a shoestore. Today, that store, Nordstrom's, is a multibillion-dollar global retail giant; a miracle that led to a young couple with no money and no business experience opening a toy company out of the garage of their home. Today, that company, Mattel, is one of the world's largest toy manufacturers; a miracle where the French-born son of Iranian parents created a Web site called AuctionWeb in the living room of his home. Today, that company, known as eBay, stands as a testament to the familiar phrase ''only in America.''

These are just three examples of Americans whose extraordinary success began with nothing more than an idea. But it is important to remember that the American dream was never just about how much money you made; it is also about something that typifies my home State of Florida: the desire of every parent to leave their children with a better life. It is a dream lived by countless people whose stories will never be told, people—Americans—who never made $1 million. They never owned a yacht or a plane or a second home. Yet they too live the American dream because through their hard work and sacrifice, they were able to open doors for their children that had been closed for them.

It is the story of the people who clean our offices here in this building, who work hard so that one day their children can go to college. It is the story of the men and women who serve our meals in this building, who work hard so that one day their children can accomplish their own dreams.

It is the story of a bartender and a maid in Florida. Today, their son serves here in the Senate and stands as a proud witness of the greatness of this land.

Becoming a world power was never America's plan, but that is exactly what the American economic miracle made her. Most great powers have used their strength to conquer, but America is different. For us, our power always has come with a sense that those to whom much is given, much is expected; a sense that with the blessings God bestowed upon this land came the responsibility to make the world a better place. And in the 20th century, that is precisely and exactly what America did. America led in two world wars so that others could be free. America led in the Cold War to stop the spread of and ultimately defeat communism. While our military and foreign policy contributions helped save the world, it was our economic and cultural innovations that helped transform it.

The fruits of the American miracle can be found in the daily lives of people everywhere. Anywhere in the world, someone uses a mobile phone, e-mail, the Internet, or GPS; they are enjoying the benefits of the American miracle. Anywhere in the world where a bone marrow, lung, or heart transplant saves a life, they are touched by the value of the American miracle. On one night in July of 1969, the world witnessed the American miracle firsthand, for on that night an American walked

on the surface of the Moon, and it was clear to the world that these Americans could do anything.

Now, clearly America's rise was not free of adversity. We faced a civil rights struggle that saw Governors defy Presidents; that saw police dogs attack innocent, peaceful protestors; that saw little children murdered in churches by bombs. We faced two oil crises. America faced Watergate. America faced American hostages in Iran.

I grew up in the 1980s, a time when it was morning in America. Yet even then we faced the war on drugs. We lost soldiers in Beirut and astronauts on the *Challenger*. We faced a devastating oil-spill in Alaska and a terrifying new disease called AIDS. Through challenges and triumphs, the 20th century was the American century—a century where America's political, economic, and cultural exceptionalism made the world a more prosperous and peaceful place.

But now we find ourselves in a new century, and there is this growing sense that for America, things will never be the same, that maybe this century will belong to someone else. Indeed, we do now stand at a turning point in our history, one where there are only two ways forward for us: We will either bring on another American century or we are doomed to witness America's decline.

Another American century is fully within our reach because there is nothing wrong with our people. The American people haven't forgotten how to start a business. The American people haven't run out of good ideas. We Americans are as great as we have ever been. But our government is broken, and it is keeping us from doing what we have done better than any people in the history of the world—create jobs and prosperity.

If we here in Washington could just find agreement on a plan to get control of our debt, if we could just make our Tax Code simpler and more predictable, if we could just get the government to ease up on some of these onerous regulations, the American people will take care of the rest.

If this government will do its part, this generation of Americans will do theirs. They will give us a prosperous, upwardly mobile economy, one where our children will invent, build, and sell things to a world where more people than ever can afford to buy them. If we give America a government that can live within its means, the American economy will give us a government of considerable means, a government that can afford to pay for things government should be doing because it does not waste money on the things government should not be doing.

If we can deliver on a few simple but important things, we have the chance to do something that is difficult to imagine is even possible—an America whose future will be greater than her past. Sadly, that is not where we are headed. We have made no progress on the issues of our time because, frankly, we have too many people in both parties who have decided that the next election is more important than the next generation. And our lack of progress on these issues has led to something even more troubling—a growing fear that maybe these problems are too big for us to solve, too big for even America.

Well, there is no reason to be afraid. Our story, the story of America, is not the story of a nation that never faced problems. It is the story of a nation that faced its challenges and solved them. Our story, the story of the American people, is not the story of a people who always got it right; it is the story of a people who in the end got it right.

We should never forget who we Americans are. Every single one of us is the descendant of a go-getter, of dreamers and of believers, of men and women who took risks and made sacrifices because they wanted their children to live better off than themselves. So whether they came here on the *Mayflower*, on a slave ship, or on an airplane from Havana, we are all descendants of the men and women who built the Nation that saved the world.

We are still the great American people, and the only thing standing in the way of our solving our problems is our willingness to do so. And whether we do so is of great consequence not just to us but to the whole world. I know some now say that because times are very tough at home, we can no longer afford to worry about what happens abroad, that maybe America needs to mind its own business. Well, whether we like it or not, there is virtually no aspect of our daily lives that is not directly impacted by what happens in the world around us. We can choose to ignore global problems, but global problems will not ignore us.

One of my favorite speeches is one that talks about our role in the world. It was the speech President Kennedy was set to give had he lived just 1 more day, and it closes with these words:

> We in this country, in this generation, are—by destiny rather than by choice—the watchmen on the walls of world freedom. We ask, therefore, that we may be worthy of our power and responsibility, that we may exercise our strength with wisdom and restraint, and that we may achieve in our time and for all time the ancient vision of ''peace on Earth, good will toward men.'' That must always be our goal, and the righteousness of our cause must always underlie our strength. For as was written long ago, ''except the Lord keep the city, the watchman waketh but in vain.''

Almost a half century later, America is still the only watchman on the wall of world freedom, and there is still no one to take our place.

What will the world look like if America declines? Well, today people all over the world are forced to accept a familiar lie, that the price of security is their liberty. If America declines, who will serve as living proof that liberty, security, and prosperity can all exist together?

Today, radical Islam abuses and oppresses women, has no tolerance for other faiths, and it seeks to impose its will on the whole world. If America declines, who will stand up to them and defeat them?

Today, children are used as soldiers and trafficked as slaves. Dissidents are routinely imprisoned without trial, and they are subjected to torture and forced into confessions and labor. If America declines, what nation on Earth will take these causes as their own?

What will the world look like if America declines? Who is going to create the innovations of the 21st century? Who will stretch the limits of human potential and explore the new frontiers? And if America declines, who will do all these things and ask for nothing in return, motivated solely by the desire to make the world a better place?

The answer is, no one will. There is still no nation or institution on this planet that is willing or able to do what America has done.

Ronald Reagan famously described America as a shining city on a hill. Now, some say that we can no longer afford the price we must pay to keep America's light shining. Others like to say there are new shining cities that will soon replace us. I say they are both wrong.

Yes, the price we are going to pay to keep America's light shining is high. But the price we will pay if America's light stops shining is even higher.

Yes, there are new nations emerging with prosperity and influence. That is what we always wanted. America never wanted to be the only shining city on the hill. We wanted our example to inspire the people of the Earth to build one of their own. You see, these nations, these new emerging nations, these new shining cities, we hope they will join us. But they can never replace us because their light is but a reflection of our own.

It is the light of an American century that now spreads throughout the Earth, a world that still needs America, a world that still needs our light, a world that needs a new American century. I pray that, with God's help, that will be our legacy to our children and to the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican Leader.

Mr. MCCONNELL. Mr. President, on behalf of all of our colleagues, I commend our new Senator from Florida for his remarkable speech. No one is a better example of the American dream than he is, and no one expresses American exceptionalism better than Senator RUBIO. I congratulate him on behalf of all of our colleagues.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I join with my Republican counterpart in congratulating my friend from Florida for his fine speech. But I wish, in his remarks, he would have once in a while

mentioned where he spent a lot of his youth: Las Vegas and North Las Vegas, NV.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. NELSON of Florida. Mr. President, I congratulate my colleague from Florida, and I want him to know that it is a great pleasure for me to serve with him. It has been a tradition in Florida that the two Senators get along. This has been a great tradition that goes back to when Bob Graham and Connie Mack were the two Senators. It continued with Mel Martinez and me, and now I have the privilege of continuing that kind of relationship with Senator RUBIO.

The maiden speech is a big deal for a Senator, and it is always a memory that is forever etched in my mind.

I was in one of those desks over there as a very junior member, and I will never forget in the course of my speech—and it was mostly an empty Chamber—that I mentioned that it was my maiden speech. In a few minutes, all of a sudden those side doors flung open and in strode Senator Robert Byrd. So here I am giving my maiden speech and Senator Byrd is sitting in his seat. As I finished, he said: Would the Senator yield?

I said: Of course, I yield to the Senior Senator from West Virginia.

Senator Byrd, off the top of his head, gave an oration about the history of maiden speeches in the Senate. Now, of course, that is indelibly etched in my memory. Surely, the Senator's maiden speech today will be indelibly etched in his, and I congratulate him.

I thank him for his personal friendship. I thank him also for the privilege of the professional relationship that we have.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, very briefly, I have come to know Senator RUBIO. We have early morning seminars, and we have come to know one another a little better. I hope that continues. But at this point, I especially thank him for that speech because it was clearly a speech with a lot of personal reflection on one's own life and on the life of America. What he said will endure. There are things in there that we all should remember about this Nation and about our responsibility as Senators.

I thank the Senator for that fine speech, and I am glad that I was here to be a witness to it.

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

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

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business for debate only until 5 p.m., with Senators permitted to speak for up to 10 minutes each, and that at 5 p.m. the majority leader be recognized.

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

The PRESIDING OFFICER. The Senator from Alabama.

THE BUDGET

Mr. SESSIONS. Mr. President, I thank the Senator for his courtesy in allowing us to proceed and discuss issues at this point in time and wanted to recall for my colleagues that we are now at 776 days since the Senate has agreed to a budget. We have not passed a budget in 776 days. This is not responsible at a time in which we are having the largest deficits this country has ever seen.

This year it is projected our deficit, as of September 30, when the fiscal year ends, will have been $1.5 trillion. I think this is a big issue.

Last year the Budget Committee moved a budget out to the floor of the Senate, and Senator REID chose not to bring it up, the majority leader. This year he declared that it would be foolish to bring up a budget to the floor even though he has a majority in the Senate. We can pass a budget with a simple majority. It is a priority item. He has apparently asked, and the Budget Committee has not even had a markup.

The Budget Act requires a markup to begin by April 1 and a budget to be passed by April 15 so we can go about the business of funding next year's government. We need a budget. States have budgets, cities have budgets, counties have budgets. No city, county, or state that I am aware of is anything close to borrowing 40 cents of every dollar we spend as this Congress is doing. We are spending $3.7 trillion. We are taking in $2.2 trillion. That is a stunning number.

One reason we are so out of control is we do not have a budget. I have been harping away at that, and I have been talking about its impact on jobs. The Rogoff and Reinhart study makes it clear from nations around the world they have studied that when the debt reaches 90 percent of the economy, the entire economy of the country equal to that much debt, median growth drops 1 percent. Really the average is above that, I believe, but at any rate, 1 percent.

We had 1.8 percent growth the first quarter. Could we have had 2.8 percent? We are talking about more than 30 percent reduction in our growth and 1 percent in growth in our economy equals the creation of 1 million jobs. So that is the kind of thing I have been talking about and going into some detail about and have been unhappy and disappointed that my majority leader would have the gall to attack the House Members.

I have a chart. We do not want to forget this number. It is a pretty big number. It is 776. That is how long it has been since we had a budget. So I complained about that. My friend, Senator REID, has the toughest job in Washington, being the majority leader in the Senate. I do not know how he does it, but he has to lead.

As my wife says to me: Don't blame me. You asked for the job. Well, he asked for the job to be the leader, and he announced it was foolish for us to have a budget just a few weeks ago. When will we ever have one presumably?

Just today, earlier this morning, I guess he got a little tired of my harping, and he said: I heard our friend, the ranking member on the Budget Committee—that is me—come here and talk for hours, and he keeps talking about things that really have no bearing on what I think is important to the country today, and that is we know that the Republicans have put forward a budget that destroys Medicare.

Republicans did not destroy Medicare. Give me a break—and that is not the only problem we have facing the country. Medicare is going broke and we need to do something to save it, that is true. There are big issues. One of them is the surging debt that Erskine Bowles, appointed by President Obama to head the fiscal commission, testified about before the Budget Committee just a few weeks ago. He said we are facing the most predictable economic crisis in our Nation's history. This has the potential to put us into another doubledip recession. The economy is not doing well.

The things I have been talking about do have bearing on the future of our country, and I am disappointed my good friend, the Democratic leader, does not agree.

Housing prices continue to drop. They are expected to go down another 5 percent or 6 percent this year. We thought we had hit the bottom on housing. Gasoline is still close to $4 a gallon. Unemployment just went up. We had a meager increase in 54,000 jobs last month. We need to have about 200,000 to actually reduce unemployment. As a result, unemployment went up. It is the lowest and worst job numbers we have had in some time.

The debt, the economy, gasoline prices, jobs—those are matters that have no bearing on what is important to our country? I think they have a bearing on what is important. What does the majority leader believe? What does he think we should be doing?

This bill we have been fiddling with for weeks has no monumental or significant ability to alter the debt trajectory which is taking us on the most predictable course to fiscal disaster, that is what we need to be addressing. It is the most important issue facing our country. Of that I have no doubt. I do not think anybody has any doubt.

Listen to the news programs. Listen to the business channels. Read your newspaper. The debt we are facing is critical to our country.

The instability of our entitlement programs, such as Medicare, is an issue we have to talk about. We cannot deny that. We have opposition here to doing things that make sense, such as producing more oil and gas. We have a permitorium, a blocking of permits on drilling for oil and gas off our shore presumably so we can buy more oil and gas produced offshore in Brazil or Nigeria or Venezuela but not off our shores, transferring our wealth abroad that could be creating jobs and tax revenue for the United States Government.

What about this Medicare problem? Let me talk about it because it is a part of the problem. It is one of the difficulties we have to deal with, although certainly not the only one. The biggest problem we have now is discretionary spending that is out of control, not Medicare right now, not Social Security right now. In the last 2 years, under President Obama, nondefense—not defense—nondefense discretionary spending—not Social Security, not Medicare—went up 24 percent at a time when the deficits have been $1.2 trillion, $1.3 trillion, and this year $1.5 trillion, perhaps. We have never had deficits that large. The problem is, it is systemic. We have never had this kind of challenge.

I know there was a big fight in the mid-1990s, and the government was shut down, and Newt Gingrich and his team fought and said they wanted to balance the budget, and they balanced the budget. The country didn't sink into the ocean as that little shutdown occurred, but they balanced the budget. Now we are in a much deeper hole, I am telling my colleagues. I have looked at the numbers. I am the ranking member of the Budget Committee. It is not easy for us to get out of this fix, not easy at all. It is going to take some real effort and leadership.

The President submitted a budget that came before the Congress and was voted down 97 to nothing in the Senate. Not a single Member voted for his budget, which would have doubled the debt over the next 10 years. He made it worse than the baseline we were already on, which was utterly unsustainable.

So is Medicare something that absolutely cannot be discussed even though it is going into default? Let me tell my colleagues what some of our Democratic leaders have said about Medicare.

STENY HOYER, the House whip, one of the top Democratic leaders in the House, said this:

> Do I believe that there are other things we can do related to Medicare? The answer is I do. I am not going to get into articulating each one, but my expectation is they will be under discussion by the Biden group.

They have a little secret group down there meeting with the White House—some Republicans and Democrats—and we are supposed to all relax now because they are going to solve our problems and put it on a silver platter for us, and we are just going to vote for it, and it will be good for the country. Well, I am a little dubious about it, but I am anxious to hear about what they are going to produce. The longer they wait, the more critical our situation is.

What about the House minority leader, the former Speaker, NANCY PELOSI? She was on Larry Kudlow, CNBC business channel. Mr. Kudlow is a very articulate moderator, and he asked this question of former Speaker PELOSI: Is Medicare on the table or entitlements on the table?

Answer: Yes. I think Medicare is on the table.

What about President Obama and his health care summit on February 25 of last year?

> Almost all of the long-term deficit and debt that we face relates to the exploding costs of Medicare and Medicaid.

That is his direct quote, the President of the United States.

He goes on:

> Almost all of it. That is the single biggest driver of our Federal debt, and if we don't get control over that, we can't get control of our Federal budget.

Our former President, Bill Clinton, I guess maybe the spiritual head of the Democratic Party, one of the most respected Democrats, said:

> I am afraid that the Democrats will draw the conclusion . . . that we shouldn't do anything. I completely disagree with that. The Democrats may have to give up some short-term political gain by whipping up fear, if it's a reasonable Social Security program, if it's a reasonable Medicare proposal. You cannot have health care devour the economy.

Well, that is the truth. Of course we have to talk about it because it is on an unsustainable path.

Let me talk a little bit more about that because Congressman RYAN and I wrote a letter to the President today asking him to do his duty with regard to Medicare on a matter that just came up.

On May 13, the Medicare trustees issued their annual report on the financial status of the Medicare Program. Medicare has a trust fund. They have trustees who are committed to preserving the program, trying to make sure they can pay the recipients what they have been promised in the years to come and make sure the money is well handled. They do annual reports on this massive program. The Medicare Hospital Insurance trust fund—that is the HI trust fund—ran an annual cash-flow deficit of $32.3 billion last year, in 2010, and will continue to run deficits throughout the decade. That is what the trustees say about Medicare.

They went on to say this: The Medicare trust fund will become insolvent in 2024—5 years earlier than last year's date of exhaustion. Can we imagine that? They redid the numbers and have concluded it is going to be in default, become insolvent, 5 years sooner than they were predicting just last year.

They went on to say: If current law remains unchanged, Medicare's unfunded obligation is $24.4 trillion over the next 75 years. In other words, to put this on a sound basis, investing today, you need $24.4 trillion.

Like last year, the nonpartisan Chief Actuary of the Centers for Medicare and Medicaid Services, Richard Foster, used his statement of actuarial opinion at the end of the report to warn that:

> The financial projections shown in this report for Medicare do not represent a reasonable expectation for actual program operations in either the short range (as a result of the unsustainable reductions in physician payment rates) or in the long range (because of the strong likelihood that statutory reductions in price updates for most categories of Medicare provider services will not be viable).

On May 20, a week after the trustees' report was released, the Chief Actuary, Mr. Foster, produced his ''illustrative alternative'' projections based on ''more sustainable assumptions.'' Those estimates indicate that under a more likely scenario for future spending, Medicare's unfunded obligations are $36.8 trillion over the next 75 years—a figure that is far larger than the official trustees' estimate of $24.4 trillion.

Mr. Foster has been there a long time. He is a very serious person. He understands his responsibility to tell us the truth. He understands the responsibility to Medicare recipients. He is telling us we need to do something about Medicare.

It goes on: The trustees projected that total Medicare spending will draw more than 45 percent of its funding out of the Treasury's general fund in 2011.

A lot of people think Medicare is funded by the Medicare tax deduction we see on our paycheck, the withholding tax we pay, and that is a significant amount of money, no doubt about it. But the Medicare trustees just reported to us that of the total money Medicare spends, 45 percent is funded directly out of the general fund—general tax revenues—not the payroll withholding. As a consequence, for the sixth year in a row, they say—2006 through 2011—the trustees made an ''excess general revenue Medicare funding'' determination. Two consecutive ''excess general revenue Medicare funding'' determinations trigger a ''Medicare funding warning.'' This Medicare warning requires that the President submit a legislative proposal to address this crisis within 15 days of his next budget. So for 5 years in a row there has been a Medicare funding warning issued. President Bush submitted a proposal when he was President to deal with the shortfall in Medicare, but the Democratic majority in both Houses at the time failed to act on it, or do anything about the crisis. But now we have gone further and deeper into debt and the trustees issued a Medicare funding warning for the fifth consecutive time in their report this year, 2007 through 2011. But President Obama is not responding.

So who cares about Medicare? I think all of us do. But does anyone dispute that the trustees, the people who are statutorily required by law to superintend this fund, don't care about it, aren't worried about the recipients? They have a lawful obligation to try to ensure that the program is on a sound basis.

Under the Medicare prescription drug bill that was passed here, Public Law 108–173, Congress established the Medicare ''trigger'' to call attention to the program's growing fiscal imbalance. If, in their report, the Medicare trustees project that Medicare will draw more than 45 percent of its funding out of the Treasury's general fund within a 7-year period, the trustees must make an excess general revenue Medicare funding determination. By law, two consecutive excess general revenue Medicare funding determinations produce a Medicare funding warning, triggering action by the President. Under the public law, U.S. Code, the President is required to submit legislation—submit legislation to whom? To the Congress, us—in response to a funding warning within 15 days of the next budget, and the proposal would then receive expedited consideration in Congress.

So when we have this 45-percent level breached, the President is supposed to submit to us a plan, and we are supposed to give it expedited attention. Why? Because Medicare is important. That is why. And when it is not on a sound financial basis, Congress has a responsibility to do something about it—not do nothing, not criticize somebody such as Congressman RYAN who proposed a sound, well-thought-out, long-term approach to Medicare. It may not be the one I would agree with or other Members would agree with, but no one can doubt, in my opinion, that it was a serious, thoughtful effort that would have put Medicare on a sound footing. But if it is not the plan we want, let's have another.

What is the President's plan? That is the one that is required by law. The President is required to submit a plan. While a Medicare funding warning has been issued each year since he has taken office, President Obama has failed to submit a single proposal to Congress in response to these warnings.

So today I joined with Congressman PAUL RYAN, the young chairman of the House Budget Committee to write a letter to the President. Nobody has worked harder. Nobody is smarter. Nobody loves this country more. Nobody is prepared to stand before the American people and explain what he thinks is best for the country and be prepared to defend it with facts, with integrity, and with responsibility. What a refreshing face he is. I have come to have the greatest admiration for him.

So what happened to Congressman RYAN? He helped write a budget, and in part of the budget, after 10 years, he proposed some changes to Medicare that would put it on a sound footing over the long term. When it came over to the Senate it was attacked by Democrats—but where is the Senate budget? The House has produced a budget. It reduces spending in the short run. It had a responsible approach to dealing with some of the long-term entitlement issues that threaten us in the long term.

It was a sound program the Congressman had, and I thought—but we could disagree. So we are looking forward to what would happen over here. Well, the majority leader said: We think it is foolish to have a budget. We are not having a budget. Do not let the Budget Committee commence its hearings. We have not even begun a markup in Budget Committee. We do not have a budget. So instead we are having secret talks. In a committee, you have to stand up before the world, offer amendments, debate the issues, express your views. You cannot hide. It is on the record; they take down your words. But secret meetings with the White House are off the record, and talk occurs behind closed doors. So I do not know what is going to happen out of this. I am nervous about it, frankly. I would rather do it by the regular order. Maybe something good will come out of it. I am not going to prejudge it. If it is good, I am going to celebrate. If it is not good, I am going to oppose it.

We wrote to the President today, and we called on him to show some leadership. We noted that the trustees have projected general revenues would account for more than 45 percent of Medicare spending for the sixth consecutive year. The Trustees have issued another funding warning that requires the President to submit a legislative proposal to Congress. He knew this was coming. The numbers have been there for several years. They knew it was coming. He is supposed to submit a legislative proposal to get Medicare on the right track. Does he plan to raise taxes? Cut benefits? Ration care? Or is he going to create a more competitive system that does the job with a little less money. What are you going to do? What is your answer? We wrote: As chairman and ranking member of the House and the Senate committees, respectively, we are deeply disappointed that the administration continues to ignore this legal obligation. In 2008, the previous administration submitted a proposal to Congress that took steps to address Medicare's fiscal imbalance. By contrast, your administration has not provided a response to the annual Medicare trigger, ignoring the law in each of the past 3 years. This year, your budget did not even acknowledge the existence of the Medicare funding warning.

I have the Medicare trustees report right here. Far from saying no changes are necessary in Medicare, the trustees have pleaded with us in their reports. The trustees' chief actuary has noted that in his official reports to us. He says: Do something.

This cannot continue. So here we are. We are going down the road with debt the likes of which this Nation has never seen before. At the end of last fiscal year, the gross debt of our country was 93 percent of GDP. By the end of this fiscal year it will be over 100 percent of GDP. I mentioned when you get to that level of debt, your growth goes down, and lower growth means a loss of jobs, and that you are not creating the jobs you should have.

How serious is our debt situation? Well, look at the chart for those around the world. Greece in this critical crisis is above 100 percent. They are at 142 percent. Their debt equals 142 percent of their economy, and they are in a state of virtual collapse. Expert after expert says they will default on their debt. They are not going to be able to work their way out of it. I hope that is not true, but that is what they are saying.

What about Ireland? You have heard Ireland. The ''PIGS'' as they call them, these countries and others in debt, what is theirs? It is now 96 percent, 2 or 3 percent higher than ours—only. They are second in the European Union. We are next at 93. Portugal is next. You have heard about Portugal being in financial trouble. Their debt to GDP is 83 percent. Spain, you have heard them talked about as being in trouble financially. Their debt to GDP—gross debt is 60 percent. So we are well above that. I am worried about the country. What is critical is we need a budget that contains spending now. We need to demonstrate a commitment to reform the unsustainable path of entitlement spending, and we need to do it in a way that focuses on creating economic growth and jobs in this country.

Growth and jobs, that is what our future should be focused on. I am confident this country has not seen its best days, but we are on a path of decline now. I truly believe it. I hate to say it. But our policies, if they are not changed, will lead inevitably to economic decline as witness after witness has told us in testimony.

How do we get out of it? We send a message through ourselves and the world: We have got the message. We are reducing spending. We are putting ourselves on a path to a balanced budget. We also know that it is not just the short term, it is long term. Many of these unsustainable programs need to be changed and strengthened, and the way to do that is to make the changes now, and you will have massive impacts in the years to come. Modest changes now will be good.

Those are the things that I think are important. Those are the things I think should be talked about. Those are the things I think my good friend Mr. REID apparently thinks are not important. Because he said—he has come down here and talked for hours, and he keeps talking about things that have no bearing on what I think is important for our country today.

I submit to my colleagues and to the American people, are the things I am talking about important, or are they

not? He wanted to talk about how the Republicans have put forth a plan that he says will destroy Medicare. That is what the majority leader wants to talk about. He wants to change the subject. Well, I wish it were not so. I wish Medicare were healthy. I wish it had the money to continue to honor the commitments we have made in the years to come. But it does not. It is just does not. We do not have the money to continue at this rate. It is not impossible, though, to fix it and it is even more possible to fix Social Security. Medicare is a little harder than Social Security. But both of these can be fixed and made permanent and sound. We need to talk to the Medicare trustees. We need to be honest with one another and see how we can make those plans solvent.

But that is just one part of the problem. In the immediate time, we have got to reduce discretionary spending, across the board. I think we have to. I wish that were not so, but it is. Countries around the world are doing it. Cities are doing it. Governors are doing it. This Congress has done nothing of the sort. Indeed, as I mentioned, last year—the last 2 years—discretionary spending—nondefense—has gone up 24 percent. Defense went up. We hear a lot of complaints about defense. It was up 2 or 3 percent a year for the last 2 years. Other nondefense went up 24 percent.

I cannot tell you how deeply I believe our Nation is on a perilous course that needs to change. I want to say again, I have great affection for my friend Senator REID. He has got a tough job. But he asked for it. He asked for it. And when the country is in financial crisis, we expect the majority leader of the Senate to effectively lead, and not to attack people who are trying to do the right thing, and to bring this country onto a sound path.

To say it is foolish to have a budget, what he meant was, it is foolish politically, of course. He was saying it is foolish politically to have a budget. It is not foolish for America to have a budget. It is foolish for America not to have one. Certainly it is not foolish to attempt to have a budget.

I feel that we, in this Congress, have not quite assimilated the severity of the situation in which we find ourselves. We remain in denial about how seriously we are being impacted and what substantial changes are going to be necessary. We are going to have to do like the Brits who are turning their country around. We might have to do as they did in Estonia. Talk to the Estonian people. The cabinet members took a 40-percent pay cut. I wonder what would happen around here if we talked about taking a 40-percent pay cut? But their debt to GDP is 7 percent, not 93. They intend to keep it that way. And their growth is coming back already. They are showing about 6-percent growth. Our growth is 1.8 percent in the first quarter. Coming out of a recession, it should be higher.

If we do the right thing, we get this country on the right path, we reduce our spending, we watch every dollar we spend, and we make our country more productive, we eliminate unnecessary regulation, we focus on creating jobs and growth, the natural capabilities, work ethic, integrity, the legal system of America will allow us to continue to be the most prosperous Nation in the world.

I ask unanimous consent to have printed in the RECORD the letter I referred to earlier to the President.

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

JUNE 14, 2011.

Hon. BARACK OBAMA,
President, 1600 Pennsylvania Avenue, Washington, DC.

DEAR MR. PRESIDENT: Our country faces extraordinary economic challenges: a soaring budget deficit, a jobs deficit, and a leadership deficit in Washington that has resulted in our failure to confront a looming debt crisis. These fiscal problems are driven in large part by the unsustainable growth in health care entitlement programs and an inability to credibly face our budget challenges that severely undermines confidence in our economy. The failure of politicians to put forward real solutions that will save and strengthen these critical programs is threatening the economic security of American families and the health security of America's seniors. Just last month, we learned that Medicare's Hospital Insurance Trust Fund will become insolvent by 2024, only 13 years from now.

On May 13, 2011, the Medicare Trustees not only warned us that Medicare's insolvency date had advanced five years since last year's report but also confirmed that the program is now running a $32 billion cash-flow deficit. To pay current benefits, the program is redeeming tens of billions of dollars in treasury debt instruments and dramatically contributing to our nation's surging publicly held debt. More troubling is that, in total, Medicare faces $36.8 trillion dollars in unfunded obligations over the next 75 years, according to Medicare's non-partisan Chief Actuary.

For the sixth consecutive year, the Trustees have projected that general revenues will account for more than 45 percent of all of Medicare's outlays. When Medicare breaches this limit, section 802 of P.L. 108–173, the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), requires the President to submit a legislative proposal to Congress to respond to the warning within 15 days of the next budget. Yet again, the Medicare Trustees have issued a funding warning that requires action by your administration. In fact, the Trustees have urged action ''sooner rather than later'' in order to ''minimize adverse impacts on vulnerable populations.''

As Chairman and Ranking Member of the House and Senate Budget Committees, respectively, we are deeply disappointed that your administration continues to ignore this legal obligation. In 2008, the previous administration submitted a proposal to Congress that took steps to address Medicare's fiscal imbalance. By contrast, your administration has not provided a response to the annual Medicare trigger, ignoring the law in each of the past three years. This year your budget did not even acknowledge the existence of the Medicare funding warning.

The country deserves honest leadership on this critical issue. The Fiscal Year (FY) 2012 budget that you submitted to Congress this year showed a lack of seriousness about the major fiscal challenges before the nation. And, although you abandoned this budget in a subsequent speech, your administration still has not formally submitted a revised FY2012 budget to Congress. Meanwhile, Senate Democrats have not passed a budget in 776 days, disregarding legal statute and further eroding the integrity of the federal budget process. Now more than ever is the time to fulfill our obligations under the law rather than skirt them, and we would respectfully suggest that this mandate extends to the Medicare warnings issued each year that you have been in office.

Under the budget you submitted to Congress, Medicare as we know it will soon be unable to meet its promises to current beneficiaries. Rather than impose cuts on current beneficiaries and leave Medicare bankrupt for future generations, the House-passed FY2012 budget resolution outlines reforms to preserve and protect Medicare for those in or near retirement while saving and strengthening the program for future generations. Given the severity of this problem and your legal obligations, the nation needs leadership on this issue. Therefore, we reasonably expect your administration to submit a detailed legislative proposal to Congress addressing the Medicare funding warning as required by law.

We look forward to receiving a proposal from you that responds to the Medicare warning and to working with you to strengthen the health and economic security of those we have the honor to serve.

Sincerely,

PAUL RYAN,
Member of Congress, Chairman, House Budget Committee.

JEFF SESSIONS,
U.S. Senator, Ranking Member, Senate Budget Committee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. 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.

Mr. WYDEN. Madam President, I ask unanimous consent that Senator COATS, who is on the floor, and I be allowed up to 15 minutes to pursue a discussion about tax reform as if in morning business.

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

TAX REFORM

Mr. WYDEN. Madam President, Senator COATS and I have introduced bipartisan tax reform legislation. It is the first comprehensive overhaul of tax reform law in 25 years, since 1986, when then-President Reagan and Democrats got together and worked on a bipartisan reform that cleaned out scores of special interest tax breaks in order to hold down rates for all Americans and keep progressivity.

Senator COATS and I have worked also with Senator Gregg. I had that good fortune for a number of years, and

have picked up on some of what was done in 1986 by President Reagan and a large group of Democrats. He and I intend, in the days ahead, to come to the floor of the Senate and talk about some of the most offensive aspects of our totally dysfunctional tax system.

Today, we thought we would begin by discussing the alternative minimum tax. It seems to be pretty much the poster child for what is broken about the American tax system. It was enacted in 1969, after the Congress learned that 3 years earlier 155 wealthy taxpayers had paid no tax at all. The alternative minimum tax was designed to hit what amounted to a small group of tax evaders and not the millions of middle-class taxpayers who get shellacked by the AMT every single springtime. The problem has been that Congress has never indexed the AMT brackets for inflation.

While the regular tax bracket standard deductions and exemptions do get adjusted for inflation, the brackets and exemptions of the alternative minimum tax do not. As a result, millions of middle-class taxpayers, whose only fault is their incomes grew with the economy, now slip into this nefarious alternative minimum tax zone each year.

I would be interested, for purposes of starting this colloquy, to get the reaction of my friend and partner on it. We are going to bring up a number of these aspects of the tax system that cry out for overall reform. But I wonder what my friend's sense is about starting today with the alternative minimum tax, and how important it is that reform is done there for middle-class folks in Indiana and around the country.

Mr. COATS. Madam President, I want to thank my colleague from Oregon, Senator WYDEN, for working with me, and particularly working with Senator Gregg who is now retired from this Chamber. They spent an extraordinary amount of time, very productive but very time consuming, trying to put together a comprehensive tax reform, which, as Senator WYDEN has said, has been 25 years since we have tackled the Tax Code to try to simplify it and try to take out egregious provisions that were put in it over the years that may benefit a special few but don't begin to address the average middle-income taxpayer who is bearing a very substantial burden of taxes paid in this country.

Probably the most egregious provision and, as Senator WYDEN said, the poster child for the current dysfunction of the Tax Code and our tax system is the alternative minimum tax.

Senator WYDEN and Senator Gregg's program that they put together—and Senator Gregg urged me as I was coming into the Senate and he was leaving to work with Senator WYDEN in terms of working to keep this bipartisan effort going forward, and I have had the pleasure of doing so. We do have a comprehensive bill that we wish to debate and share with our colleagues. But we also want to point out the reason why tax reform is so necessary.

A Tax Code that now comprises more than 70,000 pages with more than 10,000 special exemptions and preferences is certainly something that is way beyond our Founders' intention or any intention of taxation of the American people. This complexity is literally driving everybody nuts, including the tax accountants and CPAs and those who have to deal with it every year but, more importantly, the tax filers, American citizens, who each year start getting the sweats along about mid-March in terms of how they are going to get their tax return done. If they try to do it themselves, they ought to be able to; and, if passed, Wyden-Coats would give them the simplicity of reduced rates, easy filing for information, and the ability to do their taxes at home.

We spend an extraordinary amount of money—I think it is Americans spend nearly 6 billion hours a year—to have tax preparers do their tax returns. The alternative minimum tax is particularly egregious, as Senator WYDEN has said. It is grossly unfair. It hammers working Americans.

The temporary fix Congress has added in subsequent years from its initiation now protects individuals with incomes up to $48,000-plus and couples up to $74,000-plus. But taxpayers who earn more than that get whacked by the AMT, the alternative minimum tax, and the problem just gets worse.

As Senator WYDEN has said, it started with a few taxpayers in the high income brackets trying to evade paying any tax. That is how that came into play. But in 1997, several years later from the initiation, the AMT has hit 1 percent of all taxpayers. Next year, after this current fix expires, it will hurt more than 20 percent of taxpayers. To be exact, that is 34 million hard-working Americans. It is a poor fix that is currently in place on a temporary basis.

In my State of Indiana, 42,700 taxpayers had to pay AMT taxes in 2008, and without another extension of the patch or the fix, that will rise to 372,000 in 2012.

If you are a family with a number of children and you live in a high tax State or a local tax State, you are thrown into the alternative minimum tax computation. That means a double process by which you or your preparer has to file your taxes, and it means higher taxes never intended to hit the working class.

So in continuing this, I wish to reaffirm my thanks to the Senator from Oregon for allowing me to be part of this effort, and we look forward to many opportunities to discuss some of the more egregious portions of the Tax Code and reasons why we need to continue to work for comprehensive reform.

I would ask my colleague if he would delve a little more deeply into this in this colloquy we currently are entertaining.

Mr. WYDEN. Madam President, I hope that folks paying attention to this tax reform debate pick up on what Senator COATS has just described. When the alternative minimum tax was first debated, the country was talking about 155 people. These were the so-called wealthy folks. They were paying no taxes at all. What Senator COATS has just described is, next year, what started as a program to try to make sure that 155 people didn't end up getting a sweetheart deal, now we are going to see 34 million people crushed by this inequitable kind of tax, a kind of bureaucratic water torture.

We have about the same numbers in Oregon that Senator COATS has in Indiana. In 2008, 44,000 Oregon taxpayers had to pay the alternative minimum tax. Without some kind of extension or, as Senator COATS and I essentially want to do, abolishment of the alternative minimum tax, that is going to rise to close to 400,000 next year. The people who are getting hammered by this alternative minimum tax certainly don't fit that small class of the so-called freeloading wealthy folks who are figuring out ways to pay nothing.

For example, a woman earns $65,000 in 2010, say she manages a health club, she has three kids, she has to file her taxes independent of her husband because they are in the middle of a divorce. As someone who is married, filing separately, she would have been hit by the AMT in 2010, according to the American Institute of Certified Public Accountants. Think about that, a woman who manages a health club making $65,000, with three kids, filling out her taxes and going through the unbelievable headaches, being singled out under the alternative minimum tax.

I ask my friend from Indiana—and I am sure he has very similar people in Indiana—is that the kind of person the alternative minimum tax was designed to scoop up back in 1969?

Mr. COATS. Absolutely not, I would say to the Senator from Oregon. Clearly, if you go back to the origin of the alternative minimum tax, it was designed to go after those handful, in comparison to the total number of taxpayers in this country, who have found creative ways of not paying any taxes whatsoever. Wealthy taxpayers have simply been able to manipulate the Tax Code legally but in a way that allowed them to avoid paying taxes altogether. That is how all of this started.

What has happened is that we are now in a situation where it is grossly unfair to the majority of taxpayers in this country simply because they fall into categories that throw them into having the AMT calculated in their tax returns. It is costing them a lot of money. It was never intended to address the middle-class taxpayer, and it has grown exponentially since it started.

Mr. WYDEN. Would the Senator agree that the difficulty of projecting the AMT tax liability makes it tough

for taxpayers to compute their estimated tax payments and creates a situation in which, just because of its complexity, they can get hit with penalties?

I think the reason Oregonians are concerned about this—we have heard about it in the Senate Finance Committee—is that the AMT is essentially a separate tax system with its own tax rates and deduction rules which are less generous than regular rates and regular rules. This contributes to the tax-filing nightmare. The only way you can tell if you owe the alternative minimum tax is by filling out the forms or by being audited by the Internal Revenue Service. If it turns out you should have paid the alternative minimum tax and didn't, you owe back taxes plus any penalties or interests the IRS wants to dole out.

My question is, I ask my good friend, how in the world is a typical taxpayer going to be able to make sense out of something like that which lots of accountants tell me they cannot even sort through?

Mr. COATS. The Senator from Oregon is exactly right. I took three tax courses in law school. I cannot do my taxes with any assurance that I am doing it right because this code has become so incredibly complicated. The alternative minimum tax adds an additional set of calculations that make it even more complicated.

Today, 80 percent of the tax filers have to get help to file their taxes, 20 percent of those buy software and hook it into their computer and try to work through it that way, and 60 percent take it to a professional. If you are not working as a professional in a career as a CPA or a tax return specialist, you cannot keep up with the 70,000 pages and 10,000-plus exemptions and the complexity of filing a return. It should not in any sense of the matter be a tax collection system that requires 80 percent of our taxpayers to have to seek professional help at a significant cost. As I think I indicated earlier, $6 billion a year is spent on transferring money from the person paying the taxes to someone just to prepare their returns.

Small businesses face a similar problem. Small businesses do not have the big back room with the hired accountants and others to handle all the paperwork. Small business men and women have to be out front selling the product and have to be talking to the customer. Yet they now also are caught up in this web of complexity in terms of how to file their taxes, and they are having to expend time and money on getting their tax returns filed and making sure they are filed right.

Over time, as the deficit and debt problem has increased significantly, Members have been all the more reluctant to eliminate this on a single stand-alone basis because of the impact it would have on our ballooning deficit. But on comprehensive tax reform, if we can put this together with a package of comprehensive reforms, we can do it in a revenue-neutral basis so it does not have an adverse impact on the economy.

Again, I commend Senator WYDEN and Senator Gregg for putting together a package that does just that, and I ask my colleague if he wants to elaborate on that a little bit. I thank him for the opportunity to come down to discuss for the first if not the last time some of the egregious aspects of the Tax Code in this country that I think will dictate how we should move forward and why we should move forward in enacting comprehensive tax reform.

I thank the Senator.

Mr. WYDEN. The distinguished majority leader is here. I think we are about to wrap up. I am certainly happy to yield to him if he needs a few minutes to do the business of the Senate, and then Senator COATS and I will wrap up.

Mr. REID. Madam President, it is my understanding that the hour of 5 o'clock has arrived.

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business from now until 6:30 this evening, with Senators permitted to speak for up to 10 minutes each; that at 6:30 p.m. the majority leader be recognized, and that this work we are going to do during the next hour and a half be for debate only.

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

The Senator from Oregon.

PATCHING THE AMT

Mr. WYDEN. Madam President, just to wrap up, Senator COATS and I are going to come to the floor in the weeks ahead to outline some of the most outlandish examples of how broken our tax system is. We thought it was appropriate to start with the alternative minimum tax because it really is the poster child for how out of whack the American tax system has become. I think we have highlighted a number of our big concerns, but I want Senators to pick up on the last point Senator COATS made, and that is that the country cannot afford the status quo.

The idea that you would just go out and pass what is called a patch, a kind of bandaid to try to make sure some of the pain is minimized for middle-class folks—the most recent patch for just 2 years cost $135 billion. The 10-year cost to make the current patch permanent is $683 billion, according to the Congressional Budget Office. A patch does not protect everybody; it just limits the damage.

What we want to say as we start this debate about how to go forward with tax reform is that the Congress cannot continue to handle the AMT with a patch. The country cannot afford it. Patching the AMT costs way too much, especially given the discussions we are having here, bipartisan discussions about how to deal with the Federal debt.

The only affordable way to fix the alternative minimum tax, as Senator COATS has outlined this afternoon, is to fix it once and for all and do it within the context of comprehensive tax reform; to pick it up, as was done in the 1980s when a Republican President got together with Democratic Members of Congress and cleaned out special interest loopholes to hold down rates for everybody and give all Americans the opportunity to get ahead while still having a progressive tax system.

We would repeal the alternative minimum tax once and for all and do it in a way that does not add to the Federal deficit. This is not Senator COATS and I plucking a figure out of the sky. The Joint Committee on Taxation has analyzed our bill, and under their analysis, Senator COATS and I eliminate the alternative minimum tax without adding to the Federal deficit. In my view, that is a pretty good way to start tax reform, start it in a bipartisan way and particularly by focusing on something that is so inequitable to hard-working middle-class people.

I thank my good friend from Indiana. I am prepared to yield the floor if my colleague has anything else he wants to say. I want to express my appreciation for the chance to work with him. We cannot deal with these big economic issues, the big economic challenges our country faces without going forward in a bipartisan way. I am very fortunate to have such an able partner. I thank him.

Mr. COATS. I thank the Senator.

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

The PRESIDING OFFICER (Mr. MERKLEY). 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.

SECRETARY OF COMMERCE

Mr. BARRASSO. Mr. President, I come today to visit on the floor of the Senate because since last November the President has been trying to convince the American people that he has a plan to restart our economy. He was in North Carolina yesterday with his council to talk about issues. To me, the President's approach has left a lot to be desired. If the White House created as many jobs as it creates speeches, things would be a lot better. The President's empty words are not filling the pockets of American citizens.

The President has been given a new chance to show his commitment to economic growth, and that is the chance

he has recently had to nominate a Secretary of Commerce for the United States.

When I think about the Commerce Department, it is a department with a job, in terms of American businesses, to make those businesses more innovative at home and more competitive overseas. Well, the mission of the Commerce Department states that it ''promotes job creation, economic growth, sustainable development and improved standards of living for all Americans.'' So at a time of economic crisis such as the one we have now, a nominee who can fulfill that mission, that very mission—of promoting job creation, economic growth, sustainable development, and improved standards of living for all Americans, that very mission—is needed more than ever.

Despite the administration's promise that their so-called stimulus bill would keep unemployment rates below 8 percent, we know unemployment went to 10 percent. It is still over 9 percent, and our job growth last month was the slowest it has been in almost a year. Over 13 million Americans are still out of work, and nearly half of them have been unemployed for 6 months or more. This is the highest rate of chronic unemployment we have had since the Great Depression.

These problems aren't just happening at home. America's position on the international stage is slipping as well. America's ability to pay its debts has already been called into question by Standard & Poor's credit ratings. Moody's is asking the same questions. Recently, Fitch credit ratings also warned us that the United States was playing with fire. Gas prices are very high. I hear it every weekend at home in Wyoming. Families are spending $800 on average more for gasoline this year than last year. We spend $48 million more on goods from other countries than we do on our own goods, and our economic situation is already bad.

The headlines sound worse every day. Let me give a couple of examples. From Gallup: ''U.S. Investor Optimism Declines.''

From Reuters: ''Wall Street ends down as jobs data disappoints.''

From Bloomberg: ''Economic Recovery Is Languishing as Americans Await Signal of Better Times.''

Even the Chairman of the Federal Reserve said the job market was ''far from normal.''

The facts are clear. Americans deserve the best leadership in the Commerce Department—the Department that is responsible for trade, job creation, and economic growth.

Last week, the President nominated John Bryson to be his new Commerce Secretary. Many may ask, who is this man? Is he a job promoter, someone who can bring economic growth and improve the standard of living for all Americans? Well, John Bryson's record clearly shows he is not such a nominee. In fact, his resume is exhibit No. 1 in proving that this administration is not serious about job growth. At best, it is unclear why John Bryson is the President's nominee for this position. At worst, his nomination is proof the President wants environmental activists running our economic development strategy.

When announcing Mr. Bryson's nomination, the President praised Mr. Bryson's background. According to the President, Mr. Bryson would be a good Commerce Secretary because ''he's been a fierce proponent of alternative energy.'' Well, if Mr. Bryson was being nominated to be Energy Secretary or the Administrator of the Environmental Protection Agency or even Interior Secretary, that fact might be relevant. But Mr. Bryson is being nominated to be Secretary of Commerce.

Mr. Bryson does have a background in the private sector. The problem is, his private sector success has more to do with government help than with his own ability to create jobs or grow the economy.

Don't take my word for it. The Wall Street Journal already has written that Mr. Bryson believes ''wholeheartedly in a strategy of politicized investment.'' They also wrote that the companies he has been associated with have generated revenue through handouts from the Federal Government rather than by being profitable.

We need a Commerce Secretary who knows how businesses turn a profit and how to create private sector jobs. We need a Commerce Secretary who will make it easier and cheaper for the private sector to create jobs, not someone who will make it harder and more expensive for the private sector to create jobs. We need a Commerce Secretary who can understand all sectors of the economy rather than someone who picks winners and losers.

Already, to me, Mr. Bryson fails the test. His support for politicizing U.S. investments is the least problematic element of his resume. Along with his private sector experience, he is also the founder of a group called the Natural Resources Defense Council, or the NRDC. This organization is so radically antibusiness that even Massachusetts Democrat Congressmen BARNEY FRANK and JOHN TIERNEY think it is troubling that Mr. Bryson is associated with it.

These Members of Congress have described the NRDC as ''one of those environmental organizations that has reflexively attacked the fishing industry inaccurately and without any real environmental basis.''

It is not just the fishing industry the NRDC reflexively attacks. Members of the NRDC staff are on record saying: ''There is no such thing as clean coal.''

But while gas prices soar and energy jobs are needed, a spokesman for the NRDC has said:

> NRDC has been very active and proud to be active in fighting new coal plant proposals in the United States.

They have also stood in the way of lifesaving sonar technology that would enhance America's national security. Why? Well, out of fear that it might harm the whales.

They have also filed thousands of lawsuits to stop the production of American energy, and American energy is critical and a part of our American national security. This anti-energy agenda is so reflexive that the NRDC has even filed lawsuits to further delay future energy exploration in the Gulf of Mexico. Well, the delay has already stretched on so long that even former President Bill Clinton has called it ''ridiculous.''

John Bryson's career has consistently shown that he agrees with this overzealous approach to environmental policy. When Mr. Bryson first started at Edison Electric, the Los Angeles Times said he had founded ''one of the Nation's most aggressive environmental organizations.''

When it comes to being antibusiness, an unpopular policy such as cap and trade is one area where he is focused. He is one of its most aggressive supporters, and the record shows it. More importantly, his own words show it. Most Americans recognize cap and trade as a job-killing energy tax. That is why the Waxman-Markey cap-and-trade bill couldn't pass the Senate. However, when referring to this very bill, John Bryson called it ''moderate but acceptable.'' He called it a moderate but acceptable piece of legislation. He even said the legislation was good precisely because it was a good way to hide a carbon tax—to hide a tax.

Mr. Bryson has repeatedly called for a national cap-and-trade system, and he has even put his money where his mouth is. But when someone says ''a good way to hide a tax,'' is that what the role of the Secretary of Commerce is, to hide a tax on American businesses to make them less competitive, to make it more expensive to do business? I think not.

According to the Daily Caller, Mr. Bryson's own company spent over $1 million lobbying for cap and trade.

So John Bryson believes in politicizing American investment. He has founded a radical environmental organization and has spent significant amounts of money lobbying for a policy that he openly acknowledges is a cover for a job-killing energy tax.

We need a Commerce Secretary. We need a Commerce Secretary who will work at making American businesses more innovative at home and more competitive abroad. We do not need a Commerce Secretary who is more interested in taking our hard-earned dollars than in creating jobs at home. The American people deserve a Commerce Secretary who is more interested in free trade than in cap and trade.

The President may believe John Bryson is the right man at the right time. I believe John Bryson is the wrong man at the worst possible time.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

JOBS IN AMERICA

Mr. HARKIN. Mr. President, rarely has Washington been so completely out of touch with the priorities and anxieties of ordinary working Americans. Here on Capitol Hill, policymakers are obsessed—obsessed—with the budget deficit. But the rest of America is most concerned with a far more urgent deficit—the jobs deficit.

Our Nation remains deeply mired in the most protracted period of joblessness since the Great Depression. Officially, some 14 million Americans are out of work. But real unemployment—the real unemployment, including those who are working part time but want to be working full time; those who are marginally attached; those who have never worked in the first place because they never got a job—if we add that all up, we have closer to 25 million Americans unemployed, and millions of Americans who are employed are increasingly anxious about holding on to their jobs or, at their present income, making ends meet.

But many of our political leaders in Washington are treating the jobs crisis as yesterday's news. They are putting this deficit reduction above all else. They are demanding extraordinary funding cuts—trillions of dollars in cuts, and the sooner the better, with little concern as to its adverse impact on jobs. But this is exactly the wrong approach. It is the economic equivalent of applying leaches and draining blood from a sick patient, which we used to do, by the way. That is what they did to George Washington as he lay dying. They applied leaches to him. What does that do? It just makes us weaker, and in the case of President Washington proved fatal.

In the same way, trillions in budget cuts would massively drain demand from a still weak economy. It could destroy millions of jobs. This is not just the wrong medicine for our economy; it will slow or stop economic growth, and it will make deficits worse in the future.

As Federal Reserve Chairman Bernanke warned last week:

> A sharp fiscal consolidation focused on the very near term could be self-defeating if it were to undercut the still fragile economy.

I strongly disagree with the slash-and-burn approach to deficit reduction favored by some of our colleagues. We need to recognize one of the very big reasons for the budget deficit is the jobs deficit. The best way to bring the budget under control is to help these 25 million Americans who are unemployed get good-paying middle-class jobs. It is hard-working Americans who would be delighted to be taxpayers once again.

Now, obviously, we are counting on the private sector to help drive job creation and make the economic recovery self-sustaining. It should be the case if we put more money into infrastructure. If we were to do our job in rebuilding our roads and our bridges, our highways, our sewer and water systems, our rail systems—the government doesn't do that; it goes to private contractors, private companies. Some of this is already happening but certainly not at the pace we need.

Since March of 2010, the private sector has created about 2 million jobs. However, businesses remain reluctant to invest and hire for the simple reason there is not sufficient demand for their goods and services. All of those people who are unemployed and underemployed are spending the bare minimum just trying to get from week to week. Meanwhile, the middle class is tapped out with stagnant incomes—stagnant incomes. For over 30 years, the middle class has had stagnant real incomes. They have insecure jobs, high levels of mortgage, insufficient pension funds, and other consumer debt.

That is why the Federal Government has had to play an aggressive role in helping us to recover from this great recession. Over the last 2 years, we have repeatedly cut taxes. We have extended financial aid to the States. That helped prevent massive layoffs of teachers and first responders and other essential employees.

We have made major investments in research, education, and infrastructure. All of these have either preserved jobs or created new jobs. Listen to this. We have gone from when President Obama took office—we were losing 700,000 jobs a month—700,000 jobs a month. That is just a couple of years ago. Now we are adding new jobs for the first time—and we have had 16 new consecutive months of adding jobs. Not enough. Not enough. But we are at least moving in the right direction.

The Economic Policy Institute estimates that as of the fourth quarter of 2010, the Recovery Act had created or saved up to 4 million jobs and as many as 5 million full-time equivalent jobs. The nonpartisan Congressional Budget Office estimates that through the end of 2010, the Recovery Act had raised the real inflation-adjusted gross domestic product by as much as 3.5 percent.

So to those who said the Recovery Act did not do anything, that is nonsense. That is absolute nonsense. It did a lot. But here is the problem: The shot in the arm provided by the Recovery Act is now winding down. In the absence of further Federal assistance, many States are making deep budget cuts and layoffs of public employees.

Listen to this. In Texas, Governor Perry has proposed to cut education funding by a staggering $10 billion. New York City Mayor Bloomberg has proposed laying off 6,000 teachers. Total State and local government layoffs since August of 2008 have been nearly 500,000. If the Federal Government follows suit with massive short-term spending cuts, the prospect of a double-dip recession will be all too real.

Last week the Federal Reserve Bank of New York published an article about what it called the ''Mistake of 1937,'' referring to premature fiscal and monetary pullbacks that cut short the fragile recovery and ended up prolonging the Great Depression.

Princeton economist Paul Krugman says that in important ways, we have already repeated the mistake of 1937. We have taken our eyes off what should be our No. 1 priority, creating jobs. We have pivoted since 6 months ago, since the last election, to an obsession with deep short-term budget cuts, which by their very nature will destroy jobs and weaken the economy.

Everyone agrees we must take aggressive action to reduce the deficit. But we have to do it right. We need to reduce long-term deficits but in a way that absolutely minimizes immediate job losses. We need to reduce the deficit in a balanced way.

Unfortunately, the extreme budget offered by Congressman PAUL RYAN, supported by almost every Republican in the House, and I would say also in the Senate, would make our fiscal and jobs problems far worse. That Republican budget lavishes yet more tax cuts on corporations and the wealthy, as it slashes investments that undergird the middle class in this country, everything from education funding to Medicare and Medicaid.

Let me state what I think is obvious. If working people and the middle class are going to take a hit in tough times, it should not be to pay for tax breaks for the wealthy. If the middle class is going to take a hit, let's use those taxes to put money into rebuilding the infrastructure of this country, put it into better education, better schools, better teachers.

I have often said the key to renewing America and restoring our economy is to revitalize the middle class. That means investing in education, innovation, infrastructure, boosting American competitiveness in a highly competitive global marketplace. It means restoring a level playing field with fair taxation—fair taxation.

It also means an empowered workforce, a strong ladder of opportunity to give every American access to the middle class. I believe that corporations and the wealthy can return to the levels of taxation they had in the 1990s when the economy boomed and incomes also skyrocketed.

It is absurd to take the position that any dollar in tax increases that results from having the wealthy pay their fair share or ending tax loopholes is bad and unacceptable. I think it is absurd to take that position, while at the same time you take the position that it is okay to slash funding for education, for infrastructure, for research.

In both the 1980s, under Ronald Reagan, and in the 1990s under Clinton,

we achieved a sensible balance of revenue increases plus domestic and Pentagon spending cuts in order to dramatically reduce deficits while we protected the middle class and we maintained safety net programs.

I agree with the economists who believe that given the fragile economic recovery, we should not reduce fiscal support for job creation at this time. Deficit reduction efforts can start, but we should sequence the lion's share of spending cuts so that they take place in the midterm and the long term when the economy is recovered. But now we have to keep our priorities straight.

Deficit reduction, yes, is important, but it is not our most important economic challenge right now. Our most urgent economic challenge is the fragile economy and the jobs crisis and the fact that the middle class in America is under siege. The middle class, in fact, is being dismantled as fast as big corporations can ship our manufacturing jobs overseas. People are losing their savings, their health care, their pensions, in many cases even their homes.

With good reason, people feel that they are losing the American dream for themselves and their kids. That is why we cannot look at the deficit reduction challenge in isolation. We cannot just take a Draconian slash-and-burn approach to the budget. Smart countries in tough economic times do not turn a chainsaw on themselves.

The extreme Republican budget is far more focused on shrinking the size and role of government than it is on cutting the deficit. Instead of that budget, the Republican budget, which is being sold through fear and fatalism, we need a budget that reflects the hopes and the aspirations of the American people. We need a budget that allows us to continue investments, that boosts competitiveness, creates jobs, and strengthens the middle class. There can be no real economic recovery, there can be no return to fiscal balance, without the recovery of the middle class in America. That is why our immediate No. 1 priority must be helping to create jobs, putting people back to work. That is how we will start to restore more demand for goods and services, the key to healthy economic growth. Economic growth, in turn, will help generate the revenues that will help bring deficits back into balance, into rough balance. So this is our most important job in front of us.

Yet all we hear is the constant drumbeat: Cut the size of government; cut spending; slash and burn and cut everything that supports the middle class in America; ship our jobs overseas; more tax breaks for the wealthy and big corporations.

We need to be focused on rebuilding the infrastructure of America, because that is most necessary now. That is one of the fastest ways we can put people back to work and start stimulating the economy. We need to put more money into education: rebuilding our schools across America, hiring better teachers. We need a longer school day, and we need a longer school year. I know some of the young people probably do not want to hear that.

Most young people in Europe, Asia, Japan, do not go to school 9 months out of the year, they go to school 11 months out of the year. They do not go to school for 5½ or 6 hours a day, they go for 8 hours a day. We wonder why they are getting ahead of us. But that costs money. If you are going to have a longer school year, that costs money. If you are going to have longer schooldays, if you are going to have better technology in our schools, schools that have the latest in technology so our young people can learn on the latest innovations, so they can be competitive in that global marketplace, that does cost money.

Yet to hear it around here, we cannot do anything. No, of course, now there is one place we can spend money. We can continue our operations in Iraq for God knows how many more centuries. We have already spent over $1 trillion in Iraq. We have already spent close to $100 billion in Afghanistan. But we can continue to do that with no end in sight. We can continue to buy more weapons that do not do anything to protect us in the new global fight against terrorism. They might have been good back in the Vietnam war, maybe in the Cold War. But that is over with. But, no, we have got to keep pouring money into weapons systems that do nothing to protect the country.

Two decades ago, President Clinton's team defined our Nation's central challenge with a slogan—I remember it well—they said: ''It's the economy, stupid.''

Well, today America's central challenge can be defined with more precision. ''It's the middle class, stupid.'' It is what we do to encourage, promote, protect, invigorate the middle class in America, to make sure the middle class has good jobs, good pensions, good health care systems, the ability to make sure their kids are well educated, and that they do not go to college and get out with a mountain of debt on their heads so that they too can have a good start in life. This is all part of the middle-class structure of America, as to what made America the greatest country in the history of the world.

I will close. It seems that the Republican budget they have proffered, and so much that I hear of those who keep saying, we have got to cut, cut, cut, we have got to cut spending, we have got to cut education, we have got to cut infrastructure, we have got to cut all of that stuff, it almost seems as though it is premised on the belief that we are poor—our country is poor and our country is broke and we cannot afford to do all of those things. That is really what it is. They say we are broke. We cannot afford to do all of that stuff, so we have got to cut our spending. Yet we are the richest Nation in the history of mankind. We are the richest country in the world. We have the highest per capita income of any major country. I guess you have to ask the question: If we are so rich, why are we so broke? If we are the richest country in the history of the world—we are the richest country in the world today, we have the highest per capita income of any major economy—why are we so broke?

Well, my response is, we are not broke and we are not poor. We are wealthy beyond all imagination as a nation. We are not broke. But the system is broken. That is what is broken. The system is broken, the system of who we tax and how we tax, how we raise revenues, the system of allowing corporations to tax benefits and ship jobs overseas, the system that allows companies to almost willy-nilly break up what has been one of the strengths of the middle class, that is, our labor unions. They are breaking up labor unions because they know the middle class working together in organized labor has been able to bargain more effectively for better jobs and better wages, better conditions of employment. You break them up and you can reduce their incomes, and more of it can go to profits and to higher CEO salaries. That is the system that is broken.

You can cut all the spending you want. You can cut the Federal Government to the bare bones. It will lead to another great recession, maybe even a depression. If you want to do that, that is a dead-end road.

We need more stimulus now. Does that mean we have to borrow more money and go further into debt? Not necessarily. Why don't we fix this unfair tax system we have and generate more revenues to come into the Federal Government? Why don't we say to those who made so much money in the last decade or so, maybe you ought to pay a little bit more, and for big corporations, pay a little bit more, and for the Federal Government to put that money to use rebuilding the infrastructure and educating our youth and having a health care system that is affordable and comprehensive. That is what we ought to be doing. That will support the middle class. In supporting the middle class, you will then support economic recovery.

I will close. There will be no economic recovery in America of any substance or lasting any length of time without a recovery of the middle class, which is the backbone of our country. It is time our political leaders showed some backbone in supporting the middle class.

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.

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

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

EDA FUNDING

Mr. BROWN of Ohio. Mr. President, for over a week the Senate has been debating the Economic Development and Revitalization Act of 2011, which would reauthorize funding for existing programs of the Commerce Department's U.S. Economic Development Administration through 2015. EDA has traditionally been noncontroversial, traditionally been a bipartisan job-creation bill supported by Presidents of both parties, often supported in this body without dissent. It helps broker deals between the public and private sectors, which is critical to our economic recovery and growth. It is particularly important to economically distressed communities, particularly in tough economic times.

Every $1 in EDA grant funding leverages nearly $7 worth of private investment. Every $10,000 in EDA investment in business incubators—or accelerators, as some call them—helps entrepreneurs start up companies in which nearly 70 jobs are created.

In Ohio—and I don't think it is much different in the Presiding Officer's State of Colorado—we have seen since 2006 that some 40 EDA grants worth $36 million have leveraged a total of more than $87 million since private resources were matched. Colleges and universities, from Bowling Green in northwest Ohio, to Ohio University in southeast Ohio, to Miami University in southwest Ohio, have received EDA funds. So, too, have port authorities in Toledo in the west and Ashtabula in the far northeast and entrepreneurs in Cleveland and Appalachia.

If we are to strengthen our competitiveness, we will need to equip businesses with the tools they need to thrive. That is what EDA is designed to do. It is the front door for communities facing sudden and severe economic distress. When economic disaster hits, communities turn to the government, and it is EDA that does the job at low cost, leveraging all kinds of private dollars.

EDA has helped redevelop the former GM plant in Moraine, OH, near Dayton, and the DHL plant in Wilmington. Ashtabula's Plant C received EDA investments to make vital repairs.

The bill the Senate is considering would strengthen a proven job-creating program. It would reduce regulatory burdens to increase flexibility for grantees. It would encourage public-private partnerships that we have already seen make a difference in my State. And the bill would better streamline EDA cooperation with other Federal, State, and local agencies to better assist communities with local economic development.

I plan to offer two amendments to further strengthen EDA. One would assist communities when a plant closure or downsizing causes economic distress, such as Wilmington or Moraine. The amendment gives special preference to auto communities. The other amendment would make more Ohio communities eligible to receive funds for business incubators. Ohio is home to the National Business Incubator Association in Athens, OH, and several model business incubators, from Toledo, to Shaker Heights, to Youngstown. This amendment would allow more companies in Ohio and more communities in Ohio to support homegrown entrepreneurship.

Two weeks ago, I visited—as I have in several places around the State—an incubator in Shaker Heights called the Launch House. It was an old car dealership that had been closed down several years ago. It was renovated with relatively little money. It is now home to about 40 entrepreneurs, one- and two-person startup operations, with the average age of these young entrepreneurs being under 30. The great majority of these 35 or 40 entrepreneurs are themselves under 30. Some of these startups won't exist in 2 years. Some will have grown in 2 years. Many will be hiring lots of people in the years ahead. Some will fail, some will succeed.

As I pointed out earlier, only $10,000 of EDA investment in a business incubator, on average, creates somewhere in the vicinity of 50, 60, or 70 jobs. If we want to promote an economy fueled by innovation, we must better equip our entrepreneurs with the resources they need to turn an idea in the lab to a product in the market.

Earlier this year, I held an innovation roundtable at Battelle with leading Ohio entrepreneurs and business leaders where we discussed the need to strengthen workforce development, promote business entrepreneurship, and support city planning. EDA assistance, they told me—as do other business leaders around the State and as entrepreneurs do tell—is critical to these goals.

This is legislation on which we should move forward. I am sorry my friends on the other side of the aisle who have been so supportive of EDA in the past—as it has always been bipartisan—seem to be standing in the way of this. It is important to move forward, so I ask for the Senate's support.

JOB CREATION

Ms. COLLINS. Mr. President, I rise today to discuss an amendment to the Economic Development Revitalization Act of 2011. In February of this year I introduced a 7-Point Jobs Plan aimed at creating jobs, investing in education and training, assisting small businesses, reinvigorating American manufacturing, and eliminating bureaucratic redtape. Among other things, my bill aims to provide EDA assistance for areas hit hard by job losses, and specifically those communities harmed as a direct consequence of the Base Realignment and Closure, or BRAC, process. The amendment that I am offering today would build on this plan by making it easier for communities affected by the BRAC process to access Federal funding to further their economic development goals and to recover from the loss of jobs.

Currently, most Economic Development Administration, EDA, projects are subject to a 50-percent match; however, the EDA is allowed to increase the Federal share—up to 80 percent—based on the relative need of the area in which the project will be located. The bill being debated would expand the list of circumstances under which the Federal share may be increased. My amendment would simply clarify that communities affected by ''military base closures, realignments, or mission growth'' are among those eligible for a reduced local cost share.

Maine has lost more than 5,000 military and civilian jobs as a result of the unfortunate decision to close Brunswick Naval Air Station. Several other States face similar or even greater losses. The BRAC recommendations, released by the Pentagon in May of 2005, caused Maine and many other States to face a daunting task. All of us across the State and region—political leaders, business leaders, and individual citizens from cities and small towns—worked together to build strong arguments for our bases. While we did have some great success, Maine has suffered a terrible blow with the closing of the Brunswick Naval Air Station. Nevertheless, the State and region's leaders have worked together to ensure that the closure of Brunswick Naval Air Station was accompanied by a commitment to the economic redevelopment of the base in order to lessen the impact of its closure on the entire midcoast region.

The large numbers of workers in Maine, and around the Nation, who have been or will be displaced as a result of a base closure deserve to have access to necessary resources, including job training and job placement services. The EDA, with its mission to promote economic development and stability, should be leveraging taxpayer dollars to assist these struggling communities as we work to lead America to a recovery from the worst economic recession since the Great Depression.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we be in a period of morning business, with Senators allowed to speak for up to 10 minutes each, for debate only, until 7:30 today.

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

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE DREAM ACT

Mr. DURBIN. Mr. President, it is my honor to come to the Senate floor this evening to speak on the issue of the DREAM Act and to have among those in attendance on the floor of the Senate a group of Senators from Mexico who are part of the Mexican-American interparliamentary union. They are here on the floor with the majority leader, HARRY REID, as well as Senator TOM UDALL, who is coordinating their visit to the United States over the next several days. We are honored that they are here and that they are allowed to come on the floor and to witness our Senate, at least in this proceeding where I will make a brief statement.

The issue I am going to raise in the course of this evening is one that is of importance to many people around the world—certainly in the United States and certainly in the nation of Mexico.

Ten years ago, I introduced a bill known as the DREAM Act. The DREAM Act was an effort to put into the law an opportunity for young people who were brought to the United States and are undocumented to have a chance to become legal in the United States.

The first person brought to my attention was a young woman in Chicago, IL, who was Korean. She came to the United States at the age of 2. She was an accomplished musician. She had been accepted at the very best music schools in America, including Juilliard School of Music and the Manhattan School of Music.

As she filled out her application form, she asked her mother about her nationality and citizenship. Her mother told her: I am sorry, I don't know the answer because we never filed any papers. We brought you here as a baby and you have lived here all your life, but we don't know what your status is.

She said: What should we do?

Her mom said: We should call Durbin's office.

So they called my office, and we checked on the laws in America, and unfortunately the laws did not allow her to be treated as a legal person in the United States. In fact, the American law said she had to return to the country she came from, which coincidentally was Brazil, not Korea. She had no way of knowing that. Her family had gone from Korea to Brazil to the United States. There she was at the age of 18 with a great opportunity ahead of her and no country. She had lived for 16 years in the United States. She believed she was an American. She knew no other country. She got up every day in school and said the Pledge of Allegiance and sang the national anthem. Yet she was a person without a country.

Well, it was because of her that I introduced the DREAM Act 10 years ago. What it basically says is that many young people who are brought to the United States as children should not be punished because their parents didn't file the necessary papers. The DREAM Act would give these students a chance to become legal in America. They would have to first prove they came here as a child, they are long-term U.S. residents, they have good moral character, graduate from high school, and be prepared to do one of two things: either serve in the U.S. military or complete at least 2 years of college.

So I introduced this bill 10 years ago thinking it was a simple matter of justice that these young people would have their chance. I had no idea how many young people were affected or would be affected. As I went around the city of Chicago and the State of Illinois and spoke at gatherings about the DREAM Act, it wasn't unusual for young people to be waiting for me outside afterward, and they would say very quietly: I am one of those DREAM Act kids. I was brought here, and I am undocumented, and I don't know what I am going to do with my life. They would be very quiet about it. I would say: Well, I will do my best to pass this law.

As time passed and we tried to bring this to the floor many times, things changed some. We picked up support from a lot of different people.

The Defense Secretary, Robert Gates, supports the DREAM Act. He called me one day and said: As the former president of Texas A&M, I know what it means to have college students who cannot attend an away game for any sports because they are undocumented, and if they were stopped and asked to produce identification, they could be deported. As Secretary of Defense, I know what it would mean if we could bring these young people into the American military. There would be more diversity. We would be a stronger nation, so I support it.

GEN Colin L. Powell also has endorsed the DREAM Act. He believes, as I do, that this is a fair thing to do, a just thing to do, and would be good for our military.

Over the years, these young people started coming forward more and more and speaking about their lives, and, perhaps with more bravado than they should have, they were prepared to risk deportation to tell their stories. Over the years, these Dreamers have become an important part of this effort to pass the DREAM Act. We have the support of so many groups across America, including religious groups and many others who believe this is the right and fair thing to do. We invite young people across America, if they want to voluntarily do so, to tell us their stories.

I come to the floor of the Senate tonight to tell two stories about two young DREAM Act people and their lives.

The first one is Juan Rios. This is a photograph of Juan Rios, who was brought to the United States when he was 10 years old. He grew up in the State of Arizona. In high school, Juan discovered his calling: military service. He became a leader in the Air Force Junior ROTC, as we can see from his uniform. He became group commander and arm drill team captain and rose to the rank of cadet lieutenant colonel. Juan dreamed of one day attending the Air Force Academy, but he was unable to do so because he is undocumented. Instead, Juan enrolled in Arizona State University.

This is a more recent photograph of Juan on his commencement day at Arizona State University. Juan graduated from Arizona State University with a degree in aeronautical engineering. Since graduation, Juan has been waiting for his chance to either serve in our military or to use his degree. He can't enlist, obviously, because he is undocumented, and he can't work in his field—the aeronautics industry—because of the same legal obstacle.

He just sent me a letter, and this is what it said:

> The United States of America is the country I want to live my life in, where I want to flourish as a productive citizen, where I want to grow old among my lifelong friends, where I want to one day fall in love and raise a family.

What we heard from Juan we could hear from young people all across America. It is his American dream—a dream that won't come true unless we pass the DREAM Act.

This next young lady I wish to introduce my colleagues to is someone I met just a few weeks ago. This is Tolu Olubumni. She was brought to the United States from Nigeria when she was a child. She graduated from high school here in the United States at the top of her class. She won a full scholarship to a prestigious university in Virginia and in 2002 graduated with a degree in chemical engineering.

It has been 10 years since I first introduced the DREAM Act in 2001 and almost 10 years since she graduated from college. The DREAM Act has yet to become law, and she has yet to work 1 day as a chemical engineer because she is undocumented. Instead, Tolu has dedicated her life to passing the DREAM Act for her benefit and the benefit of others. For years, she has worked as a full-time volunteer. Recently, she wrote me a letter, and this is what she said:

> I don't have a powerful organization behind me or a fancy job title or even a paycheck, but I am committed to stand and fight for you for as long as you ask me to.

Tolu is not standing alone. Her commitment and the commitment of many other Dreamers is what inspires me to continue this effort for the DREAM Act.

There are so many others like Tolu who are living a life of uncertainty. They have amazing accomplishments in their lives, and yet they can't use the degrees they have earned to make this a better nation and to have a whole life of their own. So last month I reintroduced the DREAM Act. Tolu joined me on that occasion, with Senator HARRY REID, who has been a strong supporter; BOB MENENDEZ, our Hispanic colleague here in the Senate; and RICHARD BLUMENTHAL from the State of Connecticut.

Here is what Tolu said:

Passing the DREAM Act is critically important to me and so many others. I don't believe I am entitled to anything more than what this great Nation has taught me—that we all have a right to life, liberty and the pursuit of happiness.

She is right. Thousands of immigrant students in the United States were brought here as children. It wasn't their decision to come, but they grew up here, they made it their home, and they are prepared to make this a better Nation.

Some of my colleagues have come to the floor of the Senate criticizing the DREAM Act because people under the age of 35 are eligible. They say the DREAM Act should really only benefit children. They ignore the obvious: In order to qualify for the DREAM Act, an individual must have come to the United States as a child, just like Tolu. Now she is 30 years old. She has been waiting patiently for 10 years. To say she is now ineligible because we have not acted I think would be fundamentally unfair.

Today we had an interesting speech which I listened to on the floor. It was the first speech—so-called maiden speech—of our colleague, Senator MARCO RUBIO from Florida. It was an excellent speech, and I complimented him afterward. Among the things he talked about was the contribution of immigrants to the United States.

I am a first-generation American. My mother was an immigrant to this country. One hundred years ago, in 1911, her mother brought her at the age of 2 into this country. My mother didn't become a citizen until her mid-twenties, after she was married and had already had two children. She was a very proud and hard-working woman, raised a good family, I think—I am a little bit partial—and now her son is a U.S. Senator from Illinois.

This is not just my story. It is not just my family's story. This is the American story. This is who we are, immigrants who came to this country and risked everything to be a part of America and only asked for a chance—a chance to make this a better Nation and to create a better life for them and their families. The DREAM Act will give thousands of young people across America that chance to become a part of America's future. It is the just and fair thing to do to make us a stronger Nation and to keep our promise that we are going to be fair in the way we administer the laws.

I urge my colleagues to take a look at the version of the DREAM Act that has been introduced. I urge them as well to join me as cosponsors. We will work carefully with other countries and other nations to make sure we demonstrate to them the sense of fairness that is part of America.

Mr. President, I yield the floor.

EMERGENCY MEDICAL SERVICES FOR CHILDREN PROGRAM

Mr. INOUYE. Mr. President, I rise today to speak about the importance of the Emergency Medical Service for Children, or EMSC, Program. Recently, we celebrated National EMSC Day, an annual event raising awareness about the need to improve and expand specialized care for children in the prehospital and acute care settings.

The EMSC Program holds great personal importance to me. More than 30 years ago, Senator HATCH and I, on a bipartisan basis, took note of the systematic problems and deficiencies surrounding emergency care for children. With these deficiencies in mind, we authored legislation to address the gaps in emergency care for children. Through the support of the American Academy of Pediatrics and the Surgeon General the bill became law in 1984 authorizing Federal funding for EMSC.

For over 25 years now, EMSC, which is administered by the Health Resources and Services Administration's, HRSA, Maternal and Child Health Bureau, has been doing truly amazing work. With just over $20 million a year, EMSC works with all 50 States, the District of Columbia, and the U.S. territories to educate emergency medical personnel. In addition to educating and training health care professionals, EMSC supports research at leading governmental and academic institutions so that our children are treated with cutting-edge technology and services.

The EMSC Program addresses the entire continuum of pediatric emergency services, from injury prevention and EMS access through out-of-hospital and emergency department care, intensive care, rehabilitation, and reintegration into the community, while ensuring the ongoing involvement of the child's primary care physician. It serves the unique needs of children in a way no other program can. Over the years, we have also funded various projects for emergency care. I thank my colleagues for supporting the inclusion of a 5-year reauthorization of the EMSC Program in the Patient Protection and Affordable Care Act.

In recognition of all that EMSC has done and will continue to do for this Nation's children, several experts gathered on Capitol Hill last month to hold an educational briefing in conjunction with EMSC Day. Sponsored by the American Academy of Pediatrics, staff heard from Dr. Elizabeth Edgerton, the new branch chief for EMSC and injury prevention at the Maternal and Child Health Bureau at HRSA, who described the EMSC Program and what it has accomplished. Katherine Dixon Hert, EMSC program manager, Office of EMS and Trauma at the Alabama Department of Public Health, recounted the devastation of the recent tornadoes that swept through the State of Alabama; the challenges in caring for children often separated from their parents; and the pediatric deaths that occurred. Lastly, Joseph Wright, M.D., M.P.H., F.A.A.P., principal investigator and medical director of the EMSC National Resource Center, shared his experience of ''growing up'' with the EMSC Program as part of the original cohort of board-certified pediatric emergency physicians in the United States.

I do not know a parent or grandparent who would advocate for anything but the best care of our children during an emergency. The EMSC Program has filled a void that existed within the EMS system prior to its inception. Many experts have identified the need for a lead agency for EMS in the U.S. While such a lead agency could improve optimal emergency care and response, any reorganization of Federal EMS Programs must maintain the EMSC Program as a freestanding program. Without the EMSC Program, children's medical and treatment needs will not be met. I would like to honor and thank the many hard-working Americans that work daily to serve and save our children.

TRIBUTE TO J. DAVID HOOD

Mr. DURBIN. Mr. President, I rise today to honor a faithful public servant on the occasion of his retirement. J. David Hood, the regional commissioner of the Public Buildings Service for General Services Administration's Great Lakes Region, is retiring on July 1, 2011, after 40 years of dedicated service to the Federal Government. David heads an organization that is responsible for more than 35 million square feet of Federal offices and workplaces in nearly 1,000 buildings owned or leased by GSA. He also manages over $1.2 billion in construction and renovation projects throughout the region.

David joined GSA's Great Lakes Regional Office in 1971 as an intern before becoming a real estate appraiser, a project manager, director of planning, and eventually serving as deputy assistant regional administrator, Public Buildings Service. In 1993, David moved to the agency's former Federal Supply Service, FSS, where he served as assistant regional administrator for 9 years before taking the same position, now regional commissioner, with Public Buildings Service. He is a member of the Federal Government's Senior

Executive Service and is a recipient of GSA's Meritorious Service Award. David also served as acting regional administrator for GSA's Great Lakes Region from January 2009 until January 2011.

In a sense, David is the landlord for my State offices in Chicago and Carbondale. In that capacity, I saw firsthand David's commitment to the Federal Government and wise use of taxpayer money. Last year, my Chicago office in the Kluczynski Federal Building was in need of repair and reconfiguration. David and his team completed what would normally be a yearlong project in just 4 months, and stayed within budget. In addition to meeting the operational needs of my Chicago staff so that they can best serve the people of Illinois, the renovation also produced considerable cost- and energy-savings.

As David's storied career in public service comes to a close, I rise to thank him for his hard work on behalf of the American people, and in particular the people of Illinois. David is an exemplary civil servant, and while his retirement is well-deserved, his service to the Federal Government will be missed.

HONORING OUR ARMED FORCES

LANCE CORPORAL SEAN MICHAEL NICHOLAS O'CONNOR

Mr. BARRASSO. Mr. President, I rise today to honor and express our Nation's deepest thanks to a brave young man and his family. On Monday, I received word that LCpl Sean M.N. O'Connor of Douglas, WY, had fallen on June 12, 2011, in the line of duty in support of Operation Enduring Freedom. Lance Corporal O'Connor was killed while supporting combat operations in Helmand Province in southern Afghanistan.

Lance Corporal O'Connor was assigned to the 1st Battalion, 5th Marine Regiment, Regimental Combat Team 8, II Marine Expeditionary Force FWD, 1st Marine Division, out of Camp Pendleton, CA. Sean's roots in the Marine Corps run deep. He was born at Marine Corps Base Camp Pendleton. Like his father, Lance Corporal O'Connor joined the U.S. Marine Corps in 2007 soon after graduating from Douglas High School. Sean was an avid reader, swimmer and shooter. He will be remembered as a fun loving son and friend who could always be counted on to lend a hand to those in need.

It is because of individuals like Sean O'Connor that all Americans are able to live our daily lives as free people. They put their very lives on the line every day, and because of their bravery and their families, our Nation remains free and strong. Freedom is not free. It carries a very high price. And that price has been paid over and over by many generations of men and women who answered the call to arms and willingly bear the burdens of defending our Nation. They deserve our deepest respect and gratitude.

The motto of the U.S. Marine Corps is ''Semper Fidelis.'' It means ''Always Faithful.'' LCpl Sean O'Connor lived up to these words with great honor. He made the ultimate sacrifice in the name of freedom for you and I to enjoy. He gave his life, that last full measure of devotion, for you, me, and every single American. Today we thank Lance Corporal O'Connor for serving and defending our country. He was always faithful to our country and its citizens, and to his fellow marines.

Lance Corporal O'Connor is survived by his parents Daniel and Dee O'Connor and his Aunt Sarah O'Connor. He is also survived by his brothers and sisters in arms of the U.S. Marine Corps. We say goodbye to a son, friend, neighbor, and a marine. The United States of America pays its deepest respect to LCpl Sean O'Connor for his sacrifice, so that we may remain free. Sean was the embodiment of honor, courage and commitment. All of Wyoming, and indeed the entire Nation, is proud of him. May God bless him and his family. Lance Corporal O'Connor, Semper Fi.

AMERICA INVENTS ACT

Mr. LEAHY. Mr. President, I was pleased that the Chamber of Commerce today wrote to Members of the House of Representatives in support of the America Invents Act. The Senate-passed companion legislation was approved in March in a 95–5 vote. This bill will create jobs and grow the economy without adding a penny to the deficit. Today's announcement by the Chamber of Commerce is a strong indication of a growing consensus that this legislation is what America needs to win the future through innovation. I applaud the work that Chairman SMITH, Mr. WATT, and others have done to move the legislation forward in the House, and I encourage the full House to act swiftly.

I ask unanimous consent to have printed in the RECORD a full copy of the Chamber's letter.

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

CHAMBER OF COMMERCE,
UNITED STATES OF AMERICA,
Washington, DC, June 14, 2011.

To the Members of the U.S. House of Representatives:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, supports H.R. 1249, the ''America Invents Act,'' which would encourage innovation and bolster the U.S. economy. The Chamber believes this legislation is crucial for American economic growth, jobs, and the future of U.S. competitiveness.

A key component of H.R. 1249 is section 22, which would ensure that fees collected by the U.S. Patent and Trademark Office (PTO) fund the office and its administration of the patent system. PTO faces significant challenges, including a massive backlog of pending applications, and this backlog is stifling domestic innovators. The fees that PTO collects to review and approve patent application are supposed to be dedicated to PTO operation. However, fee diversion by Congress has hampered PTO's efforts to hire and retain a sufficient number of qualified examiners and implement technological improvements necessary to ensure expeditious issuance of high quality patents. Providing PTO with full access to the user fees it collects is an important first step toward reducing the current backlog of 1.2 million applications waiting for a final determination and pendency time of 3 years, as well as to improve patent quality.

In addition, the legislation would help ensure that the U.S. remains at the forefront of innovation by enhancing the PTO process and ensuring that all inventors secure the exclusive right to their inventions and discoveries. The bill shifts the U.S. to a first-inventor-to-file system that we believe is both constitutional and wise, ending expensive interference proceedings. H.R. 1249 also contains important legal reforms that would help reduce unnecessary litigation against American businesses and innovators. Among the bill's provisions, Section 16 would put an end to frivolous false patent marking cases, while still preserving the right of those who suffered actual harm to bring actions. Section 5 would create a prior user right for those who first commercially use inventions, protecting the rights of early inventors and giving manufacturers a powerful incentive to build new factories in the United States, while at the same time fully protecting universities. Section 19 also restricts joinder of defendants who have tenuous connections to the underlying disputes in patent infringement suits. Section 18 of H.R. 1249 provides for a tailored pilot program which would allow patent office experts to help the court review the validity of certain business method patents using the best available prior art as an alternative to costly litigation.

The Chamber strongly opposes any amendments to H.R. 1249 that would strike or weaken any of the important legal reform measures in this legislation, including those found in Sections 16, 5, 19 and 18. The Chamber supports H.R. 1249 and urges the House to expeditiously approve this necessary legislation.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President, Government Affairs.

REMEMBERING PRIVATE FIRST CLASS JOHN T. MARR

Mr. BROWN of Massachusetts. Mr. President, on this day in 1777, the Second Continental Congress adopted the flag of the United States. At that time, American colonists were just 2 years into their long and bloody struggle for independence and only a year earlier had declared independence from the British throne. Since that time, our flag has been carried into countless battles and has been proudly worn on the uniforms of millions of American servicemen and women.

I rise today to tell the story of one such American, US Army PFC John T. Marr of Dorchester, MA. Private Marr was mortally wounded in combat on a hill on the other side of the globe. The hill happened to be in Korea in 1953. It could have been so many other places where Americans fought and died: Bunker Hill in Boston, Cemetery Ridge at Gettysburg, the cliffs of Normandy, Kakazu Ridge on Okinawa, Hamburger

Hill in Vietnam or the Tora Bora region of Afghanistan.

Private First Class Marr could have been so many other people's husband, son or brother throughout our nation's history.

John Marr, ''Jack'' to his family and friends, was among thousands of Massachusetts residents to serve our Nation in Korea and among the hundreds to die there. Korea has been referred to as the ''forgotten war.'' By the early 1950s, our Nation had grown war weary, having so recently endured a global war in which more than 400,000 American servicemen died and far more than a half million were wounded. Yet while the Greatest Generation returned from Europe, Africa, and the South Pacific to build modern America, hundreds of thousands of their younger brothers were fighting and dying on the Korean Peninsula. The Korean war was never forgotten by people like the Marr family of Dorchester who on a hot summer day in 1953 received word that their middle child had died in the service of his Nation.

By all accounts, Jack Marr was a young man with a promising life ahead of him. He was an outstanding athlete, well-liked by all, newly married, and worked for his family's successful South Boston contracting business. Yet like millions before and after, Jack answered his Nation's call to serve.

In Korea, Jack was communications chief of Company D, 179th Infantry Regiment of the 45th Infantry Division. On July 19, 1953, his unit came under heavy mortar attack, wounding several members who were caught in the open. With no thought for his own safety, Jack Marr left the cover of his bunker to pull wounded comrades to safety and was mortally wounded by an exploding mortar round. Private First Class Marr was among the last Americans to die in the Korean war, and succumbed to his injuries just 2 days before the Armistice went into effect. Jack left behind his wife Mary, loving parents, brothers Daniel, Jr. and Robert, and a sister Judith Marie.

The Marr family will honor Jack this Flag Day by dedicating a flagpole on the grounds of their family business on D Street in South Boston. I join the Marr family in honoring the service and sacrifice of PFC John T. Marr and will close with words engraved on the plaque they will unveil today. ''This flagpole is dedicated to the courageous military service of John T. Marr. Jack answered the call to defend the people of South Korea. His sacrifice will forever be an example of hope, conviction and the unconquerable American spirit in the pursuit of freedom.''

TRIBUTE TO MAJOR GENERAL JAMES C. McCONVILLE

Mr. BROWN of Massachusetts. Mr. President, today I wish to recognize MG James C. McConville for his professional dedication and service as the Army's Chief of Legislative Liaison, from January 6, 2010, to July 5, 2011. In this capacity, Major General McConville was responsible for advising the Secretary of the Army, the Chief of Staff of the Army and other Army senior leadership on all legislative and congressional matters. During this period of extraordinary change and challenge for the Army, he masterfully led the Army's outreach to Congress.

It is an honor and a pleasure to recognize my good friend Jim McConville who is a native of Quincy, MA. He received his nomination to the U.S. Military Academy from the late senior Senator from Massachusetts, Senator Edward M. Kennedy. Upon graduation from West Point, he was commissioned as an infantry officer. He was also a 2002 national security fellow at Harvard University. He has had an exemplary military career culminating in his recent selection as the commanding general of the 101st Airborne Division, Air Assault, at Fort Campbell, KY.

Major General McConville clearly understood the importance of fostering a strong relationship with the Congress. He worked tirelessly on behalf of the Army to earn the trust and confidence of Members of Congress and their staffs and his candor and availability ensured continuous support for the Army.

Major General McConville handled some of the most complex and sensitive issues our Army has ever faced through two legislative cycles with unparalleled results. His service assisted the Army in its efforts to restore balance to a force stretched and stressed by the demands of the longest war our Nation has fought. His efforts greatly contributed to the Army's transformation by building versatile, modular units and improving the capabilities of individual soldiers.

Major General McConville's career includes key command and staff assignments. He was deployed as the Commander of 4th Brigade, 1st Cavalry Division during Operation Iraqi Freedom. Based on the heroism of his aviators and courageous efforts of his soldiers, his brigade was selected as the 2004 Aviation Unit of the Year. Major General McConville also served as Deputy Commanding General for the 101st Airborne Division, Air Assault, in Afghanistan during Operation Enduring Freedom. His key staff assignments include executive officer to the Vice Chief of Staff of the Army and deputy chief of the Office of Congressional Liaison.

I thank Jim for his tremendous service to our Nation. I know that his wife Maria, their children Michael, Jessica, and Ryan, and the people of Massachusetts are extremely proud of his service. I wish him the utmost success as he continues to serve our great Nation at the 101st Airborne Division, Air Assault.

WOLF KAHN AND EMILY MASON GALLERY

Mr. LEAHY. Mr. President, it is a delight to call the attention of the Senate to the generosity and vision of Wolf Kahn and Emily Mason, whose longstanding commitment to the communities of southern Vermont is being commemorated with the dedication of the Wolf Kahn and Emily Mason Gallery at the Brattleboro Museum and Art Center. While nationally and internationally recognized as accomplished artists, it is Wolf's and Emily's selfless contributions to their neighbors and their community that makes me the most proud to call them Vermonters.

The works of local painters, sculptors, musicians, photographers, and authors enrich Vermont's culture throughout the beautiful Green Mountain State. Displaying their creations in community venues, from libraries to coffee shops, artists working in all mediums enrich our lives, deepen our pride in our communities and strengthen our bond with Vermont, its landscape, its beauty and its cultural heritage. Anyone who has contemplated a painting in a museum or examined an original manuscript or composition, and has gained a greater understanding of both the artist and the subject as a result, knows the power and importance of these works in our lives.

Since 1968, Wolf and Emily have spent the summers and autumns in West Brattleboro, VT, where the landscape provides them inspiration for countless paintings and drawings. Wolf and Emily's love of Vermont, however, does not end with the environment our State offers to create their work. They carry their passion into the community, to create equally rich experiences for other artists and the general public. Forty years ago, Wolf and Emily were instrumental in the formation of the Brattleboro Museum and Art Center. Over the ensuing decades, they have offered invaluable guidance and advice, and helped the Museum and Art Center establish important connections with the broader art world. They have also played a crucial role and offered the same unwavering support in the creation of the Vermont Studio Center—a working studio space where artists and writers from across the country and the world descend upon Johnson, VT, to immerse themselves in their work. Today these two organizations are not only flourishing, but they are also firmly embedded in Vermont's rich participation in the arts. The success of these programs is a true credit to Wolf and Emily's continued support throughout the years. They truly are energy givers, infusing all around them with their enthusiasm and sense of possibility.

Wolf and Emily have lived in Vermont, but they also have enriched the quality of life for all Vermonters by generously lending their hands and their talent to a number of institutions in Vermont—from cultural experiences, to supporting the basic needs of our most vulnerable community members. Their positive impact will be felt in Vermont for generations to come.

ADDITIONAL STATEMENTS

TRIBUTE TO NORA THOMBS

● Ms. COLLINS. Mr. President, in the 1930s, the forces of tyranny and oppression seemed to be taking over the world. The American Legion and the American Legion Auxiliary were especially concerned that tyrannical regimes were indoctrinating their young people in hateful ideology, and so they countered with an initiative to better educate young Americans in democracy and leadership. Since then, some 2 million high school students have been delegates to Boys and Girls State programs throughout our Nation. Forty-one years ago, I served as a Dirigo Girls State delegate in my State of Maine, and I will never forget that inspiring week.

Today I wish to recognize Nora Thombs of New Sharon, ME, for her remarkable commitment to this program. When Dirigo Girls State convenes on June 19, Nora will mark her 50th year of involvement. The first year was as a delegate during her high school years. The other 49 have been helping to bring this great experience to other young Maine women. From her early service as a staff volunteer to her current position as director, she has helped forge new generations of involved citizens.

Nora exemplifies the principles that Boys and Girls State instills. Although she never sought elective office, her appreciation of the importance of every person's vote and her knowledge about the process of government made her an effective and respected town meeting moderator, one of the most challenging roles in local government throughout New England. The leadership skills she learned helped her become an outstanding teacher and principal.

But the best evidence of those principles is Nora's dedication to spreading them. As soon as one year's Girls State week concludes, she is hard at work planning the next—working with high schools, recruiting delegates, and arranging for speakers, presentations, and experiences that will inform and inspire.

It is an honor to congratulate Nora Thombs for her 50 years of contributions to Dirigo Girls State. She is proof that the delegates of yesterday are the leaders of today. Thanks to her, the delegates of today will be the leaders of tomorrow.●

REMEMBERING RICHARD W. CARR

● Mr. LIEBERMAN. Mr. President, I wish to pay tribute to the remarkable life and legacy of Richard W. Carr. One year after Dick Carr's passing, I feel deprived of the ongoing, often surprising revelations of his depth and diversity. But also, of course, I feel deeply grateful to have been his friend.

Dick Carr was like a great book in which you find new meanings, insights, and strengths every time you return to it.

When I first met Dick, he seemed like another good guy with a kind and vivacious wife and wonderful daughters who lived a block away from my family in Hillandale. He was surely all that but over time, as I came to know him better, it was clear that Dick Carr was much, much more.

He was a man of property but also a man of poetry. He was a man who knew history, but also understood what it meant to be holy. He learned a lot and taught a lot. He laughed a lot and loved a lot.

Little things sometimes tell us big things about people. For instance, in Hillandale, Dick was one of the few residents who took care of his own yard, with Marie's help of course. Not, I presume, because he couldn't afford gardening help, but because he just enjoyed doing it himself and wanted his grounds to be as perfect as he and Marie would make them. And it tells you a lot about Dick that he didn't stop with his own yard. He took care of the yards of neighbors who were away or whose husbands were ailing or gone. That was Dick Carr.

Dick had many loves in his life none of course greater than Marie, Kate, Annie, Beth, his parents, and his siblings. But he also had a special love for this city—its history and its people—and he helped, along with his family, to rebuild, enrich, and beautify Washington in many lasting ways. Dick's work to restore the Willard Hotel to its previous grandeur was a great gift to our country and its Capital City. His charitable work changed the lives of many who had much less than he did. And he did it all in a quiet way that showed he had the self-confidence not to need the public credit.

In the last 3 years since he was diagnosed with aplastic anemia, I learned some other new things from Dick Carr. In the face of repeated bleak diagnoses and painful treatments, Dick taught me and all of us new meaning of words like strength, courage, and grace under pressure. He didn't just fight the good fight; he fought a great fight until he had given to life all that he could and God was ready to take his soul from this Earth. And Marie, his love and life's partner, fought tirelessly for him and alongside him every step of the way in the most sustained, selfless, and devoted acts of caring I have ever seen. Marie Carr is simply saintly.

Thank you, Marie, for what you showed and taught all of us about love and faith over the years. I pray that you will be strengthened now and in the years ahead by your faith and comforted by wonderful memories of Dick.

I pray also, with total confidence, that Dick's soul has soared to heaven where he is living in eternal peace, which in his case will probably mean reading, writing, gardening, dreaming, and building. In fact, I would not be surprised if right now Dick was devising plans to restore some heavenly structure to its previous grandeur.

Today, in Sister's Garden of the Dahlgren Chapel of the Sacred Heart here in Washington, DC, Dick's great life and legacy will be honored and memorialized forever in that lush, green, and holy space.

May God bless you and keep you, Dick, as you blessed and inspired each of us who knew you.●

TURTON, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Turton, SD. The town of Turton will celebrate the 125th anniversary of its founding this year. Located in Spink County, Turton came into existence during a time known as the ''Great Dakota Boom,'' when the railroads were expanded throughout the State.

Since its beginning 125 years ago, the Turton community has continued to serve as an outstanding example of South Dakota traditions and values. I would like to offer my congratulations to the citizens of Turton on this milestone date and wish them continued prosperity for years to come.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13405 OF JUNE 16, 2006, WITH RESPECT TO BELARUS—PM 10

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency and related measures blocking the property of certain persons undermining democratic processes or institutions in Belarus are to continue in effect beyond June 16, 2011.

The flawed December 2010 Presidential election in Belarus and its aftermath—the harsh violence against peaceful demonstrators; the continuing detention, prosecution, and imprisonment of opposition Presidential candidates and others; and the continuing repression of independent media and civil society activists—all show that the Government of Belarus has taken steps backward in the development of democratic governance and respect for human rights. The actions and policies of the Government of Belarus and other persons to undermine Belarus democratic processes or institutions,

to commit human rights abuses related to political repression, and to engage in public corruption pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared to deal with this threat and the related measures blocking the property of certain persons.

BARACK OBAMA.

THE WHITE HOUSE, *June 14, 2011.*

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–2102. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Pesticide Tolerances; Technical Amendments'' (FRL No. 8875–4) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2103. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Difenoconazole; Pesticide Tolerances'' (FRL No. 8876–4) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2104. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Loan Policies and Operations; Loan Purchases from FDIC'' (RIN3052-AC62) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2105. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cooperative Inspection Programs: Interstate Shipment of Meat and Poultry Products'' (RIN0583-AD37) received in the Office of the President of the Senate on June 8, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2106. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting legislative proposals relative to the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services.

EC–2107. A communication from the Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Beneficial Ownership Reporting Requirements and Security-Based Swaps'' (RIN3235-AK98) received in the Office of the President of the Senate on June 13, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2108. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report relative to the Uranium Marketing Annual Report; to the Committee on Energy and Natural Resources.

EC–2109. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Decommissioning Planning'' (RIN3150-AI55) received in the Office of the President of the Senate on June 13, 2011; to the Committee on Environment and Public Works.

EC–2110. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of California; Interstate Transport of Pollution; Significant Contribution to Nonattainment and Interference with Maintenance Requirements'' (FRL No. 9318–1) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Environment and Public Works.

EC–2111. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of California; Regional Haze State Implementation Plan and Interstate Transport Plan; Interference with Visibility Requirement'' (FRL No. 9317–9) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Environment and Public Works.

EC–2112. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Land Disposal Restrictions: Revision of the Treatment Standards for Carbamate Wastes'' (FRL No. 9318–4) received during adjournment of the Senate in the Office of the President of the Senate on June 10, 2011; to the Committee on Environment and Public Works.

EC–2113. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a legislative proposal relative to the collection of fees under the Resource Conservation and Recovery Act to support an electronic hazardous waste manifest system; to the Committee on Environment and Public Works.

EC–2114. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a semiannual report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–2115. 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 ''Regulations Governing Practice Before the Internal Revenue Service'' (RIN1545-BH01) received in the Office of the President of the Senate on June 8, 2011; to the Committee on Finance.

EC–2116. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Foreign Acquisition Amendments'' ((RIN0750-AH16)(DFARS Case 2011–D017)) received in the Office of the President of the Senate on June 8, 2011; to the Committee on Foreign Relations.

EC–2117. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Fiscal Year 2010 Medical Device User Fee and Modernization Act (MDUFMA) Financial Report''; to the Committee on Health, Education, Labor, and Pensions.

EC–2118. A communication from the Executive Director, Christopher Columbus Fellowship Foundation, transmitting, pursuant to law, the Fiscal Year 2011 Performance Accountability Report and Financial Statements; to the Committee on Health, Education, Labor, and Pensions.

EC–2119. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Department of Defense's Semiannual Report of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2120. A communication from the Executive Director, United States Access Board, transmitting, pursuant to law, the Board's fiscal year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–2121. A communication from the Secretary of Veterans Affairs, transmitting legislative proposals relative to health care benefits, personnel-related matters and benefits for homeless Veterans; to the Committee on Veterans' Affairs.

EC–2122. A communication from the Secretary of Veterans Affairs, transmitting a legislative proposal entitled ''Veterans Benefit Programs Improvement Act of 2011''; to the Committee on Veterans' Affairs.

EC–2123. A communication from the Director of Exporter Services, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Wassenaar Arrangement 2010 Plenary Agreements Implementation: Commerce Control List, Definitions, Reports; Correction'' (RIN0694-AF11) received in the Office of the President of the Senate on June 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2124. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Export Control Reform Initiative: Strategic Trade Authorization License Exception'' (RIN0694-AF03) received in the Office of the President of the Senate on June 9, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2125. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Structure and Practices of the Video Relay Service Program, Order Suspending Effective Date'' ((CG Docket No. 10–51)(FCC 11–86)) received in the Office of the President of the Senate on June 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2126. A communication from the Legal Advisor and Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems'' (FCC 11–80) received in the Office of the President of the Senate on June 13, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2127. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Department of Commerce's Strategic Plan for fiscal years 2011–2016; 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–33. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing Congress to enact laws to establish, implement, and ensure that universal communication is at all times and at all places available to warn the American people of imminent and impending dangers; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 3

Whereas, the Congress of the United States should enact laws to establish and implement an effective, reliable, integrated, flexible, and comprehensive system that will alert and warn the American people in situations of war, terrorist attack, natural disaster, or other hazards to public health, safety and well-being, taking appropriate account of the functions, capabilities, needs of all people, the private sector and of all governments, so as to ensure that, under all conditions, universal communication is at all times and at all places available to warn the American people of imminent and impending dangers; and

Whereas, Congress should investigate and conduct hearings to inventory, evaluate, and assess capabilities and integration with the public alert and warning system of federal, state, territorial, tribal, and local public alert and warning resources; and

Whereas, Congress should establish or adopt common alerting and warning protocols, standards, technology, and operating procedures that are effective without the necessity of maintaining a database of contact information (while protecting privacy of all Americans) and for the public alert and warning system to enable interoperability and the secure delivery of coordinated messages to the American people through as many communication pathways as practicable, utilizing today's technology so as to guarantee the delivery of warnings and alerts in a timely manner to the entire population when surface infrastructure does not exist, has been compromised, or otherwise rendered ineffective; and

Whereas, Congress should ensure the capability to adapt the distribution and content of communications on the basis of clearly defined geographic locations, risks, or personal user preferences, as appropriate; and

Whereas, Congress should provide that any public alert and warning system is capable of alerting and warning all Americans, including those with disabilities and those who lack an understanding of the English language, in the most remote geographic areas of America and its territories; and

Whereas, Congress should, through cooperation with the owners and operators of communication facilities, maintain, protect, and, if necessary, restore communications facilities and capabilities necessary for the public alert and warning system; and

Whereas, Congress should establish training, annual tests, and exercises for the public alert and warning system, and provide for direct access thereto by appropriate federal, state, local, tribal, and territorial emergency personnel; and

Whereas, Congress should ensure the conduct of public education efforts so that federal, state, territorial, tribal, local governments, the private sector, and the American people understand the functions of the public alert and warning system and how to access, use, and respond to information issued through all public alert and warning systems and devices; and

Whereas, Congress should require all governments, federal, state, local, territorial, and media communication organizations to consult, coordinate, and cooperate with the private sector, including emergency response providers and users, as appropriate for the full implementation of a state of the art early warning and alert system; and

Whereas, Congress should, in performing the functions set forth above, coordinate with all appropriate departments and agencies of all governments referenced in this Resolution. Therefore, be it

Resolved, That the Legislature of Louisiana, in session duly assembled, memorializes the Congress of the United States of America, and the Louisiana delegation to the United States Congress in particular, to expedite a solution that will provide public alert and warning in situations of war, terrorist attack, natural disaster, or other hazards to public safety and well-being to all people of the United States of America. Be it further

Resolved, That a copy of this Resolution be sent to the Speaker and the Minority Leader of the United States House of Representatives, the Majority Leader and the Minority Leader of the United States Senate, and to all sitting members of Louisiana's delegation to the Congress of the United States of America.

POM–34. A resolution adopted by the House of Representatives of the Legislature of the State of Iowa relative to recognizing the positive impact of the Community Services Block Grant program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 44

Whereas, in state fiscal year 2010, 365,752 Iowans in 140,333 households were helped in their fight against poverty through services funded by the federal Community Services Block Grant (CSBG) program; and

Whereas, more than 96 percent of the families receiving services were at or below 175 percent of the federal level or $35,427 annual family income; and

Whereas, more than 76 percent of the individuals served by the 18 community action agencies were working or received social security as their source of income; and

Whereas, those 18 community action agencies have 127 service centers throughout all 99 Iowa counties; and

Whereas, each community action agency is governed by a community-based volunteer board of directors consisting of elected officials, private sector representatives, and low-income Iowans; and

Whereas, Iowa's 18 community action agencies employ 3,350 Iowans; and

Whereas, CSBG funding for the 18 community action agencies brought in $2.3 million in local funding, $13.6 million in private funding, $13.9 million in state funding, and $222.9 million in federal funding to Iowa's local communities; and

Whereas, CSBG funding for Iowa's 18 community action agencies helped generate $17.7 million in in-kind goods and services and donated items; and

Whereas, the 18 community action agencies received $7,154,281 in CSBG funding enabling the community action agencies to operate their service centers and to administer state and federally funded programs; and

Whereas, President Obama has proposed a 50 percent reduction in CSBG funding and making the allocation of the remaining funds competitive instead of continuing the current allocation formula that brings stability to Iowa's community and economic development initiatives; and

Whereas, the Iowa House of Representatives supports efforts of the United States Congress to effectively reduce the federal deficit while promoting the current and future economic security of all Iowans; Now therefore, be it

Resolved by the House of Representatives, That the House of Representatives supports the positive impact of the CSBG program in Iowa and opposes federal action to reduce CSBG funding disproportionately compared to the rest of the federal domestic discretionary budget; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, and each member of the Iowa congressional delegation.

POM–35. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing Congress to enact legislation to provide additional funding for research in order to find a treatment and a cure for amyotrophic lateral sclerosis; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 26

Whereas, amyotrophic lateral sclerosis or ALS is better known as Lou Gehrig's disease; and

Whereas, ALS is a fatal neurodegenerative disease characterized by degeneration of cell bodies of the lower motor neurons in the gray matter of the anterior horns of the spinal cord; and

Whereas, the initial symptom of ALS is weakness of the skeletal muscles, especially those of the extremities; and

Whereas, as ALS progresses the patient experiences difficulty in swallowing, talking, and breathing; and

Whereas, ALS eventually causes muscles to atrophy and the patient becomes a functional quadriplegic; and

Whereas, ALS does not affect a patient's mental capacity, so that the patient remains alert and aware of his or her loss of motor functions and the inevitable outcome of continued deterioration and death; and

Whereas, on average, patients diagnosed with ALS only survive two to five years from the time of diagnosis; and

Whereas, ALS has no known cause, means of prevention, or cure; and

Whereas, research indicates that military veterans are at a 60% or greater risk of developing ALS than those who have not served in the military; and

Whereas, the Department of Veterans Affairs implemented regulations to establish a presumption of service connection for ALS thereby presuming that the development of ALS was incurred or aggravated by a veteran's service in the military; and

Whereas, a national ALS patient registry, administered by the Centers for Disease Control, is currently identifying cases of ALS in the United States and may become the single largest ALS research project ever created; and

Whereas, Amyotrophic Lateral Sclerosis Awareness Month increases the public's awareness of ALS patients' circumstances and acknowledges the terrible impact this disease has not only on the patient but on his or her family and the community and recognizes the research being done to eradicate this horrible disease. Therefore, be it

Resolved, That the Legislature of Louisiana hereby recognizes May 2011 as Amyotrophic Lateral Sclerosis Awareness Month. Be it further

Resolved, That the Congress of the United States is hereby memorialized to enact legislation to provide additional funding for research in order to find a treatment and a cure for amyotrophic lateral sclerosis. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the

United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–36. A petition transmitted by a private citizen relative to the examination of the record and conduct of a judicial nomination; to the Committee on the Judiciary.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Leon E. Panetta, of California, to be Secretary of Defense.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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. BROWN of Ohio:

S. 1188. A bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

By Mr. PORTMAN (for himself, Mr. CORNYN, Mr. CRAPO, Mr. ENZI, Mr. HATCH, Mr. RISCH, and Mr. TOOMEY):

S. 1189. A bill to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. TESTER (for himself, Mr. BLUNT, Mr. WYDEN, Mr. SESSIONS, Mr. CHAMBLISS, and Mr. INOUYE):

S. 1190. A bill to reduce disparities and improve access to effective and cost efficient diagnosis and treatment of prostate cancer through advances in testing, research, and education, including through telehealth, comparative effectiveness research, and identification of best practices in patient education and outreach particularly with respect to underserved racial, ethnic and rural populations and men with a family history of prostate cancer, to establish a directive on what constitutes clinically appropriate prostate cancer imaging, and to create a prostate cancer scientific advisory board for the Office of the Chief Scientist at the Food and Drug Administration to accelerate real-time sharing of the latest research and accelerate movement of new medicines to patients; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LIEBERMAN (for himself and Mr. BLUMENTHAL):

S. 1191. A bill to direct the Secretary of the Interior to carry out a study regarding the suitability and feasibility of establishing the Naugatuck River Valley National Heritage Area in Connecticut, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BEGICH:

S. 1192. A bill to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes; to the Committee on Indian Affairs.

By Mr. CARDIN:

S. 1193. A bill to amend title 23, United States Code, to preserve and renew Federal-aid highways to reduce long-term costs, improve safety, and improve the condition of Federal-aid highways; to the Committee on Environment and Public Works.

By Mr. LEAHY:

S. 1194. A bill to facilitate compliance with Article 36 of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1195. A bill to protect victims of crime or serious labor violations from deportation during Department of Homeland Security enforcement actions, and for other purposes; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. SESSIONS, Mr. RUBIO, Mr. WICKER, Mr. BOOZMAN, Mr. LEE, Mr. HATCH, Mr. VITTER, Mr. COBURN, and Mr. CORKER):

S. 1196. A bill to expand the use of E-Verify, to hold employers accountable, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. BARRASSO, Mr. INHOFE, Mr. VITTER, Mr. LUGAR, and Mr. GRASSLEY):

S.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BROWN of Ohio:

S. 1188. A bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government; to the Committee on Homeland Security and Governmental Affairs.

Mr. BROWN of Ohio. Mr. President, I rise today to introduce the All-American Made Flag Act, on this 234th celebration of Flag Day in our Nation, On June 14, 1777, the Second Continental Congress first adopted a flag for our new country, bestowing a meaning to the stars and stripes of our founding commitment to freedom and democracy.

Our flag inspires servicemembers in times of war; it looks over state capitals and schools, stadiums and veterans halls as a reminder of the price of our peace and security. It stood through the smoke in Pearl Harbor on December 7, 1941, and the rubble in New York City and Washington D.C. on September 11, 2001. The flag instills hope of a better life for generations of immigrants, embodying an aspiration of free people around the world. Americans pledge allegiance to the flag, reminding us about our Nation's history, and the system of checks and balances and separation of powers that tenders the balance of our laws and freedoms.

The flag that inspired our national anthem rests in the Smithsonian's National Museum of American History. Smaller, hand-held flags are waived during Fourth of July Parades and on Memorial Day are placed alongside headstones. But whether in museums or in parades or upon memorials, the American flag reaffirms the power and meaning first ascribed to it by our founders.

And what better way to celebrate its meaning, our Nation's history and virtue, than to ensure it is stamped with the Made-in-America label. On this day, I introduce the All-American Made Flag Act, which would require that American flags purchased by the Federal Government are entirely made in America.

Across the nation, and especially in Ohio, manufacturers and businesses have been making and selling American flags for generations. In Coschocton, Ohio, the nation's oldest and largest producer of American flags has been doing so since 1851. From the first World's Fair in New York City, through the Civil War and World War II, and into the universe and onto the moon these flags, made in Coschocton, have played a role in our nation's history. Today, on Flag Day, it joins other businesses that sell All-American made American flags, from Cincinnati to Dayton to Columbus to Cleveland.

Few things can give better meaning to the Made-in-America label than our own flag. The All-American Made Flag Act would provide that meaning, and in doing so, would invest in America's workers and manufacturers who embody the ingenuity and patriotism embodied in the very flag itself.

By Mr. BEGICH:

S. 1192. A bill to supplement State jurisdiction in Alaska Native villages with Federal and tribal resources to improve the quality of life in rural Alaska while reducing domestic violence against Native women and children and to reduce alcohol and drug abuse and for other purposes; to the Committee on Indian Affairs.

Mr. BEGICH. Mr. President, today I introduce legislation to address issues of great concern to me and to all who care about public safety in Alaska Native villages.

Last year President Obama signed the Tribal Law and Order bill into law. That legislation passed because Congress recognized the great need to provide more support for the criminal justice system and communities in Indian Country. While this law has some important provisions that will benefit Alaska Native communities, I believe the remoteness and other unique conditions in many Native villages in my State compel us to do more. That is why I am introducing the Alaska Safe Families and Villages Act of 2011.

My bill will establish a demonstration project allowing Alaska Native tribes to set up tribal courts, establish tribal ordinances, and impose sanctions on those people who violate the ordinances. It would enhance current tribal

authority, while maintaining the State's primary role and responsibility in criminal matters. Additionally, those communities selected to be part of the demonstration project would be eligible for an Alaska Village Peace Officer grant, enabling a Peace Officer to serve participating communities in a holistic manner.

Due to the vastness of Alaska, too many of our small remote villages lack any law enforcement. Too often, minor cases involving alcohol and domestic abuse go unreported because the nearest State Trooper resides in a distant hub community, located a long and expensive airplane ride away. Frequently, harsh weather prevents the Troopers from flying into a community even when the most heinous acts have occurred. Approximately 71 villages have a sole, unarmed Village Patrol Safety Officer, VPSO, who must be on duty 24 hours a day and 7 days a week. Compounding the challenges of a small number of local law enforcement, these few hard-working VPSOs are often underpaid. While communities try to provide some housing and heating assistance, in places where fuel oil can cost as much as $10 a gallon, it can be difficult to retain qualified VPSOs and also sustain the funding for these public servants.

As one who believes whole-heartedly in community involvement, I strongly believe tribes in Alaska should benefit from true self-determination and have a role in their law enforcement needs. This local control not only provides security for communities, but also encourages local acceptance of the established or existing judicial system as a whole. With the changes in place that my bill would require, residents of Alaska Native villages will see a culturally-relevant system replacing a crisis-management system that is set in place after a tragedy has occurred.

Unfortunately, Alaska Native communities have grown all too familiar with alarming suicide rates. In the Yukon-Kuskokwim Delta, over a two-month period during the summer of 2010, there were at least nine self-inflicted deaths in several of the region's villages. Nick Tucker, an elder in the village of Emmonak, wrote a letter to the State of Alaska's rural affairs advisor to try to bring attention to the issue. Part of Mr. Tucker's letter begged for the Governor to call the Legislature into session to address the issue. He also said it is no longer acceptable for village residents to wait for State Troopers because ''in the villages, they take forever.''

Part of the disturbing cycle of suicide in rural Alaska can be attributed to the presence of drugs and alcohol. Despite the knowledge that an individual can speak with an elder and learn who is bootlegging alcohol or selling drugs, predators do not fear law enforcement intervention because there is no consistent police or State Trooper presence.

Further, despite many Alaska Native communities' wealth of cultural heritage and tradition, many suffer from economic, cultural, and educational depression. Villages often experience high unemployment rates, above 20 percent, due to their remoteness and lack of economic opportunity. Most economic development in Alaska is centered in either the metropolitan areas, or in very remote areas where local residents are able to develop local resources. This economic depression, coupled with the 10,000-year practice of subsistence, means Alaska Natives' physical and spiritual survival remains highly dependent on the land. They subsist on game, berries, and fish. However, as hunting and fishing stocks dwindle, many of these Alaskans are feeling disconnected from their heritage and, at times, have turned to drugs and alcohol. Though educational attainment in the last 40 years has increased dramatically, the dropout rate in Alaska still hovers at 40 percent. Too many of our young men and women have lost hope and are losing a sense of community.

We must give our Nation's communities the tools necessary to protect themselves. Too often, we pour resources into urban areas, but decry lack of resources when we try to work toward innovative solutions for our most remote communities. We should no longer allow the answer from anyone to be ''we don't have the resources.'' Alaska Native villages are vibrant, strong communities and we should do everything in our power to answer their calls for help. I am hoping the Alaska Safe Families and Villages Act of 2011 will be just one piece of the puzzle.

I encourage my colleagues to join me on this legislation, and ask for the full Senate to consider and pass it—providing much-needed help and resources to some of our country's neediest places.

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. 1192

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 ''Alaska Safe Families and Villages Act of 2011''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) while the State of Alaska and numerous Alaska organizations have struggled for years to address crime and substance abuse problems in Alaska, Native Villages continue to suffer from disproportionally high rates of illicit drug use, alcohol abuse, suicide, and domestic violence;

(2) the suicide rate in Alaska Native villages is 6 times the national average, and the alcohol-related mortality rate is 3.5 times that of the general national population;

(3) Alaska Native women suffer the highest rate of forcible sexual assault in the United States, and an Alaska Native woman is sexually assaulted every 18 hours;

(4) according to the 2006 Initial Report and Recommendations of the Alaska Rural Justice and Law Enforcement Commission more than 95 percent of all crimes committed in rural Alaska can be attributed to alcohol;

(5) the cost of drug and alcohol abuse in Alaska is estimated at $525,000,000 per year;

(6) the State of Alaska's public safety system does not effectively serve vast areas of the State in which many remote Alaska Native villages are located, except in response to serious crimes involving severe injury or death, which are handled by Alaska State Troopers who are located in only a small number of hub communities around the State;

(7) extreme weather conditions often prevent or delay travel into remote Alaska Native villages, forcing residents to wait for several days for an Alaska State Trooper to arrive and respond to these crimes, compared to a law enforcement response time normally within minutes for residents of urban communities;

(8) in many rural Alaska Native villages, there is no local law enforcement presence whatsoever;

(9) to the extent there are resident law enforcement officers in rural villages, they consist of Village Public Safety Officers (VPSOs) through the State VPSO Program, and a very limited number of other peace officers such as Village Police Officers (VPOs), Tribal Police Officers (TPOs) and Community Peace Officers (CPOs) who tend to have only minimal training and experience;

(10) the VPSO Program is not able to adequately serve all remote Alaska Native villages because there is insufficient funding or officers to address the urgent need for additional law enforcement in these communities;

(11) the number of VPSOs currently serving in Alaska is approximately 71, yet there are about 200 remote villages in Alaska, all of which could benefit from a law enforcement presence;

(12) studies have concluded that the lack of effective law enforcement in Alaska Native villages contributes significantly to increased crime, alcohol abuse, drug abuse, domestic violence, and rates of suicide, poor educational achievement, and a lack of economic development in those communities;

(13) law enforcement that is created and administered by Indian tribes in Alaska will be more responsive to the need for greater local control, local responsibility, and local accountability in the administration of justice; and

(14) it is necessary to invoke the plenary authority of Congress over Indian affairs under section 8 of clause 3 of Article I of the Constitution, in order to improve law enforcement conditions in Alaska Native villages.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a demonstration project under which a limited number of Indian tribes in Alaska Native villages will exercise local law enforcement responsibilities to combat alcohol and drug abuse and to enhance existing tribal authority over domestic violence and child abuse and neglect;

(2) to enhance coordination and communication among Federal, State, tribal, and local law enforcement agencies; and

(3) to increase funding for, and therefore availability of, local law enforcement.

SEC. 3. DEFINITIONS.

In this Act:

(1) INDIAN TRIBE.—The term ''Indian tribe'' means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary because of their status as Indians, including any Alaska Native village as defined in section

3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).

(2) PROJECT.—The term ''Project'' means the Alaska Safe Families and Villages Demonstration Project established by section 4(a).

(3) PROJECT AREA.—The term ''Project Area'' means the geographical area within which an Indian tribe proposes to enforce the laws of the Indian tribe developed under the Project, as determined by the tribal government of the applicable Indian tribe and as approved by the Office of Justice Programs upon a showing that the extension of jurisdiction to such area is in the interest of justice.

(4) TRIBAL COURT.—The term ''tribal court'' means any court, council, or other mechanism sanctioned by an Indian tribe for the adjudication of disputes, including the violation of tribal laws, ordinances, or regulations.

(5) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 4. ALASKA SAFE FAMILIES AND VILLAGES DEMONSTRATION PROJECT.

(a) ESTABLISHMENT OF PROJECT.—The Office of Justice Programs of the Department of Justice shall carry out the Alaska Safe Families and Villages Demonstration Project as provided by this section.

(b) NUMBER OF TRIBES.—The Office of Justice Programs shall select not more than 9 Indian tribes in Alaska to participate in the Project in Alaska over a 3-year period, with not more than 3 Indian tribes selected during each of fiscal years 2012, 2013, and 2014.

(c) DURATION OF PROJECT.—Each Indian tribe selected to participate in the Project shall remain in the Project for a period of 5 years.

(d) ANNUAL REPORT.—

(1) IN GENERAL.—On or before May 1 of each year, the Attorney General shall provide to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a brief annual report detailing activities undertaken under the Project and setting forth an assessment of the Project, together with any recommendations of the Attorney General for further action by Congress.

(2) REQUIREMENTS.—Each report submitted under this subsection shall be prepared—

(A) in consultation with the governments of Indian tribes in Alaska; and

(B) after those governments and the State of Alaska have an opportunity to comment on each report prior to the finalization of the report.

(e) APPLICATIONS.—

(1) CRITERIA.—To qualify to participate in the Project, an Indian tribe in Alaska shall—

(A) request participation by resolution or other official action by the governing body of the Indian tribe;

(B) have for the preceding 3 fiscal years no uncorrected significant and material audit exceptions regarding any Federal contracts or grants;

(C) demonstrate to the Attorney General sufficient governance capacity to conduct the Project, as evidenced by the history of the Indian tribe in operating government services, including public utilities, children's courts, law enforcement, social service programs, or other activities;

(D) demonstrate the ability to sustain the goals and purposes of the Project after funding for the Project has expired; and

(E) meet such other criteria as the Attorney General may promulgate, after providing for public notice.

(2) COPY TO THE ALASKA AG.—Each Indian tribe shall send a copy of its application submitted under this section to the Attorney General of Alaska.

(f) TRIBAL REPORTING.—The Attorney General may by regulation promulgate such minimum reporting requirements as the Attorney General determines are reasonably necessary to carry out this Act.

(g) PUBLIC COMMENT.—All applications submitted pursuant to subsection (e) shall be subject to public comment for a period of not less than 30 days following publication of notice in a newspaper or other publication of general circulation in the vicinity of the Alaska Native village of the Indian tribe requesting participation in the Project.

(h) PLANNING PHASE.—Each Indian tribe selected for participation in the Project shall complete a planning phase that includes—

(1) internal governmental and organizational planning;

(2) the development of written tribal law or ordinances detailing the structure and procedures of the tribal court;

(3) enforcement mechanisms; and

(4) those aspects of drug or alcohol related matters that the Indian tribe proposes to regulate.

(i) CERTIFICATION.—

(1) IN GENERAL.—Upon completion of the planning phase under subsection (h), an Indian tribe shall provide to the Office of Tribal Justice—

(A) the constitution of the Indian tribe (or equivalent organic documents showing the structure of the tribal government and the placement and authority of the tribal court within that structure);

(B) the written tribal laws or ordinances of the Indian tribe governing court procedures and the regulation and enforcement of drugs, alcohol, and related matters;

(C) a map depicting the Project Area of the Indian tribe; and

(D) such other information or materials as the Attorney General may by public notice require.

(2) CERTIFICATION.—The Office of Tribal Justice shall certify the completion of the planning phase under this section.

(3) TIMING.—Certification under paragraph (2) may occur at the time at which an Indian tribe applies for participation in the Project if the Indian tribe demonstrates that the Indian tribe has already met the requirements of the planning phase.

(j) EFFECT OF CERTIFICATION.—

(1) IN GENERAL.—Commencing 30 days after the certification described in subsection (i) and except as provided in paragraph (2), an Indian tribe participating in the Project shall exercise jurisdiction, concurrent with the civil jurisdiction of the State of Alaska under State law, over—

(A) the drug, alcohol, or related matters described in subsection (i) within the Project Area of the Indian tribe; and

(B) persons of Indian or Alaska Native descent or other persons with consensual relationships with the Indian tribe or a member of the Indian tribe.

(2) SANCTIONS.—An Indian tribe participating in the Project shall impose such sanctions as shall be determined by the tribal court to be appropriate, consistent with the Indian Civil Rights Act and tribal law, including such measures as—

(A) restorative justice;

(B) community service;

(C) fines;

(D) forfeitures;

(E) commitments for treatment;

(F) restraining orders; and

(G) emergency detentions.

(3) AGREEMENT REQUIRED.—A person may not be incarcerated by an Indian tribe participating in the Project except pursuant to an agreement entered into under section 7.

(4) TREATMENT OF PROTECTIVE ORDERS.—For purposes of this subsection, the protective order of an Indian tribe participating in the Project excluding any member or nonmember from a community shall be considered a civil remedy.

(5) EMERGENCY CIRCUMSTANCES.—Nothing in this subsection shall prevent an Indian tribe participating in the Project from acting in the following emergency circumstances:

(A) A tribe may assume protective custody of a tribal member or otherwise take action to prevent imminent harm to self or others.

(B) A tribe may take immediate, temporary protective measures to address situations involving an imminent threat of harm to self or others by a non-member.

(k) EFFECT OF ACT.—Nothing in this Act—

(1) limits, alters, or diminishes the civil or criminal jurisdiction of the State of Alaska, or any subdivision of that State, the United States, or any Indian tribe in Alaska, including existing inherent and statutory authority of the tribes over child protection, child custody, and domestic violence;

(2) confirms or denies that any area of Alaska does or does not constitute Indian country;

(3) diminishes the trust responsibility of the United States to Indian tribes in Alaska, or abridges or diminishes the sovereign immunity of any Indian tribe in Alaska;

(4) alters the jurisdiction of the Metlakatla Indian Community within the Annette Islands Reservation;

(5) limits in any manner the eligibility of the State of Alaska, any political subdivision of the State, or any Indian tribe in Alaska, for any other Federal assistance under any other law; or

(6) shall be construed to alter the tribes' existing jurisdictional authority over domestic violence under the Violence Against Women Act.

(l) LIABILITY OF STATE OF ALASKA.—The State of Alaska and any political subdivision of the State shall not be liable for any act or omission of an Indian tribe participating in the Project, including acts or omissions undertaken pursuant to an intergovernmental agreement entered into under section 7.

(m) CONTRACTS.—

(1) IN GENERAL.—Each Indian tribe participating in the Project shall be eligible for a contract from the Office of Justice Programs, in an amount not to exceed $250,000 per year, for use in defraying costs associated with the Project, including costs relating to—

(A) tribal court operations and personnel;

(B) utility and maintenance;

(C) overhead;

(D) equipment; and

(E) continuing education (including travel).

(2) REQUIREMENTS.—The contracts made available under this subsection shall be—

(A) in addition to such grants as may be available under this Act or other provisions of law; and

(B) awarded as contracts in a form authorized by the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(3) TRIBAL ORGANIZATIONS.—A tribal organization may enter into contracts on behalf of an Indian tribe participating in the Project upon express written delegation of authority of the Indian tribe to the tribal organization.

(n) REGULATIONS.—The Attorney General may promulgate such regulations as the Attorney General determines to be necessary to carry out this section.

(o) FULL FAITH AND CREDIT.—

(1) IN GENERAL.—Each State shall give full faith and credit to all official acts and decrees of the tribal court of an Indian tribe participating in the Project to the same extent and in the same manner as such State accords full faith and credit to the official acts and decrees of other States.

(2) OTHER LAW.—Nothing in this subsection impairs the duty of a State to give full faith and credit under any other law.

(p) FEDERAL JURISDICTION.—

(1) IN GENERAL.—Subject to paragraph (2), Project Areas and Indian tribes participating in the Project shall be eligible for the same law enforcement programs of the Bureau of Indian Affairs and the Office of Justice Programs, as are applicable to those areas under section 401 of Public Law 90–284 (25 U.S.C. 1321).

(2) APPLICABILITY IN ALASKA.—Nothing in this Act limits the application in Alaska of any provision of title II of Public Law 111-211.

(q) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (m) $2,500,000 for each of fiscal years 2012 through 2018.

SEC. 5. ALASKA VILLAGE PEACE OFFICERS.

(a) ESTABLISHMENT OF ALASKA VILLAGE PEACE OFFICER GRANTS PROGRAM.—The Office of Justice Services of the Department of the Interior shall carry out a contract program for the employment by Indian tribes of Village Peace Officers in Alaska Native villages as provided in this section.

(b) APPLICATION CRITERIA.—

(1) IN GENERAL.—To qualify for a contract under this section, an applicant shall—

(A) be an Indian tribe in Alaska that participated in a Project;

(B) demonstrate the lack of other resident law enforcement in the applicable Alaska Native village; and

(C) satisfy such other criteria as may be established by notice by the Office of Justice Services.

(2) LIMITATION.—Each contract awarded under this section shall be in an amount not to exceed $100,000 for the salary and related costs of employing and equipping 1 Village Peace Officer, except that the Office of Justice Services shall be authorized to waive the 1-officer limitation upon a showing of compelling circumstances.

(c) CONTRACTS.—At the request of an applicant Indian tribe, the Office of Justice Services shall disburse funds awarded under this section through modifications to existing self-determination contracts or self-governance compacts authorized under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), or by contract to a political subdivision of the State of Alaska pursuant to an agreement, if any, under section 7.

(d) ELIGIBILITY FOR BIA TRAINING.—Village peace officers hired pursuant to this section shall be eligible to attend the Bureau of Indian Affairs Police Officer Training Program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2012 through 2018.

SEC. 6. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Attorney General may enter into 18-month contracts with tribal organizations in Alaska to provide training and technical assistance on tribal court development to any Indian tribes in Alaska.

(b) COOPERATION.—Tribal organizations may cooperate with other entities for the provision of services under contracts described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000.

SEC. 7. INTERGOVERNMENTAL AGREEMENTS.

(a) IN GENERAL.—The State of Alaska, political subdivisions of that State, Indian tribes in Alaska, and the United States are each authorized and encouraged to enter into intergovernmental agreements, including agreements concerning—

(1) the employment of law enforcement officers, probation, and parole officers;

(2) cross-appointment and cross-deputization of tribal, State, municipal, or Federal officials;

(3) the detention or incarceration of offenders; and

(4) jurisdictional or financial matters.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as restricting the right of the judicial system of Alaska to enter into agreements with the tribal courts.

By Mr. CARDIN:

S. 1193. A bill to amend title 23, United States Code, to preserve and renew Federal-aid highways to reduce long-term costs, improve safety, and improve the condition of Federal-aid highways; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am introducing legislation to help improve and extend the value of our Nation's highways and bridges. This bill will help ensure that the Federal Government makes better investments of the taxpayer dollars spent on transportation infrastructure. Helping build the roads and bridges of this Nation has been one the best Federal investments our government has made and it is an investment that is worth taking care of to ensure the lasting value, efficiency and safety of our Nation's highways and bridges.

It was during the Thomas Jefferson Administration that the Federal Government developed the concept of a ''Federal-Aid'' Highway. In 1806, Congress authorized federal funding to build the ''National Road.'' Much like the National Highway System of today, the purpose of the National Road was to facilitate interstate commerce between the large commercial centers of the Eastern United States to points west. Construction on the National Road began in 1811 in Cumberland, MD, 200 years, and trillions of dollars, later the United States has one of the world's most expansive highway networks.

The age and expanse of this system underscores the importance of ensuring adequate and consistent investments in our existing transportation infrastructure. The need for performance measures and national state-of-good repair standards are long overdue. Implementing such policies are essential ensuring the quality of the road condition, the economic value of our Nation's transportation infrastructure, and the wise investment of taxpayer dollars on transportation infrastructure.

The American Society of Civil Engineers, ASCE, gave our Nation's highways and bridges a grade of ''D−'' in its 2009 ''Report Card for America's Infrastructure.'' These poor road conditions are costing motorists time, money, and in the worst and most unfortunate situations, costing motorists their lives.

A 2011 transportation infrastructure study produced by TRIP, a non-partisan non-profit transportation research organization sponsored by various transportation stakeholder industries, found that 32 percent of America's major roads are in poor or mediocre condition. Poor road conditions take a major toll on the repair and operating costs of motorist's vehicles to the tune of $67 billion a year, or approximately $333 per driver. Poor road conditions contribute to 42 percent of America's urban highways being congested. Traffic congestion costs American motorists more than $78 billion in wasted fuel and lost productivity, and more than 4 billion hours of wasted time that drivers could have otherwise spent with family, earning income or engaged in personal activities. Poor road conditions are a ''significant factor'' in approximately one-third of fatal traffic accidents.

It is Congress's responsibility to ensure that Federal transportation dollars are spent wisely to improve the safety and efficiency of our roads. Making repair and maintenance of our existing infrastructure a priority, during these times of fiscal restraint, is a wise approach to Federal transportation infrastructure. Ignoring maintenance and repair needs on Federal-Aid highways, while advancing capacity expansion projects at the expense of neglected existing infrastructure, exacerbates the decline in the state-of-good repair of our country's roads and bridges and exemplifies irresponsible spending of Federal taxpayer dollars.

ASCE put the cost of the maintenance and repair backlog for roads and bridges at $930 billion. Therefore it is important to understand that this is an infrastructure issue will not be achieved of the course of one surface transportation authorization cycle. However, we can change our Federal policies in such a way that improves how Federal dollars are spent on highway and bridge maintenance so that the taxpayer gets a better return on their transportation taxes.

Breaking the cycle of neglected road and bridge maintenance that stems from allowing a highway facility to decline to into poor or very poor condition in the first place is critical to improving the quality of investment of Federal transportation dollars.

Highway investment figures from the American Association of State Highway and Transportation Officials: ''Rough Roads Ahead: Fix It Now or Pay for It Later'' demonstrate that neglecting maintenance and instead waiting for the road surface to reach a condition rating of ''very poor'', on average 16 years, before repairing the road cost nearly twice as much, on average, as compared with making biannual investments to maintain a ''very good'' road condition over that same 16-year period. Not to mention the costs in

damage to vehicles that is caused by the years that a road spends in fair, poor, or very poor condition.

My Preservation and Renewal of Federal-Aid Highways Act aims to create a culture of sound transportation investment while providing the States improved resources and flexibility to keep their highway facilities in a state of good repair.

The Preservation and Renewal of Federal-Aid Highways Act will establish policies that require the Secretary of Transportation to establish ''state of good repair standards'' for the various classes of Federal-Aid highways to serve as benchmarks of achievement for States to reach.

The act will require States to use an ''Asset Management Process'' to develop ''State System Preservation and Renewal Plans'' and ''State System Preservation and Renewal Performance Targets'' to ensure that their Federal-Aid roads are being kept in a state of good repair.

The act will consolidate the Interstate Maintenance program, Highway Bridge program and half of the National Highway System Federal-Aid highway programs funds together to create a flexible System Preservation and Renewal Program Fund for the States to use as they see fit to meet the goals of their System Preservation and Renewal Plans and Performance Targets.

Both the Federal Government and the States are facing enormous challenges to deliver essential services, like well-maintained, safe and efficient roads, for the country. As with any proposal that calls for a change in the way business is done there needs to be adequate time for transition. My bill, while establishing new standards for maintaining the quality of highways and bridges, also takes special care to grant leeway during emergency circumstances, when essential defense infrastructure investments are needed, and gives consideration to States that have planned to use these newly consolidated funds prior to how these funds would be repurposed under this legislation.

The backlog of maintenance and repair on our existing transportation infrastructure can no longer be ignored. In recent years, our country has experienced a number of tragic incidents that resulted in the loss of life as a direct result of the poor condition of transportation infrastructure. These are preventable incidents that are costly in so many ways. We must make transportation system preservation and renewal a priority because it makes good fiscal sense, good safety sense, and good business sense for our country. My bill does this in a collaborative way between the States and the U.S. Department of Transportation.

I urge my colleagues to support my effort to make improved investments in our existing transportation infrastructure so as to ensure its continued excellence for years to come by cosponsoring the Preservation and Renewal of Federal-Aid Highways Act.

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. 1193

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 ''Federal-Aid Highway Preservation and Renewal Program Act of 2011''.

SEC. 2. SYSTEM PRESERVATION AND RENEWAL PROGRAM.

(a) IN GENERAL.—Section 119 of title 23, United States Code, is amended to read as follows:

''§ 119. System preservation and renewal program

''(a) DEFINITIONS.—In this section:

''(1) ASSET MANAGEMENT.—The term 'asset management' means a strategic process for the management of transportation infrastructure that takes into consideration economic and engineering factors to make cost-effective investment decisions to improve the overall state of good repair of facilities.

''(2) ELIGIBLE COST.—The term 'eligible cost' means, with respect to costs incurred for a project, costs of—

''(A) development and implementation of asset management systems in support of system preservation and renewal plans;

''(B) inspection activities for highway bridges and tunnels in the State;

''(C) reducing or eliminating an identified highway or bridge safety problem;

''(D) training of personnel responsible for inspection of highway tunnels and inspection and load rating of highway bridges in the State;

''(E) data collection to monitor the condition of highways and highway bridges in the State;

''(F) environmental restoration and pollution abatement to offset or mitigate the impacts of a project eligible under subparagraph (A);

''(G) control of terrestrial and aquatic noxious weeds and establishment of non-native plant species within the limits of a project eligible under subparagraph (A); and

''(H) implementation of the policy established pursuant to subsection (l)(1).

''(3) ELIGIBLE HIGHWAY FACILITY.—The term 'eligible highway facility' means—

''(A) a highway located on a Federal-aid highway;

''(B) a bridge located on a Federal-aid highway;

''(C) a bridge not located on a Federal-aid highway; and

''(D) a bicycle or pedestrian lane, path, walkway, or similar travel surface located within the right-of-way of a Federal-aid highway.

''(4) ELIGIBLE PROJECT.—The term 'eligible project' means a project that is—

''(A)(i) a project for resurfacing, restoration, rehabilitation, replacement, or reconstruction of an eligible highway facility;

''(ii) a project for preservation, protection, or other preventive repair of an eligible highway facility; or

''(iii) a project to reduce or eliminate an identified highway safety problem, if the project—

''(I) is eligible under section 148; and

''(II) has a cost of less than $10,000,000; and

''(B) consistent with the investment strategy of the State in which the project is to be carried out.

''(5) INVESTMENT STRATEGY.—The term 'investment strategy' means a State investment strategy established under subsection (h)(2)(B).

''(6) OVERALL STATE OF GOOD REPAIR STANDARDS.—The term 'overall state of good repair standards' means the performance standards established under subsection (f)(1)(B).

''(7) PRESERVATION.—

''(A) IN GENERAL.—The term 'preservation' means any cost-effective activity to prevent, delay, or reduce deterioration on an eligible highway facility, including preventive and corrective actions.

''(B) EXCLUSION.—The term 'preservation' does not include structural or operational improvement beyond the originally designed traffic capacity of an existing highway facility except to the extent the improvement occurs as an incidental result of the preservation activity or improves safety.

''(8) PROGRAM.—The term 'program' means the system preservation and renewal program established under subsection (b).

''(9) PROTECTION.—The term 'protection', with respect to a highway, means the conduct of an activity or action associated with the design and construction of measures to protect highways from hazards such as earthquakes, floods, scour, icing, vessel collision, vehicular impact, and security threats.

''(10) STATE OF GOOD REPAIR PERFORMANCE TARGET.—The term 'state of good repair performance target' means a performance target established under subsection (f)(2).

''(11) SYSTEM PRESERVATION AND RENEWAL FUNDS.—The term 'system preservation and renewal funds' means funds apportioned under sections 104(b)(4), 104(m), and 144(e) for the program.

''(12) SYSTEM PRESERVATION AND RENEWAL PLAN.—The term 'system preservation and renewal plan' means a system preservation and renewal plan established by a State under subsection (h).

''(b) ESTABLISHMENT.—The Secretary shall establish and implement a surface transportation infrastructure preservation and renewal program designed to maintain and preserve the quality, efficiency, safety, and value of Federal-aid highways and Federal-aid and non-Federal-aid bridges in accordance with this section.

''(c) PURPOSES.—The purposes of the program shall be—

''(1) to establish national priorities and goals for bringing Federal-aid highways and Federal-aid and non-Federal-aid bridges into a state of good repair and preserving that state of good repair;

''(2) to focus Federal investment on preserving and improving the condition of roadways and bridges; and

''(3) to strengthen the connection between the use by a State of Federal surface transportation funding and the accomplishment of performance outcomes.

''(d) USE OF APPORTIONED FUNDS.—

''(1) IN GENERAL.—A State may obligate funds apportioned to the State under the program for—

''(A) eligible projects; and

''(B) eligible costs.

''(2) PRIORITY FOR NATIONAL HIGHWAY SYSTEM PROJECTS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), a State shall give priority to eligible projects that help meet the overall state of good repair standards for the National Highway System under subsection (f)(1)(B).

''(B) EXCEPTION.—This paragraph shall not apply to any State that is meeting the overall state of good repair standards for the National Highway System established under subsection (f)(1)(B), as determined by the Secretary.

''(3) LIMITATION.—

''(A) IN GENERAL.—A project cost attributable to expansion of the capacity of a highway located on a Federal-aid highways shall not be eligible for funding under this section if the new capacity consists of 1 or more new travel lanes that are not auxiliary lanes.

''(B) NON-FEDERAL-AID BRIDGES.—

''(i) IN GENERAL.—Not less than 15 percent of the amount apportioned to each State under section 144(e) for each of fiscal years 2012 through 2017 shall be expended for projects to preserve, rehabilitate, protect, or replace highway bridges, other than those bridges on Federal-aid highways.

''(ii) REDUCTION IN EXPENDITURES.—The Secretary, after consultation with State and local officials, may reduce the amount required to be expended under clause (i) for bridges in the State that are not located on a Federal-aid highway if the Secretary determines that the State has inadequate needs to justify the expenditure.

''(4) EXCEPTION.—

''(A) DEBT FINANCING INSTRUMENTS.—Prior to the apportionment of funds made available for a program, a State may deduct amounts sufficient for the payment of any debt-financing instruments committed, guaranteed, or obligated to a third party before the date of enactment of the Federal-Aid Highway Preservation and Renewal Program Act of 2011 for eligible projects under this title (including this section) and title 49.

''(B) DEFENSE BASE CLOSURE AND REALIGNMENT IMPACTS.—Before October 1, 2013, a State may use up to 25 percent of the funds of the State for system preservation and renewal for projects to address transportation impacts relating to decisions of the Defense Base Closure and Realignment Commission.

''(e) OTHER ELIGIBLE COSTS.—In addition to the funds obligated for eligible projects, a State may obligate, in the aggregate, not to exceed 5 percent of the funds apportioned to the State under the program for a fiscal year to pay other eligible costs.

''(f) SYSTEM PRESERVATION AND RENEWAL PERFORMANCE STANDARDS AND TARGETS.—

''(1) SECRETARY RESPONSIBILITIES.—Not later than 1 year after the date of enactment of the Federal-Aid Highway Preservation and Renewal Program Act of 2011, the Secretary shall, by regulation and in consultation with States, establish—

''(A) criteria for determining the state of good repair of eligible highway facilities, based on highway pavement condition or bridge structural adequacy, as applicable; and

''(B) overall state of good repair standards for each class of infrastructure described in paragraph (3), based on the criteria established under subparagraph (A).

''(2) STATE RESPONSIBILITIES.—Not later than 2 years after the date of enactment of the Federal-Aid Highway Preservation and Renewal Program Act of 2011, and every 2 years thereafter, each State, in conjunction with the development of the system preservation and renewal plan of the State, shall establish or revise, for each class of infrastructure described in paragraph (3), quantifiable State of good repair performance targets that, at a minimum, estimate the projected percentage change over a 2-year period of infrastructure that is rated as being not in state of good repair based on the criteria established under paragraph (1)(B).

''(3) CLASSES OF INFRASTRUCTURE.—The classes of infrastructure referred to in paragraph (1) are—

''(A) the total deck area of highway bridges in a State that are located on the National Highway System;

''(B) the total deck area of highway bridges in a State that are located on Federal-aid highways;

''(C) the total lane miles in a State that are located on the National Highway System; and

''(D) the total lane miles in a State that are located on Federal-aid highways.

''(4) COMPLIANCE.—If a State meets an overall state of good repair standard established under paragraph (1)(B) for a class of infrastructure described in paragraph (3), that class of infrastructure in the State shall be considered to be in a state of good repair.

''(5) APPLICABILITY.—No State shall be required to establish state of good repair performance targets under paragraph (2) for any class of infrastructure that a State certifies as meeting the overall state of good repair standard under paragraph (1)(B).

''(g) STATE ASSET MANAGEMENT PROCESS.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal-Aid Highway Preservation and Renewal Program Act of 2011, a State shall develop an asset management process to support the development and implementation of system preservation and renewal plans under subsection (h).

''(2) REQUIREMENTS.—The process developed under paragraph (1) shall be based on analytical mechanisms to identify cost-effective investments to preserve, rehabilitate, restore, resurface, reconstruct, protect, or replace Federal-aid highways and highway bridges on Federal-aid highways to improve the overall state of good repair of those highways and bridges.

''(h) STATE SYSTEM PRESERVATION AND RENEWAL PLANS.—

''(1) SUBMISSION OF PLANS.—Not later than 2 years after the date of enactment of the Federal-Aid Highway Preservation and Renewal Program Act of 2011 and biennially thereafter, a State shall develop or update, as applicable, and submit to the Secretary for approval, a system preservation and renewal plan.

''(2) PLAN REQUIREMENTS.—A system preservation plan of a State and any update of such a plan shall—

''(A) include documentation on the state of good repair based on the criteria under paragraph (f)(1) and each class of infrastructure described in subsection (f)(3);

''(B) include an investment strategy that—

''(i) covers a period of 6 years; and

''(ii) describes the manner in which the State will allocate funds apportioned to the State to carry out this section among, at a minimum—

''(I) facilities in good condition, fair condition, and poor condition;

''(II) projects located on each class of infrastructure described in subsection (f)(2);

''(III) projects that vary with respect to geographical location, as determined by the State; and

''(IV) other eligible costs;

''(iii) is based on an asset management process under subsection (g);

''(iv) describes any Federal, State, local, or private funds that the State plans to use, in addition to system preservation and renewal funds, on projects that would help to meet the state of good repair performance targets established under this section;

''(v) indicates the number of lane miles of highways and quantity of deck area on highway bridges that the State would address through the allocations described in clause (ii); and

''(vi) subject to subsection (d)(2), provides for investment in projects that, once completed, would allow the State to meet the applicable state of good repair performance targets;

''(C) include a description of the extent to which the use by the State of system preservation and renewal funds apportioned to the State during the 2 most recent fiscal years was consistent with the investment strategy of the State, including—

''(i) an identification of the number of lane miles of highways and quantity of deck area on highway bridges on which the State has used those funds during those 2 fiscal years;

''(ii) an identification of the distribution of highway and bridge facilities, by level of ownership (Federal, State, tribal, and local) and by functional classification, on which the State has obligated those funds during those 2 fiscal years;

''(iii) an assessment of the progress that the State has made toward meeting each of the state of good repair performance targets of the State based on the projects that the State has carried out under this section and the contribution that those projects have made or would make, once complete, to the State meeting those performance targets; and

''(iv) a description of the expenditure of funds on a geographical basis, as determined by the State; and

''(D) describe the manner in which the investment strategy of the State would enable the State—

''(i) to meet the state of good repair performance targets of the State; and

''(ii) improve the condition of the classes of infrastructure described in subsection (f)(3) in the State.

''(3) PUBLIC AVAILABILITY OF PLAN.—A State shall make the system preservation and renewal plan of the State, and each update of the plan, available to the public.

''(i) FAILURE TO MEET STATE OF GOOD REPAIR PERFORMANCE TARGETS.—

''(1) IN GENERAL.—If a State does not meet the biennial system preservation and renewal performance targets under this section, the State shall coordinate with the Secretary to direct portions of Federal funds available under this title to the State toward projects eligible under this section in order to meet the state of good repair performance targets under this section.

''(2) WAIVER.—The Secretary may temporarily waive the application of this subsection if—

''(A) unforeseen events significantly impact the ability of a State to meet the biennial state of good repair performance targets; or

''(B) eligible facilities under this section in the State have suffered serious damage due to an event that results in the declaration of—

''(i) an emergency by the Governor of the State; or

''(ii) a major disaster by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

''(j) OVERSIGHT.—Beginning for the third fiscal year after the date of enactment of the Federal-Aid Highway Preservation and Renewal Program Act of 2011, and at least biennially thereafter or at such other times or intervals as are determined to be necessary by the Secretary, the Secretary, in conjunction with the submission of the State system preservation and renewal plan under subsection (g), shall conduct oversight activities to assess whether the use by each State of funds under this section is consistent with the investment strategy of the State under this section.

''(k) BIENNIAL REPORT TO CONGRESS.—Not later than September 30, 2013, and biennially thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report containing—

''(1) an evaluation of the performance of each State with respect to—

''(A) the investment strategy of the State under this section; and

''(B) the system preservation and renewal performance targets established for the State under this section; and

''(2) such recommendations as the Secretary may provide for improvements of the program.

''(l) ADDITIONAL REQUIREMENTS.—

''(1) SAFE STREETS POLICY.—Not later than 2 years after the date of enactment of the Federal-Aid Highway Preservation and Renewal Program Act of 2011, each State shall develop a policy applicable to any project funded, in whole or in part, under the program that—

''(A) ensures the adequate accommodation, in all phases of project planning and development, of all users of the transportation system, including—

''(i) pedestrians;

''(ii) bicyclists;

''(iii) public transit users;

''(iv) older individuals;

''(v) motorists;

''(vi) individuals with disabilities; and

''(vii) users of motor vehicles with a taxable gross weight (as defined in section 4481 of the Internal Revenue Code of 1986) in excess of 55,000 pounds;

''(B) ensures the consideration of the safety and convenience of all users in all phases of project planning and development; and

''(C) delineates a clear procedure that gives due consideration to the geographical location, road classification, population density, and other demographic factors by which projects funded, in whole or in part, under this program may be exempted from complying with the policy.

''(2) CATEGORICAL EXCLUSIONS.—To the extent appropriate, the Secretary shall develop categorical exclusions from the requirement that an environmental assessment or an environmental impact statement under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) be prepared for transportation activities located within an existing right-of-way funded under the program.

''(3) MAINTENANCE OF EFFORT PROVISION.—

''(A) IN GENERAL.—For any fiscal year for which a State receives funds pursuant to this section, the State shall certify to the Secretary that the State will expend funds for the maintenance and operations of facilities in an amount that is at least equal to the average annual amount of funds expended over the preceding 3 fiscal years.

''(B) FORM AND DEADLINE.—A certification described in subparagraph (A) shall be submitted in such form and not later than such date as shall be determined by the Secretary.

''(C) PENALTY FOR NONCOMPLIANCE.—If a State fails to provide a certification to the Secretary in accordance with subparagraph (A), the Secretary shall withhold from the State, for each fiscal year until such time as the State submits the certification in accordance with subparagraph (A), an amount equal to 10 percent of the amounts the State would have received under this section for the fiscal year.

''(D) WAIVER.—The Secretary may temporarily waive the application of this paragraph if unforeseen events significantly impact the ability of a State to meet the biennial state of good repair performance targets.

''(m) APPLICABILITY OF PLANNING REQUIREMENTS.—Nothing in this section limits the applicability of sections 134 and 135 to projects carried out under this section.

''(n) CONTINUATION OF CURRENT REVIEW PRACTICE.—Because each individual project that is carried out under the investment strategy described in the system preservation and renewal plan of a State is subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), a decision by the Secretary concerning a system preservation and renewal plan or an update of the plan in connection with this section shall not be considered to be a Federal action subject to review under that Act.

''(o) TRANSFER OF NHS, BRIDGE PROGRAM, AND INTERSTATE MAINTENANCE APPORTIONMENTS.—On application by a State and approval by the Secretary, the Secretary may transfer to the apportionment of the State under section 104(b)(1) the amount of funds apportioned to the State for a fiscal year ending before October 1, 2010, under paragraphs (1) and (4) of section 104(b), and section 144(e) (as those sections were in effect on the day before the date of enactment of the Federal-Aid Highway Preservation and Renewal Program Act of 2011), that remains available for expenditure by the State.

''(p) REGULATIONS ON PERFORMANCE MEASURES OF STRUCTURAL ADEQUACY.—Not later than 1 year after the date of enactment of the Federal-Aid Highway Preservation and Renewal Program Act of 2011, the Secretary shall promulgate such regulations as are necessary to carry out this section.''.

(b) APPLICATION TO SYSTEM PRESERVATION AND RENEWAL FUNDS.—Section 126 of title 23, United States Code, is amended—

(1) in subsection (a), by striking ''subsections (b) and (c)'' and inserting ''subsections (b), (c) and (d)''; and

(2) by adding at the end the following:

''(d) APPLICATION TO SYSTEM PRESERVATION AND RENEWAL FUNDS.—

''(1) IN GENERAL.—A State may transfer funds apportioned to the State under section 104(m) for the system preservation and renewal program if the State meets the overall state of good repair standards established under section 119(f)(1)(B) for classes of infrastructure under subparagraphs (A) and (C) of sections 119(f)(3).

''(2) GOOD REPAIR STANDARDS.—A State may transfer funds apportioned to the State under sections 104(b)(4) and 144(e) for the system preservation and renewal program if the State meets each of the overall state of good repair standards established under section 119(f)(1)(B).''.

(c) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 119 and inserting the following:

''Sec. 119. System preservation and renewal program.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 104 of title 23, United States Code, is amended by adding at the end the following:

''(m) SYSTEM PRESERVATION AND RENEWAL.—Notwithstanding any other provision of this section, ½ of the funds apportioned to a State under subsection (b)(1) shall be used for system preservation and renewal under section 119 of title 23, United States Code.''.

(2) Section 105 of title 23, United States Code, is amended in each of subsections (a)(2) and (b)(2) by striking ''the Interstate maintenance program'' each place it appears and inserting ''the system preservation and renewal program''.

(3) Section 118 of title 23, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

By Mr. LEAHY:

S. 1194. A bill to facilitate compliance with Article 36 of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am introducing the Consular Notification Compliance Act. This legislation will help bring the United States into compliance with its obligations under the Vienna Convention on Consular Relations, VCCR, and is critical to ensuring the protection of Americans traveling overseas.

Each year, thousands of Americans are arrested and imprisoned when they are in foreign countries studying, working, serving the military, or traveling. From the moment they are detained, their safety and well-being depends, often entirely, on the ability of United States consular officials to meet with them, monitor their treatment, help them obtain legal assistance, and connect them to family back home. That access is protected by the consular notification provisions of the VCCR, but it only functions effectively if every country meets its obligations under the treaty—including the United States.

Unfortunately, in some instances, the United States has not been meeting those obligations. There are currently more than 100 foreign nationals on death row in the United States, most of whom were never told of their right to contact their consulate and their consulate was never notified of their arrest, trial, conviction, or sentence. There are many other foreigners in U.S. prisons awaiting trial for non-capital crimes, some facing life sentences, who were similarly denied consular access. This failure to comply with our treaty obligations undercuts our ability to protect Americans abroad and deeply damages our image as a country that abides by its promises and the rule of law. It would also be completely unacceptable to us if our citizens were treated in this manner.

The Consular Notification Compliance Act seeks to bring the United States one step closer to compliance with the convention. It is not perfect. It focuses only on the most serious cases—those involving the death penalty—but it is a significant step in the right direction and we need to work together to pass it quickly. Texas is poised to execute the next foreign national affected by this failure to comply with the treaty on July 7, 2011. He was not notified of his right to consular assistance, and the Government of Mexico has expressed grave concerns about the case. We do not want this execution to be interpreted as a sign that the United States does not take its treaty obligations seriously. That message puts American lives at risk. The Government of Great Britain has expressed similar concerns about a case involving a British citizen facing the death penalty here, who was denied consular access.

The bill I am introducing would allow foreign nationals who have been convicted and sentenced to death to ask a court to review their cases and determine if the failure to provide consular notification led to an unfair conviction or sentence.

The bill also recognizes that law enforcement and the courts must do a better job in the future to promptly notify individuals of their right to consular assistance so the United States does not find itself in this precarious position again. To that end, the bill reaffirms that the obligations under the treaty are Federal law and apply to all foreign nationals arrested or detained in the United States. For individuals arrested on charges that carry a possible punishment of death, the bill ensures adequate opportunity for consular assistance before a trial begins.

This bill offers very limited remedies to a very limited number of people. I am troubled that it has to be so narrow, as we demand far broader protection for American citizens abroad every day. However, carrying out a death sentence is an irreversible action, and I believe that we must act quickly. I understand that a limited bill has the best chance of achieving the bipartisan support needed to move forward on such an important issue at this time.

Compliance with our consular notification obligations is not a question of partisan interest. There should be unanimous support for this bill. The VCCR was negotiated under President Kennedy, ratified during the Nixon administration, and it has been fully supported by every President since. President George W. Bush understood the critical need to honor our obligations under this treaty. Although he was ultimately unsuccessful, he vigorously worked to bring the United States into compliance, and he supported action along the lines of what I propose today. He understood the implications of noncompliance for our citizens, our businesses, and our military. I have no doubt President Obama shares the same commitment to resolving this issue.

I saw the need to resolve this issue first-hand this spring when a young, innocent Vermont college student was detained by Syrian police simply for taking photos of a demonstration. I worked hard with the U.S. consulate in Syria to obtain access to him. His safety depended on the ability of our consular officers to see him, provide assistance, and monitor his condition.

Similarly, the United States invoked the VCCR to seek access to the three American hikers detained in Iran after accidently crossing an unmarked border in 2009. In 2001, when a U.S. Navy surveillance plane made an emergency landing in Chinese territory, the State Department cited the VCCR in demanding immediate access to the plane's crew.

I doubt there are many Members of Congress who have not sought similar help from our consulates when their constituents have been arrested overseas. We know how critically important this access is, and we expect other governments to provide it. Those governments expect no less of us.

This bill has the support of the Obama administration, including the Department of Justice, the Department of Defense, the Department of Homeland Security, and the Department of State. I have heard from retired members of the military urging passage of the bill to protect service men and women and their families overseas, and from former diplomats of both political parties who know that compliance with our treaty obligations is critical for America's national security and commercial interests.

Given the long history of bipartisan support for the VCCR, there should be unanimous support for this legislation to uphold our treaty obligations. A failure to act places Americans at risk.

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

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

S. 1194

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 ''Consular Notification Compliance Act of 2011''.

SEC. 2. PURPOSE AND STATEMENT OF AUTHORITY.

(a) PURPOSE.—The purpose of this Act is to facilitate compliance with Article 36 of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963 and any comparable provision of a bilateral international agreement addressing consular notification and access.

(b) STATEMENT OF AUTHORITY.—This Act is enacted pursuant to authority contained in articles I and VI of the Constitution of the United States.

SEC. 3. CONSULAR NOTIFICATION AND ACCESS.

(a) IN GENERAL.—As required under, and consistent with, Article 36 of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963 and any comparable provision of a bilateral international agreement addressing consular notification and access, if an individual who is not a national of the United States is detained or arrested by an officer or employee of the Federal Government or a State or local government, the arresting or detaining officer or employee, or other appropriate officer or employee of the Federal Government or a State or local government, shall notify that individual without delay that the individual may request that the consulate of the foreign state of which the individual is a national be notified of the detention or arrest.

(b) NOTICE.—

(1) IN GENERAL.—The consulate of the foreign state of which an individual detained or arrested is a national shall be notified without delay if the individual requests consular notification under subsection (a), and an appropriate officer or employee of the Federal Government or a State or local government shall provide any other consular notification required by an international agreement.

(2) FIRST APPEARANCE.—If an appropriate officer or employee of the Federal Government or a State or local government has not notified the consulate described in paragraph (1) regarding an individual who is detained pending criminal charges and the individual requests notification or notification is mandatory under a bilateral international agreement, notification shall occur not later than the first appearance of the individual before the court with jurisdiction over the charge.

(c) COMMUNICATION AND ACCESS.—An officer or employee of the Federal Government or a State or local government (including an officer or employee in charge of a facility where an individual who is not a national of the United States is held following detention or arrest) shall reasonably ensure that the individual detained or arrested is able to communicate freely with, and be visited by, officials of the consulate of the foreign state of which the individual detained or arrested is a national, consistent with the obligations described in section 2(a).

(d) NO CAUSE OF ACTION.—Nothing in this section is intended to create any judicially or administratively enforceable right or benefit, substantive or procedural, by any party against the United States, its departments, agencies, or other entities, its officers or employees, or any other person or entity, including, an officer, employee, or agency of a State or local government.

SEC. 4. PETITION FOR REVIEW.

(a) IN GENERAL.—

(1) JURISDICTION.—Notwithstanding any other provision of law, a Federal court shall have jurisdiction to review the merits of a petition claiming a violation of Article 36(1)(b) or (c) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or a comparable provision of a bilateral international agreement addressing consular notification and access, filed by an individual convicted and sentenced to death by any Federal or State court before the date of enactment of this Act.

(2) DATE FOR EXECUTION.—If a date for the execution of an individual described in paragraph (1) has been set, the court shall grant a stay of execution if necessary to allow the court to review a petition filed under paragraph (1).

(3) STANDARD.—To obtain relief, an individual described in paragraph (1) shall make a showing of actual prejudice to the criminal conviction or sentence as a result of the violation. The court may conduct an evidentiary hearing if necessary to supplement the record and, upon a finding of actual prejudice, shall order a new trial or sentencing proceeding.

(4) LIMITATIONS.—

(A) IN GENERAL.—A petition for review under this section shall be filed within 1 year of the later of—

(i) the date of enactment of this Act;

(ii) the date on which the Federal or State court judgment against the individual described in paragraph (1) became final by the conclusion of direct review or the expiration of the time for seeking such review; or

(iii) the date on which the impediment to filing a petition created by Federal or State action in violation of the Constitution or laws of the United States is removed, if the individual described in paragraph (1) was prevented from filing by such Federal or State action.

(B) TOLLING.—The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward the 1-year period of limitation.

(5) HABEAS PETITION.—A petition for review under this section shall be part of the first Federal habeas corpus application or motion for Federal collateral relief under chapter 153 of title 28, United States Code, filed by an individual, except that if an individual filed a Federal habeas corpus application or motion for Federal collateral relief before the date of enactment of this Act or if such application is required to be filed before the date that is 1 year after the date of enactment of this Act, such petition for review under this section shall be filed not later

than 1 year after the enactment date or within the period prescribed by paragraph (4)(A)(iii), whichever is later. No petition filed in conformity with the requirements of the preceding sentence shall be considered a second or successive habeas corpus application or subjected to any bars to relief based on pre-enactment proceedings other than as specified in paragraph (3).

(6) APPEAL.—

(A) IN GENERAL.—A final order on a petition for review under paragraph (1) shall be subject to review on appeal by the court of appeals for the circuit in which the proceeding is held.

(B) APPEAL BY PETITIONER.—An individual described in paragraph (1) may appeal a final order on a petition for review under paragraph (1) only if a district or circuit judge issues a certificate of appealability. A district judge or circuit judge may issue a certificate of appealability under this subparagraph if the individual has made a substantial showing of actual prejudice to the criminal conviction or sentence of the individual as a result of a violation of Article 36(1) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or a comparable provision of a bilateral international agreement addressing consular notification and access.

(b) VIOLATION.—

(1) IN GENERAL.—An individual not covered by subsection (a) who is arrested, detained, or held for trial on a charge that would expose the individual to a capital sentence if convicted may raise a claim of a violation of Article 36(1)(b) or (c) of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or of a comparable provision of a bilateral international agreement addressing consular notification and access, at a reasonable time after the individual becomes aware of the violation, before the court with jurisdiction over the charge. Upon a finding of such a violation—

(A) the consulate of the foreign state of which the individual is a national shall be notified immediately by the detaining authority, and consular access to the individual shall be afforded in accordance with the provisions of the Vienna Convention on Consular Relations, done at Vienna April 24, 1963, or the comparable provisions of a bilateral international agreement addressing consular notification and access; and

(B) the court—

(i) shall postpone any proceedings to the extent the court determines necessary to allow for adequate opportunity for consular access and assistance; and

(ii) may enter necessary orders to facilitate consular access and assistance.

(2) EVIDENTIARY HEARINGS.—The court may conduct evidentiary hearings if necessary to resolve factual issues.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to create any additional remedy.

SEC. 5. DEFINITIONS.

In this Act—

(1) the term ''national of the United States'' has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

(2) the term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

JUNE 14, 2011.

Re The Consular Notification Compliance Act.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Ranking Member, U.S. Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: We write to urge you to support prompt passage of the Consular Notification Compliance Act, legislation that would give domestic legal effect to U.S. obligations under the Vienna Convention on Consular Relations (Vienna Convention) to provide consular access to foreign nationals in U.S. law enforcement custody by providing for judicial review of certain claims that this obligation has not been satisfied. International consular notification and access obligations are essential to ensuring humane, non-discriminatory treatment for both non-citizens in U.S. custody and U.S. citizens in the custody of foreign governments. As retired military leaders, we understand that the preservation of consular access protections is especially important for U.S. military personnel, who when serving our country overseas are at greater risk of being arrested by a foreign government.

U.S. military personnel are at risk for being taken into foreign custody after accidental incursions into foreign territories, while on leave or furlough, or while stationed abroad pursuant to, or in absence of a Status of Forces Agreement (SOFA). When American military personnel or their family members find themselves in foreign custody, consular access is indispensable in allowing the U.S. government to fulfill its duty to ensure fair and humane treatment for such individuals.

For example, in 2001 when a U.S. Navy surveillance plane made an emergency landing in Chinese territory after colliding with a Chinese jet, the State Department cited the Vienna Convention and other consular treaties in demanding immediate access to the plane's crew. Chinese authorities responded by granting consular visits to the crew members, who were detained in China for 11 days. Moreover, military regulations implementing SOFA requirements anticipate that consular officers will assist the designated commanding officer in key areas such as protesting inhumane treatment and ensuring that the individual has access to an adequate defense.

The strength of consular access protections for U.S. military personnel abroad is dependent on the United States' reciprocal commitment to fulfill its obligations at home. But given the Supreme Court's 2008 decision in Medellin v. Texas, the executive branch is unable, without further action by Congress, to enforce certain consular protections under the Vienna Convention with regards to U.S. state law enforcement personnel. In light of the Medellin decision, additional legislation is needed to ensure the integrity of the consular notification and access rights upon which U.S. service members rely.

Legislation to ensure review and appropriate relief if needed when a foreign national faces or is sentenced to death, while relatively limited in scope, would improve foreign governments' confidence in the United States' ability to uphold its consular access obligations, making it more likely that such governments will giant this access to Americans in their custody.

Improving U.S. enforcement of its consular notification and access legal obligations will help protect American citizens detained abroad, including U.S. military personnel and their families stationed overseas. We urge you to support those who are serving our country overseas by ensuring swift passage of the Consular Notification Compliance Act to meet our international responsibilities.

Sincerely,

Rear Admiral Don Guter, USN (Ret.).
Rear Admiral John D. Hutson, USN (Ret.).
Brigadier General James P. Cullen, USA (Ret.).
Brigadier General David R. Irvine, USA (Ret.).
Brigadier General Murray G. Sagsveen, USA (Ret.).
Colonel Lawrence B. Wilkerson, USA (Ret.).

JUNE 14, 2011.

Re The Consular Notification Compliance Act.

Hon. PATRICK J. LEAHY,
Chairman, U.S. Senate Committee on the Judiciary, Washington, DC.
Hon. CHARLES E. GRASSLEY,
Ranking Member, U.S. Senate Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN LEAHY AND RANKING MEMBER GRASSLEY: As former U.S. diplomats and State Department officials, we write to urge your support for the Consular Notification Compliance Act, legislation that we believe is vitally important to meeting the United States' foreign policy objectives and to protecting the interests of its citizens abroad. We urge you to act promptly to enact this legislation that would secure compliance with the United States' binding treaty obligations by providing a review mechanism for the cases of foreign nationals who—without the benefit of timely consular notification and access—were convicted and received death sentences.

Each year, thousands of Americans are detained abroad. Prompt knowledge of and access to our fellow-citizens held in foreign jails ensures that U.S. consular officers can help them obtain legal assistance, monitor their treatment, and connect them to family and friends back home. This crucial lifeline of consular support can only function effectively if the detaining authorities comply with their obligations under Article 36 of the Vienna Convention on Consular Relations, which grants all foreigners in custody the right to consular notification, communication and access ''without delay.'' Insisting on compliance with and protesting violations of Article 36 provisions has thus long been an integral element of the U.S. policy of providing protective consular services to detained Americans overseas.

For instance, when three Americans were detained after accidentally crossing an unmarked border into Iran in 2009, a State Department spokesperson insisted that ''Iran has obligations under the Vienna Convention, and we demand consular access at the first opportunity.'' The Secretary of State later called on the Iranian government ''to live up to its obligations under the Vienna Convention by granting consular access and releasing these three young Americans without further delay.'' Once consular access was finally granted, the State Department ''welcome[d] the fact that Iran is meeting up to its obligations under the Vienna Convention''.

Unfortunately, the United States has sometimes violated Article 36 requirements even as we call on foreign governments to comply with its terms. In 2004, the International Court of Justice (ICJ) determined that some fifty Mexican nationals were entitled to judicial hearings to determine if Article 36 breaches, which were proven to have occurred, affected the fairness of their capital murder convictions and/or sentences.

The United States is required by the U.N. Charter to comply with decisions of the ICJ. President George W. Bush attempted to enforce this decision at the state court level, but the U.S. Supreme Court later ruled in Medellin v. Texas that only Congress could ensure compliance by adopting legislation providing for the compulsory review and reconsideration mandated by the ICJ. The Supreme Court also observed that the ICJ decision undeniably bound the United States under international law and that ''plainly compelling'' reasons existed for its domestic implementation. ''In this case,'' the Medellin Court noted, ''the President seeks to vindicate United States interests in ensuring the reciprocal observance of the Vienna Convention, protecting relations with foreign governments, and demonstrating commitment to the role of international law.''

Clearly, the safety and well-being of Americans abroad is endangered by the United States maintaining the double standard of protesting denials of consular notification and access to its own citizens while simultaneously failing to comply with its obligation to remedy identical violations. We cannot realistically expect other nations to continue to comply with consular treaty commitments that we refuse to uphold. For that reason alone, it is essential that Congress act swiftly to provide the limited procedural remedy that both our Executive and Judicial Branches have so clearly indicated is in the national interest.

As the Supreme Court pointed out, however, the United States' interest in implementing these international obligations goes beyond protecting the reciprocal rights and safety of its overseas citizens. Our national security, effective commercial and trade relations relating to our prosperity and almost every matter of national interest, large and small, is covered by reciprocal treaty obligations. We risk jeopardizing these interests if we practice an indifference to these obligations in this or other arenas. We believe that continued non-compliance will surely alienate this nation from its allies. We also believe that any further failure to provide the modest remedy of ''review and reconsideration'' required in these cases will undermine America's credibility as a global champion of the rule of law, thereby seriously hindering our foreign policy objectives. It is worth noting the United States agreed to be bound by the ICJ's decision both before and after the case was heard and has consistently advised multiple international and domestic courts that it is doing everything within its power to comply with this decision. Passing legislation to ensure our nation's compliance needs to be accomplished in order to make good on this representation.

The ability of the United States to secure future international agreements vital to our commercial interests and national security depends largely on whether this nation is perceived as honoring its international obligations. It is vitally important for Congress to mandate judicial enforcement of America's treaty obligations. Anything less jeopardizes our global reputation as a dependable treaty partner. We therefore urge you to support the rapid passage of the Consular Notification Compliance Act to accomplish this end, and thank you for your attention to this important matter.

Sincerely,

Harry Barnes, Jr., U.S. Ambassador to Chile, 1985–1988; U.S. Ambassador to India, 1981–1985; Director General of the Foreign Service 1977–1981; U.S. Ambassador to Romania, 1974–1977.

John B. Bellinger, III, Partner, Arnold & Porter LLP; Legal Advisor to the Department of State, 2005–2009; Legal Advisor to the National Security Council, 2001–2005.

David E. Birenbaum, of Counsel, Fried, Frank, Harris, Shriver & Jacobson LLP; Senior Scholar, Woodrow Wilson International Center for Scholars; U.S. Ambassador to the UN for UN Management and Reform, 1994–96.

James R. Jones, U.S. Ambassador to Mexico, 1993–1997; Member of U.S. Congress (D-OK), 1973–1987.

David Charles Miller, Jr., Special Assistant to the President, National Security Council, 1989–1990; U.S. Ambassador to Zimbabwe, 1984–1986; U.S. Ambassador to Tanzania, 1981–1984.

Thomas R. Pickering, Undersecretary of State for Political Affairs, 1997–2000; U.S. Ambassador and Representative to the United Nations, 1989–1992.

William H. Taft, IV, Legal Advisor, U.S. Department of State, 2001–2005; U.S. Ambassador to NATO, 1989–1992.

JUNE 7, 2011.

Governor RICK PERRY,
Office of the Governor, Austin, Texas.
TEXAS BOARD OF PARDONS AND PAROLES,
Austin, Texas.

DEAR GOVERNOR PERRY AND MEMBERS OF THE TEXAS BOARD OF PARDONS AND PAROLES: As former prosecutors and judges, we are strong supporters of a robust and accurate criminal justice system. We are well aware that international consular notification and access, as required under the Vienna Convention on Consular Relations (Vienna Convention), is essential to such a system, and to ensuring non-discriminatory treatment for both non-citizens in U.S. custody and U.S. citizens in the custody of foreign governments; and is also critical to the efficient, effective, and fair operations of criminal justice systems throughout the United States. In light of these important considerations and out of concern for the domestic and international implications of an execution without proper compliance with U.S. international obligations, we are writing to urge you to grant a reprieve in the case of Humberto Leal Garcia. We take no position on the merits of his petition, but believe that a reprieve should take place pending congressional enactment of legislation that would allow foreign nationals who were denied consular access while in law enforcement custody and face the death penalty to receive appropriate review of that failure.

It is appropriate to ensure that our country complies with the laws to which it has obligated itself, and to ensure that those laws apply to our own citizens as well. At all stages of the proceedings, foreign nationals—whether our own citizens in other countries or those from other countries in the United States—face unique disadvantages and challenges when confronted with prosecution and imprisonment under the legal system of another nation. Prompt consular access ensures that they have the means necessary to be advised of their rights and to prepare an adequate defense.

Ensuring prompt consular access to foreigners arrested in the United States also enhances the truth-seeking function that lies at the heart of American justice. Much in the same way as the right to counsel under the Sixth Amendment, consular notification is essential to enabling fair access for those who are unfamiliar with our legal system. As Chief Judge Juan Torruella of the United States Court of Appeals for the First Circuit observed, ''Without [consular access], I think that we presume too much to think that an alien can present his defense with even a minimum of effectiveness. The result is injury not only to the individual alien, but also to the equity and efficacy of our criminal justice system.'' U.S. v. Li, 206 F.3d 56, 78 (1st Cir. 2000) (Torruella, C.J., concurring in part and dissenting in part).

Consular assistance provides a unique and indispensable protection for foreign nationals who are unfamiliar with the U.S. criminal justice system. This is true with regard to our own citizens abroad as well. As many domestic courts have recognized, consulates can provide essential resources that are simply not available through other means, particularly in identifying and explaining the ways in which the U.S. criminal justice system differs from their native systems. Early consular access can prevent misunderstandings and missteps by a foreign national that might otherwise prejudice their ability to obtain a fair trial. Consulates can assist defense counsel in locating crucial documents, witnesses, and exonerating evidence available only in their native country and can assist in translations that in too many cases have been demonstrated to be erroneous, thus jeopardizing the accuracy of the proceedings. This can mean the difference between conviction and acquittal, or between life and death.

We want to emphasize that demonstrating our nation's commitment to complying with Vienna Convention obligations is also critical to ensuring the safety of Americans traveling, living and working abroad. The United States expects countries to grant consular notification and access to Americans in law enforcement custody. In return, we pledge to accord the same right to foreign nationals within our borders. In addition, particularly in states bordering Mexico and Canada, cooperation between law enforcement agencies is critical to ensuring the safety of citizens on all sides of the border. These accords are threatened when the United States erects procedural hurdles that prevent foreign nationals from obtaining meaningful judicial review when denied consular notification and access and may well mean that our own citizens' rights will be jeopardized in countries whose citizens' rights have not been respected by the United States.

Providing meaningful enforcement of the Vienna Convention's consular notification and access requirements will increase the efficient, effective, and fair operations of our criminal justice system and protect U.S. citizens abroad. Delaying the execution of Humberto Leal Garcia to ensure full opportunity for congressional action and appropriate review of the case will demonstrate to foreign governments the United States' good faith in upholding its consular access obligations, increasing the likelihood that foreign governments will grant access to Americans in their custody. For these reasons, we strongly urge you to support a reprieve in this case pending congressional action on these matters.

Sincerely,

Hon. Charles F. Baird, Former Judge, Texas Court of Criminal Appeals; Former Judge, 299th District Court of Travis County, Texas.

Hon. William G. Bassler, Former Judge, United States District Court for the District of New Jersey (1991–2006); Former Judge, Superior Court of New Jersey (1988–1991).

A. Bates Butler III, United States Attorney, District of Arizona (1980–81); First Assistant United States Attorney, District of Arizona (1977–80).

Robert J. Del Tufo, Attorney General, State of New Jersey (1990–1993); United States Attorney, District of New Jersey (1977–1980); Former First Assistant State Attorney General and Director of New Jersey's Division of Criminal Justice.

W. Thomas Dillard, United States Attorney, Northern District of Florida (1983–1986); United States Attorney, Eastern District of Tennessee (1981).

Hon. Bruce J. Einhorn, Former United States Immigration Judge (1990–2007); Special Prosecutor and Chief of Litigation,

United States Department of Justice Office of Special Investigations (1979–1990).

Hon. Shirley M. Hufstedler, United States Secretary of Education (1979–1981); Former Judge, United States Court of Appeals for the Ninth Circuit (1968–1979); Former Associate Justice, California Court of Appeal (1966–1968); Former Judge, Los Angeles County Superior Court (1961–1966).

Hon. John J. Gibbons, Former Judge, United States Court of Appeals for the Third Circuit (1970–1990) (Chief Judge (1987–1990)).

Hon. Nathaniel R. Jones, Former Judge, United States Court of Appeals for the Sixth Circuit, (1979–2002); Assistant United States Attorney, Northern District of Ohio (1962–1967).

Hon. Gerald Kogan, Former Chief Justice, Supreme Court of the State of Florida; Former Chief Prosecutor, Homicide and Capital Crimes Division, Dade County, Florida.

Kenneth J. Mighell, United States Attorney, Northern District of Texas (1977–1981); Assistant United States Attorney, Northern District of Texas (1961–1977).

Hon. Stephen M. Orlofsky, Former Judge, United States District Court for the District of New Jersey (1995–2003); Magistrate Judge, United States District Court for the District of New Jersey (1976–1980).

Professor Mark Osler, Professor of Law, University of St. Thomas, Minnesota; Former Professor of Law, Baylor University, Texas; Former Assistant United States Attorney, Eastern District of Michigan.

H. James Pickerstein, United States Attorney, District of Connecticut (1974); Chief Assistant United States Attorney, District of Connecticut (1974–1986).

James H. Reynolds, United States Attorney, Northern District of Iowa (1976–1982).

Hon. William S. Sessions, Director of the FBI (1987–1993); Former Judge, United States District Court for the Western District of Texas (1974–1987) (Chief Judge (1980–1987)); United States Attorney, Western District of Texas (1971–1974).

John Van de Kamp, Attorney General of California (1983–1991); District Attorney of Los Angeles County (1975–1983).

Mark White, Governor of Texas (1983–1987); Attorney General, State of Texas (1979–1983); Secretary of State of Texas (1973–1977); Assistant Attorney General, State of Texas (1965–1969).

Hon. Michael Zimmerman, Former Justice, Supreme Court of Utah (1984–2000) (Chief Justice (1994–1998)).

By Mr. GRASSLEY (for himself, Mr. SESSIONS, Mr. RUBIO, Mr. WICKER, Mr. BOOZMAN, Mr. LEE, Mr. HATCH, Mr. VITTER, Mr. COBURN, and Mr. CORKER):

S. 1196. A bill to expand the use of E-Verify, to hold employers accountable, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, today, I am introducing legislation to expand the E-Verify program and enhance our ability to hold employers accountable for their hiring practices. I am pleased that several of my colleagues have joined me in cosponsoring this commonsense bill titled Accountability Through Electronic Verification Act.

Known as the Basic Pilot Program, E-Verify currently provides employers with a simple, web-based tool to verify the work eligibility of new hires. In 1986, Congress made it unlawful for employers to knowingly hire or employ aliens not eligible to work in the United States. Under current law, if the documents provided by an employee reasonably appear on their face to be genuine, the employer has met its obligation to review the worker's documents.

Unfortunately, since then, identity theft has soared and counterfeit documents have become a thriving industry. Because of this, Congress created the Basic Pilot Program in 1996. Employers in this program can electronically verify a new hires employment authorization with more than 455 million Social Security Administration records, more than 122 million Department of State passport records, and more than 80 million Department of Homeland Security immigration records.

This program is voluntary and free for all employers to use. In fact, it is currently used by 269,913 employers representing 903,358 hiring sites. More than 11.3 million queries have been made this year. During fiscal year 2010, more than 98.3 percent of those were verified almost instantly.

Less than 1.7 percent of employees receive a tentative non-confirmation, and must sort out their records with the Social Security Administration. Many times, it is a simple misunderstanding relating from a typo to neglecting to update records after a name change.

With the program set to expire in a little over a year, I see the need to continue its use, without an expiration date. E-Verify is a proven tool in combatting illegal immigration. With the unemployment rate hovering around 9.1 percent, can we afford not to use every instrument available to ensure Americans and legal workers are the ones obtaining employment?

My legislation would make E-Verify a staple in the workplace so that American workers are on a level playing field with cheaper labor. Should an employer refuse to participate, my bill increases the penalties currently used under the Immigration and Nationality Act. Employers would be required to check the status of current employees within 3 years, and would allow employers to run a check prior to offering a job, saving that employer valuable time and resources. Employers will also be required to re-check those workers whose authorization is about to expire, such as those who come to the United States on visas. These visas have expiration dates, and it is imperative we do not allow employers to aide in the overstaying of any alien.

A commonsense fix that is also included would require the Social Security Administration to develop algorithm technology that would flag social security numbers that are being used more than once. You would think the Social Security Administration would already have this in place, but sadly they do not. This provision alone will save many from falling victim to identity theft.

For those who do find themselves victim of identity theft, this bill would amend the criminal code to clarify identity fraud is punishable regardless if the defendant did not have knowledge of the victim. This provision stems from the 2009 Supreme Court decision holding that identity theft requires proof that an individual knew the number being used belonged to an actual person. This is a commonsense and long overdue provision. Anyone who has had their identity stolen by an illegal alien would agree. We need to strengthen our laws to deter the robust black market for fraudulent documents.

Another provision in the bill, which I know will benefit many rural areas such as small towns in Iowa, would help those businesses without internet capabilities to participate in E-Verify. Requiring the U.S. Citizenship and Immigration Services to establish a demonstration project in these rural areas will greatly measure the needs of our rural employers and involve the small business community.

Some may want to criticize the database used to check employees, but with continued enhancements, we are making great strides. For instance, just this past March, the Department of Homeland Security initiated the ''Self Check'' program to allow workers in five States and the District of Columbia to self-check employment eligibility. One of my staffers used Self Check and received confirmation of work authorization almost instantly. The entire process took her less than 90 seconds.

Another development is the recent launch to include U.S. passport photo matching capabilities. This further enhances the integrity of the program by enabling E-Verify to automatically check the validity and authenticity of all U.S. passports and passport cards presented for employment verification checks. E-Verify is supported by many. Most notably by DHS Secretary Janet Napolitano who has said, ''E-Verify is a smart, simple, and effective tool that allows us to work with employers to help them maintain a legal workforce.'' According to DHS, the ''E-Verify program infrastructure is capable of handling the volume of queries that would be necessary for a nationwide mandatory employment verification system.'' DHS has been preparing for such an occasion, and I'm pleased to put forward my proposal today.

For those who were here during the 2007 immigration debate, you may remember that I, Senator BAUCUS and then-Senator Obama worked very closely on the issue of employment verification. I have kept many of the principles agreed upon in 2007 and included them in this bill. With that said, I look forward to hearing from my colleagues with any ideas they may have to strengthen this system.

While everyone may not agree with every aspect of this bill, it serves as a starting point for a much-needed conversation about illegal immigration and our struggling job market. People

back home want employers to be held accountable. They want to see our government do more to make sure we are reducing the magnet for people to cross our borders illegally. I hope more colleagues will join me in my effort to achieve accountability through electronic verification.

By Mr. HATCH (for himself, Mr. BAUCUS, Mr. BARRASSO, Mr. INHOFE, Mr. VITTER, Mr. LUGAR, and Mr. GRASSLEY):

S.J. Res. 19. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, today is Flag Day and it is the perfect day to re-introduce a constitutional amendment that would allow Congress to protect the American flag from physical desecration. I am joined in doing so today by my friend, the distinguished Senator from Montana, Senator BAUCUS. He was an original cosponsor of this amendment on 6 previous occasions when I have introduced it, including in the 109th Congress when this body came within one vote of approving it.

The American flag is a unique symbol of our country, of its history, and of our shared values. There is, in fact, no more powerful unifying general symbol. At the same time, the flag no doubt means different specific things to different individuals; Congress cannot, and should not attempt to, dictate what Americans believe, think, or say about the flag and whatever it represents to individuals.

That said, Congress should have authority to protect this unique symbol from at least physical desecration. The Supreme Court stripped even that authority from Congress in 1990 when it held that physical desecration is ''speech'' protected by the First Amendment. I believe the Court was wrong in that conclusion, but because the Court claimed to speak for the Constitution, the only way for Congress once again to have authority to protect the flag is by amending the Constitution.

In his farewell address in 1796, President George Washington said that the very basis of our political system is the right of the people to make and to alter the Constitution. The Constitution belongs to the people, not to the Supreme Court. As a result, the American people must have the opportunity to decide whether their Constitution should allow Congress to protect the flag.

The amendment we introduce today is as simple as it can be. It states: ''The Congress shall have power to prohibit the physical desecration of the flag of the United States.'' Unfortunately, simplicity does not prevent distortion, either by negligence or intention. Critics and some in the media have led many to believe that this amendment by itself bans flag desecration. It does not. In fact, should Congress propose and the states ratify this amendment, it might not result in any change in the law at all. That would be up to Congress and the people we represent to decide.

The issue is that today Congress is today prohibited by the Supreme Court from passing laws that protect the flag even if 100 percent of the American people wanted those laws and the Congress was ready to enact them.

The American people should be given the opportunity to decide whether they want their Constitution to allow their Congress to pass laws protecting the American flag. That is the way a representative democracy like ours should function. The Supreme Court distorted that process and this amendment will correct the Court's error. I urge my colleagues on both sides of the aisle, as many of you have done in the past, to support this amendment and to give this decision back to the American people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 466. Ms. COLLINS (for herself, Mr. LAUTENBERG, Mr. MENENDEZ, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table.

SA 467. Ms. AYOTTE (for herself, Ms. SNOWE, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 468. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 782, supra; which was ordered to lie on the table.

SA 469. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 470. Mr. BROWN of Ohio (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

SA 471. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 782, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 466. Ms. COLLINS (for herself, Mr. LAUTENBERG, Mr. MENENDEZ, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 19, before ''and'' insert ''military base closures or realignments,''.

SA 467. Ms. AYOTTE (for herself, Ms. SNOWE, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 29, after line 20, insert the following:

SEC. 22. FIDUCIARY EXCLUSION.

Section 3(21)(A) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(21)(A)) is amended by inserting ''and except to the extent a person is providing an appraisal or fairness opinion with respect to qualifying employer securities (as defined in section 407(d)(5)) included in an employee stock ownership plan (as defined in section 407(d)(6)),'' after ''subparagraph (B),''.

SA 468. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. REPEAL OF CERTAIN LIMITATIONS ON HEALTH CARE BENEFITS.

(a) REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.—Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111–148) and the amendments made by such section are repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

(b) REPEAL OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.—Sections 9005 and 10902 of the Patient Protection and Affordable Care Act (Public Law 111–148) and section 1403 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152) and the amendments made by such sections are repealed.

SA 469. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike lines 9 through 13 and insert the following:

''(ii) reduce the dependence of the United States on foreign oil;

''(iii) encourage efficient coordination and leveraging of public and private investments; and

''(iv) encourage development of manufacturing capability within the region.''; and

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SA 470. Mr. BROWN of Ohio (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, between lines 11 and 12, insert the following:

SEC. 10. BUSINESS INCUBATORS.

(a) IN GENERAL.—Title II of the Public Works and Economic Development Act of 1965 is amended by inserting after section 207 (42 U.S.C. 3147) the following:

''SEC. 208. BUSINESS INCUBATORS.

''(a) DEFINITION OF BUSINESS INCUBATOR.—

''(1) IN GENERAL.—In this section, the term 'business incubator' means an organization

or entity established to foster the start-up of businesses or accelerate the growth of fledgling companies by providing entrepreneurs with resources and services to produce viable businesses that can help create jobs and restore vitality to distressed areas.

''(2) EXCLUSION.—The term 'business incubator' does not include an organization or entity that is organized primarily as a for-profit venture.

''(b) DEVELOPMENT OF PLANS FOR CREATION OR EXPANSION OF BUSINESS INCUBATORS.—On receipt of an application from an eligible recipient (as determined by the Secretary in accordance with subsection (d)), the Secretary may provide grants to an eligible recipient for—

''(1) the development of feasibility studies and plans for the creation of new, or expansion of existing, business incubators;

''(2) the implementation of those studies and plans by supporting the creation of new, or expansion of existing, business incubators and related programmatic and technical assistance, which may include—

''(A) making investments in an early-stage business;

''(B) providing training, counseling, and other assistance to an early-stage business to support the development of the business;

''(C) carrying out due diligence activities to analyze and assess the desirability, value, and potential of an opportunity to provide assistance; or

''(D) meeting operational expenses of the business incubator; and

''(3) the temporary support of operations of business incubators, to the extent that the Secretary determines that the support is essential to assist a business incubator in becoming self-sustainable.

''(c) LIMITATION ON AMOUNT OF GRANTS.—The amount of a grant provided to an eligible recipient under this section may not exceed—

''(1) $750,000, if the grant is to be used for feasibility studies and plans; or

''(2) $3,000,000, if the grant is to be used for implementation of those studies and plans.

''(d) PROCEDURE FOR PROVIDING GRANTS.—

''(1) COMPETITIVE PROCESS REQUIRED.—The Secretary shall provide each grant under this section to an eligible recipient selected pursuant to a competitive process.

''(2) SELECTION CRITERIA.—The Secretary shall publish the criteria to be used in any competition under this paragraph for the selection of eligible recipients of grants under this section, including requirements relating to—

''(A) the projected number of jobs required to be created at a new or expanded business incubator for each of the first 6 years after the date of receipt of the grant;

''(B) the funding to be required to create or expand a business incubator during the first 5 years after the date of receipt of the grant;

''(C) the types of businesses and research entities expected in the business incubator and surrounding community;

''(D) letters of intent or support by businesses and research entities to establish a location in the business incubator;

''(E) the capability to attract a well-trained workforce to the business incubator;

''(F) the management of the business incubator; and

''(G) such other factors as the Secretary determines to be appropriate.

''(e) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2012 and each fiscal year thereafter.

''(2) AVAILABILITY.—Amounts made available pursuant to paragraph (1) shall remain available until expended.''.

(b) TECHNICAL AMENDMENT.—The table of contents of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 et seq.) is amended by adding after section 207 the following:

''Sec. 208. Business incubators.''.

SA 471. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 782, to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, after line 24, insert the following:

SEC. ___. GRANTS FOR PUBLIC WORKS, ECONOMIC DEVELOPMENT, AND ECONOMIC ADJUSTMENT.

Section 201(b)(1)(B) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141(b)(1)(B)) is amended by inserting ''high-technology'' before ''employment''.

On page 13, strike lines 7 through 13 and insert the following:

the communities;'';

(3) in paragraph (4), by striking ''or'' after the semicolon at the end; and

(4) by striking paragraph (5) and inserting the following:

''(5) the loss of information technology, aerospace, manufacturing, natural resource-based, agricultural, or service sector jobs, for reinvesting in and diversifying the economies of the communities; or

''(6) termination of a major civilian Federal program with commercial and industrial applications, for help in reinvesting and diversifying the economies of the communities and retaining the workforce necessary for technology-focused jobs.''.

On page 19, after the matter following line 2 and before line 3, insert the following:

SEC. ___. ELIGIBILITY OF AREAS.

Section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)) is amended by adding at the end the following:

''(4) CAPITAL INFRASTRUCTURE AND SKILLED WORKFORCE; CAPACITY TO USE ASSISTANCE.—The area has—

''(A) a well-developed capital infrastructure and a skilled workforce; and

''(B) the capacity to effectively use Federal assistance to increase employment in a technology-focused or manufacturing sector.''.

On page 20, between lines 2 and 3, insert the following:

SEC. ___. ECONOMIC DEVELOPMENT STRATEGIES OF ECONOMIC DEVELOPMENT DISTRICTS.

Section 401(a)(3) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3171(a)) is amended—

(1) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(2) by inserting before subparagraph (B) (as redesignated by paragraph (1)) the following:

''(A) contains a specific plan to increase employment in manufacturing or a field with commercial, industrial, and military applications;''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 14, 2011, at 10 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 14, 2011, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 14, 2011, at 10 a.m. in room 366 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 14, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON AIRLAND

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on June 14, 2011, at 9 a.m.

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

SUBCOMMITTEE ON PERSONNEL

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on June 14, 2011, at 5 p.m.

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

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on June 14, 2011, at 3:30 p.m.

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

SUBCOMMITTEE ON SEAPOWER

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on June 14, 2011, at 2 p.m.

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

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. LAUTENBERG. 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 June 14, 2011, at 10:30 a.m.

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

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Kelsey Beltramea, Nikhil Sahai, and Cathryn Curoe of my staff be granted floor privileges for the duration of today's proceedings.

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

ORDERS FOR WEDNESDAY, JUNE 15, 2011

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Wednesday, June 15; 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; that following any leader remarks, the Senate proceed to a period of morning business until 2 p.m., 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 Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DURBIN. 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 6:58 p.m., adjourned until Wednesday, June 15, 2011, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 14, 2011:

THE JUDICIARY

CLAIRE C. CECCHI, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

ESTHER SALAS, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.