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## Senate

The Senate met at 2 p.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

### PRAYER

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

Let us pray.

Almighty God, the architect and sustainer of our destinies, You are the source and center of our highest joy. Bring into this Chamber a unity that will destroy cynicism, criticism, and complacency.

Lord, we need this unity to maintain a government worthy of those who have sacrificed so much for freedom. As the American people view today's deliberations, may they sense a fresh civility and respect that are truly exemplary. Let Your kingdom come. Let Your will be done on Earth as it is in heaven. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MICHAEL F. BENNET 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. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 4, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BENNET thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

### SCHEDULE

Mr. REID. Mr. President, there will be a period of morning business, with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will proceed to executive session to consider the nomination of Jimmie Reyna to be U.S. circuit judge. We will vote on that at 5:30 this afternoon.

Additionally, we were able to reach an agreement to vote in relation to H.R. 4, the 1099 repeal. This is not going to be part of the small business jobs bill we have before us. We have spun that out so it can go right to the House. We have spent enough time on the 1099. Senators should expect two rollcall votes on 1099, on Tuesday, prior to the caucus meetings.

I have spoken to the Republican leader, and we think we may have a pathway cleared to finish the small business jobs bill, but we will see how that turns out. We will work on that today and in the morning and certainly at our caucuses tomorrow afternoon.

### MEASURES PLACED ON THE CALENDAR—S. 706 AND H.R. 471

Mr. REID. Mr. President, I am told there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the titles of the bills for the second time.

The legislative clerk read as follows:

A bill (S. 706) to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

A bill (H.R. 471) to reauthorize the DC opportunity scholarship program, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar under the provisions of rule XIV.

### BUDGET NEGOTIATIONS

Mr. REID. Mr. President, the time we have left to work on a budget agreement is extremely short. The window in which we can avoid the terrible consequences of a shutdown is closing quickly. It is no longer measured in months or weeks. We are now down to just a few days in this deadline. The time we have to get the long legislative process started in both Houses is measured in hours.

It is clear those sitting at the negotiating table have different priorities. That is true of any negotiation. We all should share the same goal: to keep the country running and to keep the momentum of our economic recovery moving forward. We all want to cut the deficit.

Last week, we agreed upon a number on which to base our budget—\$73 billion below the President's proposal. But disagreements remain on where we should make those cuts. We worked

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



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through the weekend to bridge that gap. We have made some progress, but we are not where we should be yet.

There is another way in which the sides remain separated. Democrats have demonstrated throughout this process that we are willing to meet in the middle, but Republicans and the tea party continue to reject reality and insist, instead, on ideology. Let me give a couple of examples.

First, they refuse to recognize H.R. 1—that is the budget the House passed—isn't going to happen. The tea party pushed it through the House over the objections of some Republicans and all Democrats. Then, the Senate soundly defeated it. Even all Republicans didn't vote for this H.R. 1 in the Senate. We all know the President would never sign it into law anyway.

So the Republican Party and the tea party need to admit the Democrats have proven what the country already knows—that neither party can pass a budget without the other party and neither Chamber can send it to the President without the other Chamber. Democrats stand ready to meet the Republicans halfway and the Senate stands ready to meet the House halfway. We hope our partners on the other side are willing to be as reasonable.

Second, tea party Republicans refuse to recognize that their budget is simply an appalling proposal. They stomp their feet and call “compromise” a dirty word and insist on a budget that will hurt America rather than help it. It slashes programs for the sake of slashing programs. It chops zeros off the budget for nothing more than bragging rights. The authors and advocates of the Republican budget either completely ignore the practical impact of their dangerous cuts or they know the damage they will do and simply don't care. Either way, it is not right.

Their budget would not do a thing to lower unemployment. In fact, it will cost the country 700,000 jobs. That is not my estimate but the estimate of the head of Moody's, an independent economist who has worked for both Democrats and Republicans.

It will also hurt seniors. It slashes funding from the Social Security Administration, which means seniors and disabled Americans who count on the benefits they have earned over a lifetime of hard work will have to wait for these benefits. In many cases, those Social Security checks are seniors' only source of income. In some cases, they are the only thing keeping them out of poverty, and those checks have nothing at all to do with the deficit—nothing.

The Republican budget will hurt women and their families. It cuts nutritional programs for women, infants, and children. This program has nothing to do with the deficit. This program—the WIC Program, Women, Infants and Children—is a program for the very poor. Their budget makes cuts to Planned Parenthood based on ideology, not economics. Planned Parenthood

doesn't contribute to the deficit, but it does contribute, in great measure, to the health and safety of women of every age in every State.

Their budget will also hurt our veterans. There is a veterans program in this country that helps homeless veterans afford housing. Democrats think our Nation's veterans who are down and out deserve a roof over their heads, and we think it is a worthy program. The Republican budget nearly eliminates it.

Their budget will also hurt students. The tea party plan kicks hundreds of thousands of impoverished boys and girls out of Head Start, a program to allow them to learn to read—little preschool kids. It cuts college students' Pell grants and slashes job training programs. That is no way to recover.

Independent economists have analyzed the tea party's plan and found it will actually put the brakes on economic growth. The point of this whole exercise—of a budget—is to help the economy. Democrats will not stand for a budget that weakens our economy.

None of the people I have just mentioned led us into the recession. Punishing innocent bystanders, such as seniors, women, veterans, and students will not lead us to a recovery. This is what we mean when we say their budget is based on ideology and not reality. This is what we mean when we say the Republican and tea party budget slashes irresponsibly. When they refuse to relent on those dangerous cuts—many of which have nothing to do with the deficit—that is what we mean when we say the other side simply isn't being reasonable.

Our national budget reflects our values and the tough choices we make. Democrats have made many tough choices because we know sacrifices are the cost of consensus, and we believe they are worth it. But we have never forgotten that what we cut is more important than how much we cut.

In addition to the many choices about what to slash and what to keep, the Republican leadership has another very big choice to make: It has to decide whether it will do what the tea party wants it to do or what the country needs it to do.

I am hopeful it will make the right choice and we can come to a timely agreement. But the bottom line is this: At the end of the day, we are all on the same side. Time now is not on our side. I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

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

#### GUANTANAMO BAY

Mr. McCONNELL. Mr. President, amidst all the other business we will be facing this week, I wish to note a welcome development in the war on terror.

For the last 2 years, the Obama administration has actively sought to bring the 9/11 plotters into our communities for civilian trials, a completely horrible idea that rightly drew overwhelming bipartisan opposition from the American people and from their elected Representatives here in Congress. Today, the administration is announcing it has changed course. The administration, incredibly enough, today is announcing it has changed course and that Khalid Shaikh Mohammed and the others who plotted these horrible attacks will be tried in military commissions at Guantanamo Bay rather than in a civilian trial in New York or some other U.S. city.

I remember all of our discussions on this issue over the last 2 years. The President issued an Executive order on day 1 to close Guantanamo. He indicated they were going to mainstream these terrorists into the U.S. court system, so this change today is truly a welcome development, the administration announcing that KSM and the others who plotted these crimes will be tried in a proper jurisdiction, these military commissions, at the proper place for these commission trials, Guantanamo Bay. This is the right outcome to the long and spirited debate that preceded this decision. Military commissions at Guantanamo, far from the U.S. mainland, were always the right idea for a variety of compelling reasons which I and others have enumerated repeatedly over the last years. For the sake of the safety and the security of the American people, I am glad the President reconsidered his position on how and where to try these detainees. Going forward, this model should be the rule rather than the exception. I am sure this decision will draw widespread approval and it is very welcome news.

#### 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 4:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

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

#### THE COTE D'IVOIRE

Mr. INHOFE. Mr. President I am going to come back at 4 o'clock today

because there is something going on. With all the people talking about the atrocities in Libya and throughout the Middle East, there is one more atrocity that is taking place right now in a country called Cote D'Ivoire in West Africa. I want to make sure I get on record in that I believe our State Department is wrong in the position they have taken. I think we can right now avert a real tragedy, something maybe comparable to what happened in 1994 in Rwanda with that genocide. I want to come back and talk about that, but I am going to do that sometime around 4 o'clock this afternoon.

#### CAP AND TRADE

Mr. INHOFE. Mr. President, the business at hand is the amendments to the small business act. The amendment that has been most talked about is the one I have authored, along with Senator McCONNELL. It is the same thing as the bill I introduced some time ago with Congressman FRED UPTON of the House and myself in the Senate.

To give a little background, let me say this has been about a 9-year battle for me. I have gone back, all the way back to Kyoto when we talked about the fact that we were going to have to do something to limit greenhouse gases at that time. This was a national treaty at that time during the Clinton-Gore administration. Everyone at that time stated and believed, and I agreed because no one said anything to the contrary, that anthropogenic gases, greenhouse gases, methane and so forth, CO<sub>2</sub>, caused catastrophic global warming. That started with the United Nations Intergovernmental Panel On Climate Change. It met many years ago, back in the 1990s.

Then there was a wakeup call and we thought, Why should we, the United States of America, sign on to a treaty when the rest of the world was not going to do it, when it was going to be difficult for us economically, and it would not affect the developing world? So we passed a resolution saying we were not going to do it.

However, right after that, starting in 2003—2003, 2005, 2007, 2009, and as recently as last year—different Members have introduced legislation that would impose almost the same thing as the Kyoto treaty on us and that is cap and trade.

At that time, Republicans were the majority. I was the chairman of the Environment and Public Works Committee. In that committee we thought we had better look at this to make sure the science is there. This is important, because we had found out that for us to pass a cap-and-trade bill, the cost would be somewhere between \$300 and \$400 billion a year. My feeling, as chairman of that committee, was let's find out if in fact the science is there.

Scientists started coming to me—one after another and another when they knew I was going to at least question the legitimacy of the science—and

said: The science is not there. We would like the opportunity to get our views in.

That became a reality, so we defeated all the bills up to and including the Waxman-Markey bill that passed the House and came over to the Senate. Let me say we are talking about something that would cost the American people between \$300 billion and \$400 billion a year.

Sometimes I am not quite as smart as some of the guys here, so when you talk about billions and trillions of dollars I like to look and see how does that affect my State of Oklahoma. I have the total number of tax returns filed by Oklahomans. I do the math. When you do the math with \$300 to \$400 billion a year that means it would cost my average taxpayer who files a tax return in Oklahoma a little over \$3,100 a year.

If that is going to stop the world from coming to the end, maybe it is worth that. But what do you get for that? I even asked Lisa Jackson, the Administrator of the EPA. She is one appointed by President Obama. I asked her in a public hearing if we were to pass any of these cap-and-trade bills that would be so costly to Americans, what would it do in terms of greenhouse gases?

Her response was it would do very little if anything because that would only affect the United States of America and that is not where the problem is. The problem is in China and India and Mexico, places where they do not have any restraints on emissions. So as we lost our jobs to other states, obviously it is going to end up not decreasing but increasing the emissions of CO<sub>2</sub>.

That is where we were. We passed all these things. With the President absolutely committed to doing something about the emissions of CO<sub>2</sub>, he decided he would do through regulation what he could not do through legislation. We had legislation that could not pass and so obviously he went ahead and started saying we are going to let the EPA do the same thing as we would have done in with legislation. That, again, would cost the American people between \$300 and \$400 billion a year.

This is kind of in the weeds, but to do that you have to have an endangerment finding and the endangerment finding has to be a proclamation by the administration. It has to be based on science.

A year-and-a-half ago, right before the Copenhagen event, again, Lisa Jackson, the Administrator of the EPA, a very fine person who is courageous enough to tell the truth when asked a question, was in and I again asked in a public forum: Director Jackson, I am going to leave for Copenhagen. I am going to be a one-man truth squad to go over there and undo the damage that has been done by people who are going to go over there and try to make people think we are going to pass all kinds of legislation. If you are going to do this through the admin-

istration, that means you have to base it on some type of science. I asked the question: What science would you base this assumption on, the endangerment finding?

The answer was the IPCC. That is the Intergovernmental Panel on Climate Change. It is the United Nations. For others who get offended by some of the things the United Nations does, it all started with the United Nations. We are going to be in a position to see where we would go from here.

With that, coincidentally—and it was not by design—somebody uncovered a lot of e-mails and things over in Europe that totally debunked or discredited what they were trying to do over there with the science. In other words, the IPCC was cooking the science. I think we all know that.

Now we have an effort to use an endangerment finding to try to do this by regulation. They are going full ahead as much as they can.

I have to say, it is my feeling the Obama administration does not want to have fossil fuels. When I say that, I would back up some of those things by stating what the administration said. Alan Krueger, the Assistant Secretary for Economic Policy, said:

The administration believes it is not longer sufficient to address the nation's energy needs by finding more fossil fuels.

We are talking about oil, gas, coal, fossil fuels.

Then there was a statement made:

To the extent lower tax rate encourages overproduction of oil and gas, it is detrimental to long-term energy security. . . .

By this, the Nation is saying we want green energy. That is fine. After I am dead and gone, I am sure the technology will be there and we will be able to run the country on green energy. In the meantime, you cannot do it without oil, gas, and coal. Right now we are depending on coal for 50 percent of all of our energy.

I wish to say also, here is another statement out of the Obama administration. Steven Chu, Secretary of Energy, told the Wall Street Journal "somehow we have to figure out how to boost the price of gasoline to the levels in Europe."

In other words, unless we get the American people complaining about the high price of gas, we are not going to be doing anything. The bottom line is they are trying to boost the price of gas to do that.

This is the surprise here. I could not have said this a year ago, but the CRS, Congressional Research Service, which pretty much is not challenged, came out with the fact that we in the United States have more recoverable reserves in oil, gas, and coal than any other country in the world. Here we are. The next is Russia. Next to that is Saudi Arabia. You can see that we have more than Saudi Arabia, China, and Iran all put together. That is us right there, the United States of America. We have those reserves.

You will hear people say we do not because we only have 3 percent of the

world's supply of oil and gas. They are saying that because they are using the term "proven reserves." In order to have proven reserves you have to drill to find out and prove the oil is there. Obviously, if we have a government, an administration that will not let us drill for oil and gas, then we cannot get about proving it, so we have to go by "recoverable." No one will argue with this—well, they might argue but they cannot do it with a straight face—that our recoverable reserves are very large. Here, in the case of oil, it is this amount right here—135 billion barrels of oil, 83 percent of the oil. By the way, 83 percent of the oil that would be on public lands that we will not allow ourselves—or the liberals in this body will not allow us, and the White House, to drill on because of not just a moratorium but they stopped us from doing it sometimes through not issuing permits.

But we have enough oil out there to run this country for 50 years without relying upon anybody else, without relying upon, certainly, the Middle East or any of the rest of our hemisphere.

If we were to go ahead with the friendlies in our hemisphere, Canada and Mexico, we could be independent of the Middle East in a very short period of time.

The United States has 28 percent of all of the coal, and that is very significant. As far as natural gas is concerned, we have enough natural gas to actually run this country for 90 years at the rate we are using natural gas now, only on our own, if we would allow ourselves to go ahead and produce it.

So that is where we are right now. Of course, I would be remiss if I did not say we have been wanting my amendment. It is amendment No. 183 to the Small Business Act. We have been trying to bring it up for 3 weeks now. Several times it has been postponed. I think it has been postponed for one of two reasons. Either they do not have the votes to stop it—and according to Senator MANCHIN, West Virginia, who stated just the other day there are 12 or 13 Democrats willing to vote for my amendment, and you get all the Republicans, that would be enough to reach 60 and pass my amendment.

What does my amendment do? It takes away the jurisdiction from the Environmental Protection Agency from regulating greenhouse gases. Simple as that. So maybe we have the votes, but the other reason is—and I do not blame the leadership on the other side of the aisle—they do not want to subject their Senators to voting, to have to cast a vote that would allow the EPA to continue harassing and overregulating manufacturers and refineries and businesses and farmers and the rest of America.

Well, there are two votes that are out there that they have offered as cover votes. One is the Baucus amendment; the other is the Rockefeller amendment. The Baucus amendment would

exempt some of the smaller ones. Frankly, I think everyone knows that is something that would not work. In fact, somewhere I have the quote from the American Farm Bureau. Well, I do not have it right here, but, by and large, what they say is that they want to be sure everyone understands we cannot pass the Baucus amendment because that will just—we could exempt some farmers and some other smaller people, schools, maybe churches; but with the higher price of energy, it all trickles down to them. So that is why the American Farm Bureau, the Association of Manufacturers, and others are very much in favor of my amendment.

The other one is the Rockefeller amendment that would merely delay it for 2 years. The reason I am opposed to this—and on the floor of the Senate, Senator ROCKEFELLER made some statements the other day that were not very flattering. That is unlike him because that is normally not the way he would do it. Unfortunately, my effort was dubbed as "childlike," "immature," and, yes, you guessed it, "crazy" too. But I will only say that over the years Senator ROCKEFELLER has stated that the EPA—well, I will just read to you what he has stated: EPA has little or no authority to address economic needs. They say they do, but they don't. They have no ability to incentivize and deploy new technologies. They have no obligation to protect the hard-working people. And on and on.

So I would agree with those statements of Senator ROCKEFELLER. I would just say, if we are going to get rid of this, the overregulation, let's go ahead and do it. Let's not postpone it for 2 years. We have documentation from various companies, industries that say we are going to put something in place that is going to employ a large number of people, but we cannot do it so long as the uncertainty is out there.

At Point Comfort in Texas, 1,182 jobs were lost. They wanted to—they were planning—Formosa Plastics—had been planning a \$1 billion expansion. It would have employed 700 construction jobs, 357 service jobs, and 125 full-time operations and maintenance jobs. Yet they are not doing it because of the regulation that is taking place and the uncertainty of what the EPA is going to be doing to us.

El Dorado, AR, similar situation. Arkansas-based Lion Oil was forced to delay several hundred million dollars in refinery expansion because of the uncertainty of the regulation by the Environmental Protection Agency. Louisiana, the same thing; 1,850 jobs were lost.

I have had people ask me over the years: Inhofe, what if you are wrong? Well, this is what I would say and how I respond to that. When you stop and say I am wrong and actually that greenhouse gases do cause catastrophic global warming, if that is the case, then you are not going to resolve it by

having the United States of America do something unilaterally.

The Chinese are over there celebrating right now, hoping we will pass something to stop us from regulating or make us regulate greenhouse gases because those jobs we have—we have all of the figures. If anyone is interested, my Web site is Inhofe.Senate.gov. We can quantify the jobs lost and money involved.

Stop and think about it. Anyone who has a comparable State to Oklahoma, do you want to increase your taxes by over \$3,000 a year and get nothing for it?

With that, I would make another appeal to the administration and to the Democrats in the Senate, to call a vote on my amendment No. 183. Just call it and let's get this behind us. Let's try to save energy for America.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL.) The Senator from Arizona.

Mr. KYL. Mr. President, I want to compliment my colleague from Oklahoma for the leadership he has exercised with respect to the rogue Environmental Protection Agency attempting to regulate, in effect, what we breathe and the job-killing program that would result from the regulations that would be prohibited from being adopted were the Inhofe-McConnell amendment to be adopted by this body. I share his desire that we be able to vote on that and stop these onerous regulations from being put into effect.

I ask unanimous consent to speak not to exceed 15 minutes in morning business.

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

#### HEALTH CARE

Mr. KYL. Mr. President, I want to address two things but start with health care. I recall that during the debate over health care—and we celebrated the 1-year anniversary of the signing of the health care legislation a little over a week ago. But I recall then-Speaker of the House NANCY PELOSI saying: We will have to pass the bill in order to find out what is in it. I do not think she realized how true her statement really was.

I just read something over the weekend from a March 31 edition of the Washington Examiner. I ask unanimous consent to have this article by Byron York printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1).

Mr. KYL. I will read the first sentence and then a couple of other items from it. The headline is "Uncovered: New \$2 billion bailout in Obamacare."

Here is the first sentence in the story:

Investigators for the House Energy and Commerce Committee have discovered that a little-known provision in the national health

care law has allowed the Federal Government to pay nearly \$2 billion to unions, state public employee systems, and big corporations to subsidize health coverage costs for early retirees.

Then the article goes on to point out that they discovered this in oversight hearings of an obscure agency known as the CCIO, or the Center for Consumer Information and Insurance Oversight. The idea under the law apparently was to subsidize unions and States and companies that had made commitments to provide health insurance for workers who retired early.

They point out that there was a \$5 billion appropriation in the bill, and at the rate of spending by this agency they will burn through the entire \$5 billion as early as 2012. And where is the money being sent to? Well, by far and away, the biggest single recipient is the United Auto Workers Labor Union, which so far had received well over \$200 million.

Other recipients include AT&T, Verizon, General Electric, General Motors Corporation, and a few State public employees retirement systems. But, by far and away, the contribution to the United Auto Workers and the Teamsters and United Food and Commercial Workers was more than the amount of money sent to the State pension funds—the point being that we learn something new almost every week about Obamacare.

As I said, it was just a little over a week ago that it celebrated its first anniversary, and we are only now discovering some of the things that were hidden away in it, which I think had we been able to debate the bill in a more appropriate fashion—remember, it passed on Christmas Eve day of the year before last—we probably would have been able to discover these things. Had the bill been read, had we had time to read all of the fine print, these are the kinds of things that we would have discovered; and I suspect the proponents of the bill, those who voted for it, might not have been so quick to vote for it.

Maybe we will have a chance to repeal this particular provision of the bill if there is any money left that has not been spent by the time we get around to doing that. I will propose to my colleagues that we try to accomplish that.

The second point with respect to Obamacare that continues to trouble me is something called the Independent Payment Advisory Board. This is troublesome for three reasons, two of which have to do with process and the third the substance. The Independent Payment Advisory Board goes by the acronym of IPAP, and it was created in order to try to find savings in the Medicare Program.

Now, obviously, we have read a lot about the billions, tens of billions of dollars of waste, fraud, and abuse in Medicare. The problem is, this board is not likely to get at that waste, fraud, and abuse because its primary mis-

sion—and, in fact, it is restricted to finding cost savings only as a result of reducing the payments to providers. In fact, James Capretta of the Ethics and Public Policy Center has done some very good writing on this subject, and he notes that the board is strictly limited to what it can recommend and implement and that the board can only “cut Medicare payment rates for those providing services to beneficiaries.”

Well, that is a problem because it does not get to the real heart of a lot of the waste, fraud, and abuse in Medicare. Secondly—and I will conclude my remarks with this main point—when we cut the payment rates for the doctors, for example, who are taking care of Medicare patients, what happens? We get fewer doctors willing to take care of Medicare patients.

We are all familiar with the stories in our own States of more and more physicians either not taking any Medicare patients or at least not taking any new Medicare patients. As a result, there are far fewer doctors available to treat folks, which means there is a much longer waiting time for people to get the care they need. The end result of that is, of course, care delayed is frequently care denied. That is the problem that exists in other countries such as Great Britain, our neighbor to the north, Canada, and it is coming to your own community pretty soon as a result of the fact that we are not paying the physicians and other providers enough as it is. That is the only thing that IPAP can do to further reduce the costs.

But I mentioned two procedural problems. The first is that this board is comprised of 15 unelected bureaucrats. The President makes the appointments. He does not have to balance them politically, so they can all be members of one political party. He can make recess appointments so the Senate may not even have an opportunity to pass on these individuals.

The second procedural problem is, when they make their recommendations it comes to the Congress in a take-it-or-leave-it procedural posture; that is to say, either Congress adopts the recommendations of the board or at a number equal to that, with what we decide ourselves is the appropriate way to achieve that amount, or the Department of Health and Human Services must implement the board's original recommendations, period. That is it.

So we are ceding authority to an unelected board of people whose political views could reflect, for example, only those of the President of the United States, and whose recommendations almost automatically become law. Only if the Congress, within a specified period of time, is able to recommend an alternative that can get the votes, and it would have to be a 60-vote majority, would the recommendations of the board be overridden.

So for procedural reasons this was not the right way to tackle the prob-

lem of costs of the Medicare Program that we do need to get a handle on. It is a very undemocratic approach. But as I said, the procedure is part of the problem. The real question is, how are we going to address costs in Medicare?

Now, we are going to see some very innovative ideas from the House of Representatives, from the Budget chairman, PAUL RYAN, this week when the House budget is released. He will tackle the tough problem of helping to constrain the costs of Medicare. One of the ways I find very unappealing to control Medicare costs is putting a cap on how much we can spend and reimbursing the providers, in particular physicians, with that particular cap in mind.

As I said, the reason is because it is going to cost physicians a certain amount of money to take care of each patient. If they cannot be reimbursed in an amount sufficient to cover their expenses and a little bit more, they are simply going to turn to other kinds of patients.

They have already turned away from Medicaid patients because Medicaid does not reimburse at a level that meets their requirements. As a result, it is a dirty little secret in the medical profession that Medicaid is rationed health care. That is not right. These are the poorest in our society. They need support. They need help. But they have to wait a long time. A lot of times, there just aren't the people to take care of them. Now we are going to convert the system that takes care of senior citizens into the same kind of whatever-we-have-available kind of service because when we begin reducing payments to providers, we will get fewer providers, with the result that we will get less care. It is a simple matter of economics.

This is being recommended not by physicians, not by the patients groups, and so on, but by people who are unelected bureaucrats appointed to this board. According to Mr. Capretta, under the law this is all the board can do. This is what it is restricted to doing. By cutting Medicare patients, the board will only delay and deny care. That is the critical point.

I am painting this picture of physicians not being paid enough. The reality is that today Medicare already pays physicians 20 percent less than private insurance companies do. Part of that is because private insurance companies are cost shifters. When a physician can't make enough money serving government-paid-for patients—Medicare—then they charge more to private sector-paid patients. We therefore are paying more in the private sector for our insurance than it really would cost, but that is in order to subsidize the payment of physicians who don't make enough under Medicare today. What the IPAB would do is reduce those payments even more. This, in turn, will lead to reduced access to care for seniors, and reduced access to care means rationed care.

I quoted James Capretta before. He says:

In a very real sense, seniors will be the ones holding the bag from these cuts when they can't access care due to a lack of willing suppliers.

I will close this point by noting that there is another government health care program I am very familiar with because of the large number of Native Americans in Arizona who have access to health care from the Federal Government under the Indian Health Service. In Indian Country, they have a saying that is not really facetious. They say it with a bit of a wry smile on their face, but they are not at all happy. They say: Just get sick before July. The reason is, there is a definite limit on how much the program will pay out. They set a cap at the beginning of the year, and when enough people have gotten sick enough to a certain point in the year, that is the end of the coverage. So they wait until money is available the next year.

That is an oversimplification, but it is what a total single-payer government system does. When we need to cut costs, we reduce the amount of money available. And who suffers? The people to whom we promised care. We see it in the Indian Health Service. We are seeing it now in Medicaid. We are going to see it in Medicare if we are not careful.

That is why we need to repeal the IPAB, the Independent Payment Advisory Board established under ObamaCare. There is legislation introduced to do this. Senator CORNYN and I cosponsored the Health Care Bureaucrats Elimination Act, S. 668, which would eliminate the IPAB. I hope we will have an opportunity to bring that legislation to the floor so that my colleagues can join us in excising this piece of ObamaCare so that our seniors don't suffer from rationed health care. There is a long group of organizations which joins us in our opposition to IPAB, groups such as the American Health Care Association, the American College of Radiology, National Senior Citizens Law Center, National Association of Social Workers, Volunteers of America, and others.

I hope that when the time comes, we will have an opportunity to have a debate about this aspect of ObamaCare. I know the supporters of the health care reform act did not intend this negative result. I am not suggesting that colleagues who supported ObamaCare love seniors any less than I love my mother, and they love their parents and others. That is not the point. Laws have unintended consequences. When we create a mechanism to save money such as this one and constrain it the way we have, I know what we will get, and we will not like it. We will hear from seniors. And before I hear from my mother, I would just as soon get this problem fixed.

#### EXHIBIT 1

[From the Examiner, Mar. 31, 2011]

#### UNCOVERED: NEW \$2 BILLION BAILOUT IN OBAMACARE

(By Byron York)

Investigators for the House Energy and Commerce Committee have discovered that a little-known provision in the national health care law has allowed the federal government to pay nearly \$2 billion to unions, state public employee systems, and big corporations to subsidize health coverage costs for early retirees. At the current rate of payment, the \$5 billion appropriated for the program could be exhausted well before it is set to expire.

The discovery came on the eve of an oversight hearing focused on the workings of an obscure agency known as CCIO—the Center for Consumer Information and Insurance Oversight. CCIO, which is part of the Department of Health and Human Services, oversees the implementation of Section 1102 of the Affordable Care Act, which created something called the Early Retiree Reinsurance Program. The legislation called for the program to spend a total of \$5 billion, beginning in June 2010—shortly after ObamaCare was passed—and ending on January 1, 2014, as the system of national health care exchanges was scheduled to go into effect.

The idea was to subsidize unions, states, and companies that had made commitments to provide health insurance for workers who retired early—between the ages of 55 and 64, before they were eligible for Medicare. According to a new report prepared by the Department of Health and Human Services, “People in the early retiree age group . . . often face difficulties obtaining insurance in the individual market because of age or chronic conditions that make coverage unaffordable or inaccessible.” As a result, fewer and fewer organizations have been offering coverage to early retirees; the Early Retiree Reinsurance Program was designed to subsidize such coverage until the creation of ObamaCare's health-care exchanges.

The program began making payouts on June 1, 2010. Between that date and the end of 2010, it paid out about \$535 million dollars. But according to the new report, the rate of spending has since increased dramatically, to about \$1.3 billion just for the first two and a half months of this year. At that rate, it could burn through the entire \$5 billion appropriation as early as 2012.

Where is the money going? According to the new report, the biggest single recipient of an early-retiree bailout is the United Auto Workers, which has so far received \$206,798,086. Other big recipients include AT&T, which received \$140,022,949, and Verizon, which received \$91,702,538. General Electric, in the news recently for not paying any U.S. taxes last year, received \$36,607,818. General Motors, recipient of a massive government bailout, received \$19,002,669.

The program also paid large sums of money to state governments. The Public Employees Retirement System of Ohio received \$70,557,764; the Teacher Retirement System of Texas received \$68,074,118; the California Public Employees Retirement System, or CalPERS, received \$57,834,267; the Georgia Department of Community Health received \$57,936,127; and the state of New York received \$47,869,044. Other states received lesser but still substantial sums.

But payments to individual states were dwarfed by the payout to the auto workers union, which received more than the states of New York, California, and Texas combined. Other unions also received government funds, including the United Food and Commercial Workers, the United Mine Workers, and the Teamsters.

Republican investigators count the early-retiree program among those that would

never have become law had Democrats allowed more scrutiny of ObamaCare at the time it was pushed through the House and Senate. Since then, Republicans have kept an eye on the program but were not able to pry any information out of the administration until after the GOP won control of the House last November. Now, finally, they are learning what's going on.

#### BUDGET GAME-CHANGER

Mr. KYL. Mr. President, finally, I wish to have printed in the RECORD and discuss briefly an op-ed in the Wall Street Journal of today titled “Time for a Budget Game-Changer.” This was written by Gary Becker, George P. Shultz, and John Taylor. John Taylor and Gary Becker are both economist professors, Becker at the University of Chicago, Taylor at Stanford. Of course, George Shultz is a former Secretary of Labor, Secretary of the Treasury, and Secretary of State. All three are affiliated with the Hoover Institution. In this article, they present a real answer to the two key problems that face us today.

I ask unanimous consent that this piece be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KYL. The two key problems are that we don't have enough jobs and we have a very high unemployment rate. We need to get the economy growing, and we are having to borrow far too much money because of government spending. What this piece points out is that there is a direct relationship between the two. That is not too surprising. The bottom line is that government borrowing and spending distorts the market by making less money available for the private sector to invest. If the private sector can invest, jobs can be created and we can grow the economy.

What they do in this piece is create a credible strategy to reduce the growth of Federal government spending, bring the deficit down, and increase economic growth. Those goals are not only not inimical to each other, they actually fit together nicely.

As they point out, the essential first step is to reduce discretionary spending in the current fiscal year, 2011. That is the work the Senate and House are engaged in right now. We will have to pass a continuing resolution to fund the government through the end of September. We can substantially reduce the spending, and they point out how in this op-ed.

The second part is a longer term plan to get total spending as a share of GDP down. They have a plan to do that in a relatively gradual way but that nevertheless provides real, substantial savings over the next 10 years and longer to a point that is consistent with the historical relationship between the revenues the government has collected and the spending the government makes.



Let me quote the first three sentences of their op-ed:

Wanted: A strategy for economic growth, full employment, and deficit reduction—all without inflation. Experience shows how to get there. Credible actions that reduce the rapid growth of federal spending and debt will raise economic growth and lower the unemployment rate. Higher private investment, not more government purchases, is the surest way to increase prosperity.

They go on to point out:

When private investment is high, unemployment is low. In contrast, higher government spending is not associated with lower unemployment.

It is a piece I recommend to all of my colleagues because it establishes—and these are first-rate economists who have done the research and can demonstrate beyond peradventure the direct relationship between reduced government spending and more employment and growth. The bottom line is, if we leave more money in the private sector to be invested by businesses in the private sector, the more they will invest and hire people, and the more the economy will grow. Ironically, the more the economy grows, the more revenues the Federal Government gets because we have more taxes and a higher tax basis.

Private economic growth is good for families and businesses and people seeking jobs as well as for the Federal Government if we are looking for more revenue. The wrong answer is to spend more money in the government, 40-plus cents of which has to be borrowed. Every dollar we spend we have to borrow 40 cents of, half of which is borrowed from countries abroad. That borrowing and spending crowds out opportunities in the private market to do the same.

So there is a direct relationship in terms of how much we can reduce Federal spending on the one hand and how much we can grow the economy on the other. That is what these economists point out—the way for us both in the short term and the longer term to get a handle on both the Federal budget deficit and induce the private sector to invest more, thus reducing unemployment and increasing our economic growth.

I thank the Chair.

#### EXHIBIT 1

[From the Wall Street Journal, Apr. 4, 2011]

#### TIME FOR A BUDGET GAME-CHANGER

(By Gary S. Becker, George P. Shultz and John B. Taylor)

Wanted: A strategy for economic growth, full employment, and deficit reduction—all without inflation. Experience shows how to get there. Credible actions that reduce the rapid growth of federal spending and debt will raise economic growth and lower the unemployment rate. Higher private investment, not more government purchases, is the surest way to increase prosperity.

When private investment is high, unemployment is low. In 2006, investment—business fixed investment plus residential investment—as a share of GDP was high, at 17%, and unemployment was low, at 5%. By 2010 private investment as a share of GDP was down to 12%, and unemployment was up to

more than 9%. In the year 2000, investment as a share of GDP was 17% while unemployment averaged around 4%. This is a regular pattern.

In contrast, higher government spending is not associated with lower unemployment. For example, when government purchases of goods and services came down as a share of GDP in the 1990s, unemployment didn't rise. In fact it fell, and the higher level of government purchases as a share of GDP since 2000 has clearly not been associated with lower unemployment.

To the extent that government spending crowds out job-creating private investment, it can actually worsen unemployment. Indeed, extensive government efforts to stimulate the economy and reduce joblessness by spending more have failed to reduce joblessness.

Above all, the federal government needs a credible and transparent budget strategy. It's time for a game-changer—a budget action that will stop the recent discretionary spending binge before it gets entrenched in government agencies.

Second, we need to lay out a path for total federal government spending growth for next year and later years that will gradually bring spending into balance with the amount of tax revenues generated in later years by the current tax system. Assurance that the current tax system will remain in place—pending genuine reform in corporate and personal income taxes—will be an immediate stimulus.

All this must be accompanied by an accurate and simple explanation of how the strategy will increase economic growth, an explanation that will counteract scare stories and also allow people outside of government to start making plans, including business plans, to invest and hire. In this respect the budget strategy should be seen in the context of a larger pro-growth, pro-employment government reform strategy.

We can see such a sensible budget strategy starting to emerge. The first step of the strategy is largely being addressed by the House budget plan for 2011, or HR1. Though voted down in its entirety by the Senate, it is now being split up into “continuing” resolutions that add up to the same spending levels.

To see how HR1 works, note that discretionary appropriations other than for defense and homeland security were \$460.1 billion in 2010, a sharp 22% increase over the \$378.4 billion a mere three years ago. HR1 reverses this bulge by bringing these appropriations to \$394.5 billion, which is 4% higher than in 2008. Spending growth is greatly reduced under HR1, but it is still enough to cover inflation over those three years.

There is no reason why government agencies—from Treasury and Commerce to the Executive Office of the President—cannot get by with the same amount of funding they had in 2008 plus increases for inflation. Anything less than HR1 would not represent a credible first step. Changes in budget authority convert to government outlays slowly. According to the Congressional Budget Office, outlays will only be \$19 billion less in 2011 with HR1, meaning it would take spending to 24% of GDP in 2011 from 24.1% today.

If HR1 is the first step of the strategy, then the second step could come in the form of the budget resolution for 2012 also coming out of the House. We do not know what this will look like, but it is likely to entail a gradual reduction in spending as a share of GDP that would, in a reasonable number of years, lead to a balanced budget without tax rate increases.

To make the path credible, the budget resolution should include instructions to the appropriations subcommittees elaborating

changes in government programs that will make the spending goals a reality. These instructions must include a requirement for reforms of the Social Security and health-care systems.

Health-care reform is particularly difficult politically, although absolutely necessary to get long-term government spending under control. This is not the place to go into various ways to make the health-care delivery system cheaper and at the same time much more effective in promoting health. However, it is absolutely essential to make wholesale changes in ObamaCare, and many of its approaches to health reform.

The nearby chart shows an example of a path that brings total federal outlays relative to GDP back to the level of 2007—19.5%. One line shows outlays as a share of GDP under the CEO baseline released on March 18. The other shows the spending path starting with HR1 in 2011. With HR1 federal outlays grow at 2.7% per year from 2010 to 2021 in nominal terms, while nominal GDP is expected to grow by 4.6% per year.

Faster GDP growth will bring a balanced budget more quickly by increasing the growth of tax revenues. Critics will argue that such a budget plan will decrease economic growth and job creation. Some, such as economists at Goldman Sachs and Moody's, have already said that HR1 will lower economic growth by as much as 2% this quarter and the next and cost hundreds of thousands of jobs. But this is highly implausible given the small size of the change in outlays in 2011 under HR1, as shown in the chart. The change in spending is not abrupt, as they claim, but quite gradual.

Those who predict that a gradual and credible plan to lower spending growth will reduce job creation disregard the private investment benefits that come from reducing the threats of higher taxes, higher interest rates and a fiscal crisis. This is the same thinking used to claim that the stimulus package worked. These economic models failed in the 1970s, failed in 2008, and they are still failing.

Control of federal spending and a strategy for ending the deficit will provide assurance that tax rates will not rise—pending tax reform—and that uncontrolled deficits will not recur. This assurance must be the foundation of strategy for a healthy economy.

Mr. KYL. 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. COATS. 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. COATS. Mr. President, my understanding is that we are in morning business and I have 10 minutes allocated to me. I may not take that much time.

#### 1099 REPEAL

Mr. COATS. Mr. President, I am here to essentially support the hard work of a colleague, Senator JOHANNIS, in bringing to the floor tomorrow a vote to repeal the 1099 provisions in the current health care bill.

As I campaigned throughout the State of Indiana over this past year, meeting with businesspeople and individuals running shops in a small town

and large businesses on the outskirts of busy manufacturing centers, several themes were repeated over and over and over. One was that we continue to have problems in creating jobs because of the massive amount of regulations that are flowing out of Washington that, at a time of fiscal downturn in particular, are keeping our businesses from going forward and hiring people, being competitive. We spend time in the back room with paperwork, filling out what seems to be unnecessary burdens imposed upon us by regulatory agencies.

Some of these regulations are necessary. We all know that for purposes of health and safety, there are regulations that are important in keeping companies' feet to the fire in terms of making sure their workplace is a safe and healthy place to work. These are important, and there are others. But clearly there is an excess. What I heard people saying all across the State of Indiana was that our government has grown too big, it spends too much money and it overregulates. In particular, when it comes to business, that overregulation and overtaxation is impeding our ability to compete on a worldwide basis to provide the kinds of jobs and services America is used to providing in such a successful way.

Tomorrow, this vote will deal with an aspect of the health care bill that was passed in the last Congress. Tucked away in that health care bill is a provision requiring every company, every church, every charity to submit a separate IRS 1099 form for taxes detailing and describing the goods they purchase in order to run their church, run their hospital, run their business, run their charity.

I have talked to hospitals—small and rural, big and large—across the State of Indiana, and they say: Do you realize how many separate items we purchase every year of over \$600? Do you understand how many hundreds, if not thousands, of prescription drugs we purchase in order to have them available here to perform our services in this hospital, how many band-aids, how many cotton patches, how many sophisticated drugs?

Hundreds of thousands of items are purchased by large companies every year, and each one of those now has to be calculated as to whether the purchase price was more than \$600 for the lot they buy, and it has to be detailed and then sent to Washington. There are not enough bureaucrats in Washington to begin to process the paperwork that would flood into this city. There are not enough buildings in this city to house those bureaucrats processing those forms. There are not enough warehouses in this city to store the forms that would flow in here. All for what reason? Because supposedly this is a way to collect more taxes on companies that have not submitted forms where they have actually purchased this particular material, even though they are required under the tax laws to

honestly—and I believe it is almost unanimous; maybe 99 percent of the time—do just that. So it is a solution without a problem.

Clearly, what Senator JOHANNIS has been attempting to do over the past several months and even in the last Congress is bring forward a bill that would repeal this onerous provision of the health care law.

The U.S. Chamber of Commerce said this about the 1099 reporting requirement:

At a time when they can least afford it, entities will have to institute new complex record-keeping, data collection and reporting requirements to track every purchase by vendor and payment method. This provision will dramatically increase accounting costs and could expose businesses to costly and unjustified audits by the IRS.

Even the IRS Information Reporting Program Advisory Committee has ruled against this, deeming this mandate "burdensome" with "no measurable purpose."

Forcing businesses to spend time in the back room to fill out all these forms and do all this record keeping—and particularly those small businesses that do not have the back room, where the owner and the proprietor of the business is the one who has to fill out these forms instead of being out there selling his services or running his business—they are particularly burdened by this unnecessary regulation.

Clearly, if we want to promote our businesses, help them hire more people, and get more people back to work, we have to release them from the burden of unnecessary regulation and, I would also add to that, taxation. So tomorrow, when this vote comes up, let's adopt the Johannis amendment to repeal this unnecessary and costly provision and send it to the White House for the President's signature.

While we are at it, let's also continue to take a look at the health care bill because if this provision somehow survived scrutiny before passage, there must be many more of these in there. Let me just mention one of them that directly impacts my State.

Medical device companies are a key industry in the State of Indiana. In fact, we are one of the leading States, if not the leading State in the country, for the number of people engaged in producing medical devices. That industry was slapped with a 2.3-percent sales tax on medical devices under the new health care law simply as a means to pay for the new health care law.

This is an innovative industry, an industry which is at the cutting edge of technology, one of our best exporting industries. They sell all over the world. We talk about the loss of American capacity to manufacture. We have a skilled workforce in place, with thousands of people employed throughout the State of Indiana, with several hundred companies producing medical devices. They have developed the innovation and the skill to be the best in the world. Yet, just out of the blue, be-

cause we are looking for a pay-for in the health care bill—that had nothing to do with their production of that product or their business—they were slapped with this \$20 billion impact tax, a 2.3-percent sales tax, which turns out to be about \$20 billion under the health care law.

I have given these statistics for just the one State of Indiana. I know Minnesota and a number of other States also are engaged in the medical device business. But singling out, though, the medical device manufacturers to help pay for the massive costs of the health care law, hinders job growth and stifles innovation. This is a resource-rich, research-rich industry in America that needs to be encouraged, not discouraged, that needs to have incentives to go forward, not disincentives, that does not need more regulation and higher taxes but needs to be viewed as producing a product that is the best in the world and what the world wants to buy.

So as we look at the health care bill, I am sure there are many provisions that need to be addressed. I, of course, am on record for repealing and starting over for reasons I have stated before and will not go into now. I think it is fatally flawed. I think starting over would give us a far more cost-effective, incremental improvement in ways to address our health care needs in this country without breaking the bank.

Nevertheless, if we cannot do that, we need to keep looking at situations such as what we are going to be addressing tomorrow, the 1099 repeal, and situations such as I have just described with the medical device tax.

Mr. President, with that, I will close by urging my colleagues to come and vote for the repeal of the 1099 provision that has been brought forward by Senator JOHANNIS.

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

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

#### NCAA TOURNAMENT

Mr. COATS. Mr. President, maybe this should have occurred to me before I last spoke and I should have addressed this. But since no one else is on the floor seeking to be recognized, it occurred to me that the Presiding Officer of the Senate represents the State of Connecticut, and I represent the State of Indiana. The two of us are the only ones on the floor of the Senate at this particular time. The Presiding Officer and I have an event that is very much going to draw our attention this evening; that is, the final game of the NCAA basketball tournament, Connecticut versus Butler.

I can extoll the virtues of Butler for a long time. I can also take some advantage of the Presiding Officer because he is in the chair and can't reply,



but I will not do that. I am just here to say we have a friendly bet on for this. I have some good Indiana-produced goodies coming the way of the Presiding Officer, should Connecticut prevail, and I think the Presiding Officer has some good Connecticut-produced goodies coming my way—by goodies I mean popcorn and a can of beans or whatever our States are famous for producing. I don't want anybody getting the wrong impression of what we possibly are exchanging.

Butler has been a dream and a joy for those of us from Indiana and, hopefully, from across the country, to watch this small school of 4,400 students in Indianapolis that produced a team that comes out of a midmajor conference. These schools perhaps aren't familiar to very many people, but yet they have knocked off the giants, with one more giant, I might say, to face this evening. But this little Midwestern school plays basketball the Hoosier way. They are a credible collection of players who were not recruited by the big schools but came together and worked together as a team under the inspired leadership of their young coach. They have now found themselves as NCAA finalists 2 years in a row, I think something no one would have predicted, particularly after they lost their star player last year who left the school a year early to go to the NBA.

My best wishes to the Presiding Officer for his team. As much as I give you those best wishes, I am looking forward tomorrow to receiving your part of the bargain delivered to my office, but if not, I will be standing at your front door. It is already assembled just in case. But we are rooting for a great game tonight. I think probably one of the most exciting events that happens in sports is the amateur basketball tournament that is played in by our NCAA colleges. It is a joy to watch these young men.

Then, tomorrow, I might mention, the Notre Dame women's team will be playing in the finals against Texas A&M. So Indiana is certainly putting forth some of its best during these next two nights. I am looking forward to seeing those games tonight. Our hopes are that we will not be in session this evening in the Senate. I don't think we will be. So you and I will be, unfortunately, not in Houston but in front of a big screen TV cheering on our teams.

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

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

#### BUDGET DEBATE

Mr. SESSIONS. Mr. President, we are in the middle of the budget debate and,

as the Ranking Republican on the Budget Committee, it is something which is very important to me, and, I believe, to America.

There are two aspects of it. One is, how will we finish this fiscal year that ends September 30? The House Republicans have sent over legislation that funds the government, but it is \$61 billion less than was expected or had been projected under last year's budget. I don't think anyone would be surprised, after the last election and the big spenders took a pretty big hit, that there would be a reduction after the continuing resolution of, I guess, 5 months expired. Since that expired a few weeks ago and we have had some short-term continuing resolutions, we have reduced spending by about \$10 billion. I truly believe we need to move it on down to a full \$61 billion and, over 10 years, that will reduce the baseline by \$61 billion and, fairly computed, it will save, over a 10-year timeframe alone, \$860 billion. That is close to \$1 trillion. It is real money. It is a significant step we should take. I hope this Congress will take it.

The next matter that is before us is, what about next year's budget? We should already be in that cycle. The President has submitted the budget he is required by law to submit to the Congress. It does nothing about the threat to our country economically and financially. It is a great disappointment, the most irresponsible budget ever submitted, I am confident, by any President in the history of the American Republic. I have said that before, and I truly believe it. It is irresponsible. We cannot adopt it, we will not adopt it, and it will not become law. But our Senate has indicated they are prepared to consider—Democrats, too—a better budget, perhaps, but we haven't seen it. It has not been brought forth to the Budget Committee, as the law requires us to do, so far, and we are behind schedule. But the House tomorrow will consider a historic budget that honestly and carefully confronts the challenges facing us, long term and short term, dealing with entitlements, without gimmicks, and allows us to begin to focus on what the challenges are and why we have to take these steps.

Because who wants to talk about cutting spending? What politician likes to do that? It is not something we like to do. Why are we talking about this? Why? Can't it be put off? Is it just political squabbling between Republicans and Democrats? They are always bickering. Is this what it is all about? Is there anything real here? Do we have a problem that can't be avoided? Is it something—can't we just continue like we are? Why do we have to worry about more reductions in spending?

That is the question: Do we have a real crisis? Are we facing a threat to our economic well-being that could throw this country into another recession, maybe even a depression—surely, hopefully, not—a fiscal, financial crisis; is that possible?

Let's talk about a couple things. Admiral Mullen, the Chairman of the Joint Chiefs of Staff, recently stated that our national debt is the greatest threat to our national security. That is a pretty strong statement. Secretary of State Clinton said something very similar. Is that true? The American people pretty clearly agree with Admiral Mullen by a huge margin. They say we are on the wrong track. You are mismanaging Washington. There was a shellacking of the big spenders in the last election. People know we are spending too much money. We have had a 24-percent increase in spending since President Obama has been President—a 24-percent increase in discretionary nondefense spending. Inflation has been 1 or 2 percent during this time, and we had a 24-percent increase.

Next year's budget by the President calls for an 11-percent increase in education, a 10.5-percent increase in the State Department, a 9.5-percent increase in the Energy Department, and a 61-percent increase in transportation and high-speed rail. What? The inflation rate is 2 percent and we have 5 times—or 50 times, nearly, that amount in spending increases?

Alarming, it is not just the American people or just the tea party, great American people who are concerned about their country. It is not just tea party members who are expressing concern and calling for action. It is the Nation's top financial experts. This is what is important. They are calling for action sooner rather than later.

Ersine Bowles, President Obama's choice to head the deficit commission, who was also President Clinton's Chief of Staff and is a very successful businessman himself—he was chosen by President Obama to head the debt commission, along with Alan Simpson, a former Republican Senator. In a written statement they submitted to the Budget Committee just 2 weeks ago, this is what they said. This is a formal written statement from the debt commission cochairman to the Budget Committee of the Senate:

This is the most predictable financial crisis this Nation has ever faced.

Predictable crisis. In other words, we can see it coming. They spent months doing research. They heard from all kinds of witnesses. When asked when the crisis might occur, which could involve some sort of double-dip recession or even a longer recession or higher unemployment, Mr. Bowles said it could be 2 years, maybe sooner, maybe later. Alan Simpson said it could be within a year. These are stark warnings, and the same message is coming from a host of the world's top financial experts.

I have to say the good news is our country has a strong work ethic and an entrepreneurial spirit still exists. The indications are that despite the economic drag and our huge debt burden, the economy—far slower than normal recovering from this recession—is

struggling to rebound. If we act decisively now to end our wasteful spending habits, we can be confident that progress in growth will continue.

When our Nation's leaders are aware that their country is facing a crisis, they have no higher moral responsibility than to act to protect the Nation from that danger. Today's Wall Street Journal has an op-ed by the Nobel Prize laureate, Gary Becker; a former Secretary of the Treasury, George Shultz; and an economic professor, John Taylor. The article embraces the \$61 billion in reduced spending passed by the House and debunks the critics unequivocally who call these cuts extreme. They directly and categorically rebut the assertion that these spending reductions will result in higher job losses and explain why that is a false view.

Again, is the debate over spending just another Republican and Democratic squabble? Is it just an attempt to gain political advantage? Sound and fury signifying nothing?

The answer is a resounding no. We are spending money we don't have in amounts dramatically greater than at any time in our history. When this fiscal year ends September 30, we will have spent \$3.7 trillion and taken in only \$2.2 trillion. Forty cents of every dollar we spend this year will be borrowed. We have to borrow the money we don't have. This will be the largest of three consecutive deficits exceeding \$1 trillion.

President Bush was rightly condemned for his \$450 billion deficit 1 year—the highest he ever had. We have been over \$1 trillion in the last 3 years. Next year's budget deficit is expected to exceed \$1 trillion.

This money must be borrowed and interest paid. Nothing comes from nothing. Last year, the Nation's total interest payment was \$200 billion. That is how much we paid on the money we borrowed. For perspective, the Federal highway program—and Senator INHOFE knows about this—is about \$40 billion, and we spent \$200 billion on the interest. We would like to have spent more on highways. Federal education programs cost about \$70 billion. So already the interest on our debt is the fastest growing expense of our government, and it is crowding out spending for other programs.

But hold your hat. Our current trajectory takes us at increasing speed on a "road," as the former head of the European Union said, "to financial hell." He said that about the United States.

According to the official score or analysis of the President's 10-year budget, the total debt of America will more than double, from \$13 trillion to \$27 trillion, over the 10-year period, and our annual interest will increase from \$200 billion last year to \$940 billion. That is how much interest we will be paying the tenth year under the budget. It will cost more than education, highways, energy, and the State Department combined.

Indeed, our interest payment will surge past defense, Medicare, and Medicaid. That is why expert after expert, witness after witness, Republicans and Democrats, say the United States is on an "unsustainable path." Yet President Obama's budget increases all spending every year, including discretionary spending, doubling the debt of the United States again, all the while raising taxes by almost \$2 trillion. He makes no proposals to put Medicare, Medicaid, and Social Security on sound footing—nothing. It creates a debt path where his lowest annual deficit in 10 years is \$748 billion—that is the best year—with his outyear deficits increasing, so that by the tenth year his budget is scored as having a deficit of \$1.2 trillion. Is that unsustainable or not?

Is it extreme to say we have to change that course, that we can't continue it? Well, let me quote a few experts—not just JEFF SESSIONS, the Senator from Alabama. How about some people whose lives have been enmeshed in the debt of America? They seem to share the concerns, it seems to me, of the "extremists"—the tea party people. What do the experts say? How about Alan Greenspan, former Chairman of the Federal Reserve? This is what he said:

I think that the type of budget agreement that was put together by Alan Simpson and Erskine Bowles is the type of budget that will be passed by Congress.

It doesn't look like that is so, unfortunately. He goes on to say:

The only question is, will it be before or after the bond market crisis?

Is Alan Greenspan an extremist? He said, also, a few weeks ago that we could have a debt crisis in our country in 2 to 3 years.

Bill Gross, who heads the world's largest bond fund at Pacific Management, eliminated government-related debt from his flagship fund. They no longer have any U.S. Treasury bonds. This is what he wrote recently:

If the USA were a corporation, then it would probably have a negative net worth of \$35-\$40 trillion once our "assets" were properly accounted for. . . . No lender would lend to such a corporation.

Is Bill Gross extreme?

Erskine Bowles and Alan Simpson said:

We believe that if we do not take decisive action, our Nation faces the most predictable economic crisis in its history.

Mr. Bowles, before the Budget Committee, March 8, was asked how and when that might happen by Senator CONRAD, our chairman. He said:

The problem is going to happen. It is a problem we are going to have to face up to in maybe 2 years, maybe a little less, maybe a little more.

Simpson said this:

I think it [the crisis] could come before 2 years.

Timothy Geithner, Secretary of the Treasury, when asked about the Reinhart-Rogoff study—which said when debt reaches 90 percent of GDP, the economy of a nation slows down

noticeably—and I believe Rogoff and Reinhart will be testifying before the committee tomorrow. When asked about their analysis, that 90 percent—your debt equals 90 percent of your gross domestic product, your economy is slowed and it pulls down; and we are already at 95 percent, heading to 100 percent by September 30—Mr. Geithner said it was an excellent study. He didn't say this is an extreme study. He said this:

In some ways . . . it understates the risks, because it is not just that countries that live with very high debt-to-GDP ratios are consigned to weaker growth; they are consigned to the damage that comes from periodic financial crises as well.

Is Secretary Geithner extreme? Is Admiral Mullen extreme? Senator CONRAD, our chairman, is very concerned about the trajectory we are on. On March 15, at a Budget Committee hearing, this is what he said:

I believe our Nation is in peril. We are hurtling toward a fiscal cliff. . . . We are clearly on an unsustainable course.

Pete Domenici, who was part of the Rivlin-Domenici debt commission, which was similar to Bowles-Simpson, and was also the former chairman of the Budget Committee in the Senate, said this:

I have never been more worried for my country.

Are Senator CONRAD and Senator Domenici extreme? I think not.

Only three bodies can propose spending plans. The White House budget has been submitted. It would double our debt, surge our interest burden, increase spending at every level, and raise taxes substantially. Tomorrow we will have the House plan. It will be released by Budget Chairman RYAN. It is the most serious attempt ever made to solve America's spending and debt problems while saving critical programs, such as Medicare—saving those programs. They are beginning to default now.

What does the Senate plan to do, the Democratic Senate? Doing nothing seems to be the plan. We have not seen a budget proposal and haven't had a hearing set for the markup of a budget proposal. I doubt that the President's plan will be brought forward in its present form because it would receive not many Democratic votes and, I suspect, no Republican votes. I don't know.

The Senate has to do something. We have to propose a budget and be engaged in the process. We can't stick our heads in the sand. We cannot be in denial. Is the President going to change? Is he going to all of a sudden take responsibility for the fact that we may be heading to a fiscal crisis that could surge unemployment, surge interest rates, and place this Nation in financial risk? We have not seen it yet.

If he does not act, what will our Senate Democratic colleagues do? I call on them to step up and represent their constituents, to do the right thing. We have to do the right thing. We cannot continue on this course.

In my view, American leaders have no higher duty, no greater moral responsibility than to take all the appropriate steps to protect the good people we serve from a clear and present danger—a danger that has been detailed to us with clarity and repetition by some of America's finest leaders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first, let me say how refreshing it is to hear the Senator from Alabama, as scary as it is, to tell the truth about the problem we have. When I tell people back in my State of Oklahoma—I refresh their memories. I remember in 1996 standing at this podium—right here—when the Clinton budget came out for fiscal year 1996. It was a \$1.5 trillion budget. I said a \$1.5 trillion budget is impossible to sustain. And yet the budget the Senator from Alabama was talking about was the budget of this President—and, of course, with a majority in the House and the Senate—that actually has a deficit that is greater than the entire budgets around the entire United States of America in 1996. That is the deficit. That is what my 20 kids and grandkids are going to have to pay for.

When you use statements that are real and cannot be denied—and that is, that this President in the 2 years he has been here has increased the debt more than all the Presidents before him, from George Washington to George W. Bush—it is not believable. That is what makes it so difficult because people think: How can this possibly be? And yet, it is. That is the reality.

#### COTE D'IVOIRE

Mr. INHOFE. Mr. President, a few minutes ago, I talked at some length about a very significant amendment that is going to be coming up, and that is to take jurisdiction away from the Environmental Protection Agency having to do with cap and trade, something they were unable to do legislatively and they are going to try to do through regulations at the Environmental Protection Agency. I already talked about that issue.

There is something that has not been mentioned on the floor of the Senate that I think is significant. Surprisingly enough, hardly anyone is even aware that it is going on. We are all concerned. We hear every day about the atrocities that are committed in Libya and about the people who are being mowed down. What they do not realize is that is not the only place that is going on.

I have to share, as much as I hate to do it because I am disagreeing with our State Department when I say this, but I have to say it because somebody has to say it. Right now, the potential of having large numbers of people tortured and murdered in Cote d'Ivoire is taking place. Let me set the stage so people will be aware of it.

I have had occasion to be in Cote d'Ivoire—some people call it the Ivory Coast—in west Africa. It is an area where a lot of the slave trade came from to this country. It is a place that has been led by a President named Laurent Gbagbo for the last 10 years. I first became acquainted with the country before he was President of Cote d'Ivoire. In fact, his wife Simone—she is now his wife; she was not his wife at that time—was a member of Parliament. I sat through what happened in 2002 when there was a real effort primarily by one individual—his name is Alassane Ouattara from the northern part of Cote d'Ivoire—charging against him. It is kind of interesting because Cote d'Ivoire is one country, but in the north, they have primarily the Muslim area and in the south and east primarily the Christian element. There has been a real effort for quite some time for the chosen one up there, who is Alassane Ouattara, to defeat President Gbagbo.

Here is the problem. There is an election that took place a few months ago. It appeared that Ouattara actually beat the incumbent President, President Gbagbo. We were all concerned about whether this was a straight election. I am going to tell you in a couple of minutes why it was not but also try to call this to the attention of the administration.

In January after the election took place, I wrote a letter to Secretary Clinton, and I said: I wish to have you reevaluate—I am going to have that letter at the conclusion of my remarks printed in the RECORD—to look at this and evaluate this as to what actually went on in that election and how it was rigged.

Ouattara tried to deny involvement in a mass slaughter that took place a couple days ago. That was in a town called Duekoue. Duekoue is in the southern part, an area that is very strongly in favor of President Gbagbo. Somewhere between 300 and 1,000 people in that western town of Duekoue were slaughtered with guns and machetes.

Mr. Ouattara and his people tried to deny their involvement in the mass slaughter, but his forces took the town days earlier and the Gbagbo forces were not even near the town. They left a week before this happened. Do not believe me, but the Guardian, which is a British newspaper, reported last night—I am going to quote from the newspaper:

The U.N. mission said traditional hunters, known as Dozos, fought alongside Ouattara's forces and took part in killing 330 people in the western town of Duekoue. The International Committee of the Red Cross said at least 800 people were killed in intercommunal violence in Duekoue last week.

What we do not know is that 800 plus the 330, so roughly it is 1,000.

Guillaume Ngefa, deputy head of the human rights division of the UN mission in Ivory Coast, blamed 220 of the deaths on the pro-Ouattara forces.

The full article goes into a lot of detail.

Also, a BBC reporter at Duekoue wrote in the last 24 hours:

I spot four pigs eating something dark in a charred courtyard. Standing by a newly dug mass grave, a U.N. soldier from Morocco is choking with rage and grief. I ask him if any of the dead are children. He nods and begins to sob, quietly, into his facemask.

I repeat, the massacre was not caused by the Gbagbo forces but by the Ouattara forces who had taken over the town. President Gbagbo has called for a cease-fire repeatedly. I repeat that. He has called for a cease-fire but the Ouattara forces have rejected it. Why?

This massacre could have been avoided if Ouattara had accepted mediation through the African Union. On March 27, the African Union sent former Cape Verde Foreign Minister Jose Brito to mediate between Ouattara and Gbagbo. Gbagbo accepted the mediation. Ouattara did not.

I have been following the events closely in Cote d'Ivoire since last fall, and after having spoken with various African dignitaries, I am convinced there is a serious question as to whether Ouattara is the legitimately elected President of Cote d'Ivoire.

I have received substantial evidence of massive voter fraud in the rebel-held north of Cote d'Ivoire. That is the area from which Ouattara comes. I have sent the evidence to Secretary Clinton on two occasions spanning the last few months. One letter is where we actually have the evidence of the number of votes that were stolen. In one letter I pointed out—the last letter, which I will have printed in the RECORD—the evidence which shows that Ouattara received 94,873 votes that were listed on a tally sheet for one of the five regions in the rebel-held north. Times this by four, and it comes very close to the margin of votes that allegedly President Gbagbo lost. That is 400,000 votes.

If, indeed, a similar amount of voter fraud exists in these regions, Gbagbo is the actual winner of the November 28 Presidential election. That is too complicated. Look at it this way: In those five regions—they do not call them precincts; some of the small ones they call precincts, so it is a little confusing. In the first letter I sent, I commented that Gbagbo, in what we would call a primary, had won thousands of votes in each one of those five precincts up north. However, in the primary runoff, he got zero. I suggest to you that is a statistical impossibility. You cannot get zero after you had thousands of votes.

In my letter to Secretary Clinton, I called for the United States to support new elections there, but thus far those efforts have received an inadequate response. Based on the news Ouattara has murdered some 1,000 people in Duekoue, I hope the United States will reconsider its position and call for a new election.

This Wednesday, April 6, will mark the 17th anniversary of the 1994 Rwanda genocide. I went back for the anniversary of that genocide. I have been

there many times before. We know that the U.N. Secretary General Kofi Annan and others knew the extent of this violence early on but did nothing about it. Now we know there can be another genocide occurring, and we do know in advance. That is why the United States is going to have to call for an immediate cease-fire to prevent Ouattara and his rebel army from committing a mass slaughter of the Ivoirians, especially the many youths with sticks and baseball bats who are protecting President Gbagbo at the present time around the Presidential palace.

You have to get this mental picture: They have these young kids marching around. They do not have weapons. They are carrying baseball bats and 2 x 4s.

I have also been told in the last half hour that U.N. helicopters—U.N. peace-keeping helicopters—are firing on Gbagbo's military camp, causing massive explosions. There could be some confusion on this because two of the articles that came out in the last half hour—one was talking about the French, who are kind of behind and supporting, of course, Ouattara, that they are involved in this. The other says the United Nations. I am not sure. One of the two is.

Lastly, I sent Senate Foreign Relations Committee Chairman JOHN KERRY—by the way, I talked with him personally about this situation. He is very concerned about it. I requested he convene a hearing as soon as possible into the atrocities committed by forces loyal to rebel leader Ouattara, as well as into what I believe were flawed elections that gave legitimacy to his claim of the Presidency.

I ask unanimous consent to have printed in the RECORD the two letters sent to Secretary Clinton, along with the letter sent to Senator KERRY, and the miscalculation of the election that I honestly in my heart believe was stolen. This is the tabulation of the precincts. Add up the precincts and in just one precinct, there was a mistake of over 85,000 votes—just in one precinct.

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

U.S. SENATE,

Washington, DC, February 9, 2011.

Hon. HILLARY RODHAM CLINTON,  
Secretary of State, U.S. Department of State,  
Washington, DC.

DEAR MADAM SECRETARY: I write regarding my grave concerns over the conduct of the second round of voting in the presidential election held in Cote d'Ivoire last November 28, 2010.

As you know, the Independent Electoral Commission of Cote d'Ivoire announced the results of their counting of ballots and declared Alassane Ouattara the winner. It is my understanding of the Constitution of Cote d'Ivoire, however, that it is the Constitutional Council of Cote d'Ivoire and not the Electoral Commission which certifies and declares the winner of presidential elections. I also understand that the Electoral Commission announced the final vote tallies almost 16 hours after its constitutionally mandated time to report such results. It

seems that this election was not carried out in accordance with the constitution of this country.

A second and more troubling aspect of this second round of voting is the credible allegations of massive voter fraud—amounting to several hundred thousand votes—in the rebel-held north of Cote d'Ivoire. I am in receipt of evidence of these allegations, and I have enclosed it for your review.

An example of the kinds of voter fraud allegations that you will find in these attached materials are the tallies of precincts where, in the first round of voting, President Laurent Gbagbo received several thousand votes, but in the second round he received zero votes. This prima facie evidence of large scale voter fraud is very troubling.

Although the Obama Administration has recognized Alassane Ouattara as the winner of the election over President Gbagbo, I ask that you investigate these credible allegations of massive voter fraud and reassess whether the United States should continue to recognize Alassane Ouattara as the winner. Equatorial Guinean President and new African Union Chairman Teodoro Obiang Nguema Mbasogo has appointed a special panel of five African country leaders to present recommendations to the Union in a month's time on how to resolve this presidential election crisis. This would be a good opportunity for the U.S. to become involved in this assessment and investigate these allegations. I would recommend that serious thought be given to a recount of the votes supervised by an internationally sanctioned organization like the African Union, the Organization for Security and Cooperation in Europe or even the Organization of American States. I would further suggest that experienced U.S. electoral organizations become involved like the International Republican Institute, the National Democratic Institute and the International Foundation for Electoral Systems. A fair and impartial recounting of the votes might be one way to end this crisis peacefully.

I look forward to your response.

Sincerely,

JAMES M. INHOFE,  
U.S. Senator.

U.S. SENATE,  
Washington, DC, March 29, 2011.

Hon. HILLARY RODHAM CLINTON,  
Secretary of State, U.S. Department of State,  
Washington, DC.

DEAR MADAM SECRETARY: I write you again regarding my grave concerns over the conduct of the second round of voting in the presidential election held in Cote d'Ivoire last November 28, 2010. I also write to inform you that a new presidential election should be held in Cote d'Ivoire. This is the only way to prevent further bloodshed, stop a new civil war and ensure a truly free and fair election.

As I stated in my letter of February 9, 2011, Cote d'Ivoire's Independent Electoral Commission (CEI) announced the results of their counting of presidential ballots and declared Alassane Ouattara the winner. Under the Constitution of Cote d'Ivoire, however, it is the Constitutional Council of Cote d'Ivoire and not the Electoral Commission which certifies and declares the winner of presidential elections. In addition, the Electoral Commission announced the final vote tallies almost 16 hours after its constitutionally mandated time to report such results. This most important election phase was not carried out in accordance with the constitution of this country.

A second troubling aspect of this second round of voting is the credible allegations of massive voter fraud—amounting to several hundred thousand votes—in the rebel-held

north of Cote d'Ivoire. I received evidence of these allegations and sent it to you in my earlier letter, but have yet to receive a reply.

The evidence included tallies of precincts where, in the first round of voting, President Laurent Gbagbo received several thousand votes, but in the second round he received zero votes. This prima facie evidence of large scale voter fraud I found very troubling.

In the 57 days since my last letter, I have spoken with numerous officials on the ground during last year's presidential election. This includes African leaders I met with during my trip to this region last month. I have also obtained new evidence of massive voter fraud in the rebel-held north. Specifically, one exhibit (enclosed) is a copy of an official regional electoral return document from the Electoral Commission. It shows Ouattara receiving a total 149,598 from five northern cities. But when the total is officially reported in the amount column ("Totaux" column), Ouattara receives 244,471; a difference of 94,873 votes!

I have been a frequent traveler to Africa for the past 15 years. I have visited Cote d'Ivoire nine times, the last being June of 2010. I am probably the most knowledgeable person about Africa in the U.S. Senate. From all the evidence I now have gathered, I am convinced that it is mathematically impossible for President Gbagbo to have lost the election by several hundred thousand votes. And if a similar amount of fraud exists in the other four regions of the rebel-held north, Gbagbo is actually the winner of the presidential election.

The hundreds of thousands of potential fraudulent ballots, combined with the unconstitutional method in which the votes were tallied and announced by the Independent Electoral Commission, lead me to conclude that the election was not free and fair. I also conclude that a new presidential election should be held under international sanction and supervision to ensure a free and fair election.

I am aware that my position is different from that of the Obama Administration, which has recognized Alassane Ouattara as the winner. I ask, however, that you change your position in light of the evidence I have provided, and that you call for a new election. Such a change would not be viewed as inconsistent, but a wise reevaluation in light of new evidence presented. It is also consistent with our American dedication to the principle that democracy works best when it works for all and not for some.

I recommend that the new election be supervised by internationally sanctioned organizations like the African Union or the Organization for Security and Cooperation in Europe. I would further suggest that experienced U.S. electoral organizations become involved like the International Republican Institute, the National Democratic Institute and the International Foundation for Electoral Systems.

I am convinced that only through a new election will the people of Cote d'Ivoire end the increasing bloodshed, stop another civil war and ensure free and fair elections.

Sincerely,

JAMES M. INHOFE,  
U.S. Senator.

U.S. SENATE,  
Washington, DC, April 4, 2011.

Hon. JOHN F. KERRY,  
Chairman, Senate Foreign Relations Committee,  
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: It is now clear, based on United Nations reports coming from Cote d'Ivoire that mass killings have occurred in the western town of Duekoue at the hands of forces loyal to Alassane Ouattara. This calls

into question his legitimacy to lead that country. The killing of innocent civilians must stop now before this becomes another Rwanda.

In light of these facts, I request that you convene a hearing as soon as possible into this atrocity committed by forces loyal to rebel leader Ouattara, as well as into what I believe were flawed elections that gave legitimacy to his claim of the presidency.

Based on the evidence I have seen, and having spoken with various African dignitaries, I brought this issue of fraudulent elections in Cote d'Ivoire to the attention of Secretary of State Clinton on two occasions spanning the past few months. I called for the United States to support new elections there, but thus far, these efforts have received an inadequate response. Based on the news that Ouattara has murdered 1,000 people in Duekoue, I hope the U.S. will reconsider its position and that you will hold this hearing.

The United States must call for an immediate ceasefire to prevent Ouattara and his rebel army from committing a mass slaughter of Ivoirians, especially the hundreds of youth with sticks and baseball bats, who have formed a human chain around Gbagbo's residence and presidential palace.

I know your plate is full now regarding the situation in Libya, but I know you are sensitive to this situation and hope you will hold this hearing.

Sincerely,

JAMES M. INHOFE,  
U.S. Senator.

Mr. INHOFE. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF JIMMIE V. REYNA TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIR- CUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to report the following nomination.

The assistant bill clerk read the nomination of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that, however the time is divided, the vote begin no later than 5:30.

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

Mr. LEAHY. Mr. President, I thank the majority leader for beginning another work week by scheduling a con-

firmation vote on an important judicial nomination. The nomination of Jimmie V. Reyna to the Federal circuit was reported unanimously by the Judiciary Committee on March 10. I expect his nomination to be confirmed with strong bipartisan support, likely unanimously.

That is also true of many of the other judicial nominations pending on the Senate's Executive Calendar, including several for what have been designated judicial emergency vacancies in New York, California, Florida and Tennessee. With nearly one out of every nine Federal judgeships vacant, we should act responsibly to address this vacancies crisis by voting promptly on nominations favorably reported by the Judiciary Committee. After this confirmation today, the nominations of another dozen judges and that of the Deputy Attorney General of the United States will remain pending and awaiting Senate consideration and final Senate action. Several of the judicial nominations and that of the Deputy Attorney General have been waiting final Senate action since last year.

At his confirmation hearing in February, Mr. Reyna was introduced to the Judiciary Committee by both of his home State Senators, Senator MIKULSKI and Senator CARDIN of Maryland. Senator CORNYN of Texas, a Republican, also joined Senator CARDIN in recommending Mr. Reyna to President Obama. When he is confirmed, Mr. Reyna will become the first Latino to serve on the U.S. Court of Appeals for the Federal Circuit. A past president of the Hispanic National Bar Association, Mr. Reyna has excelled in private practice for 30 years, specializing in international trade law. He was unanimously rated by the American Bar Association's Standing Committee on the Federal Judiciary as well qualified to serve on this court, its highest possible rating.

The Judiciary Committee received letters of support for Mr. Reyna's nomination from the Customs and International Trade Bar Association, CITBA, and from the former Chairs of the ABA Section of International Law. In its letter, CITBA described Mr. Reyna's temperament as "ideal" and commented that "[h]e is fair and focused and he has dedicated his life not just to practice in this field of law, but to scholarly writing in this field." The former Chairs of the ABA Section of International Law write that they "believe he has the professional credentials, the experience and skills, the appropriate temperament, and the fair and sound judgment that would enable him to serve on the Court of Appeals for the Federal Circuit with distinction and honor."

Mr. Reyna's nomination demonstrates President Obama's commitment to working with Senators to select well-qualified nominees, and his commitment to increasing diversity on the Federal bench. It is appropriate that we are considering Mr. Reyna's nomination in a timely manner. There is no reason it should take weeks and

months for the Senate to consider nominees reported by the Judiciary Committee, particularly those who are consensus nominees.

Mr. Reyna's nomination is one of 13 judicial nominations currently awaiting a Senate vote after being favorably reported by the Judiciary Committee. Two of those nominations have twice been considered by the Judiciary Committee and twice reported with strong bipartisan support, first last year and again in February. They are Susan Carney of Connecticut to fill a judicial emergency vacancy on the United States Court of Appeals for the Second Circuit and Michael Simon to fill a vacancy on the District Court in Oregon. Another has been reported favorably three times with bipartisan support, that of Jack McConnell to the District of Rhode Island. Another currently pending nomination has been reported favorably four times, that of Judge Edward Chen to a judicial emergency vacancy on the Northern District of California. All of these nominations have long been ready for a Senate vote. So are nominations now pending to fill a judicial vacancy on the DC Circuit, a second judicial emergency vacancy in California, judicial emergency vacancies in New York, Tennessee, and Florida, two vacancies in Virginia, and a vacancy in New Jersey. I expect the Judiciary Committee will consider and report additional judicial nominations this week, adding to the number of judicial nominations ready for final Senate action.

Federal judicial vacancies around the country still number too many, and they have persisted for too long. Nearly one out of every nine Federal judgeships remains vacant. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, judicial vacancies still number 95 over 26 months into President Obama's term. By now, judicial vacancies should have been cut in half, but we have barely kept up with attrition.

Regrettably, rather than reduce vacancies dramatically as we did during the Bush administration, the Senate has reversed course during the Obama administration, with the slow pace of confirmations keeping judicial vacancies at crisis levels. Over the 8 years of the Bush administration, from 2001 to 2009, we reduced judicial vacancies from 110 to a low of 34. That has now been reversed, with vacancies first topping 90 in August 2009 and staying above that level since. The vacancy rate which we already had reduced from 10 percent at the end of President Clinton's term to 6 percent by this date in President Bush's third year, and ultimately to less than 4 percent in 2008, has now risen back up to nearly 11 percent.

This high level of vacancies puts at serious risk the ability of all Americans to have a fair hearing in court.

The real price being paid for these unnecessary delays in filling vacancies is that the judges that remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion.

A recent article in the Harrisburg, PA, Patriot News entitled "Senior judges ease 'a very serious shortage,'" illustrates the extent of this burden. The article focuses on Senior Judge Malcolm Muir of the Middle District of Pennsylvania who, "[a]t age 96 . . . still comes to work every day, minus the occasional holiday. Hearing problems keep him out of the courtroom, but his workload hardly has decreased." Judge Muir could long since have entered his well-deserved retirement. But it is good he has not because, according to the article, "[i]n the Middle District of Pennsylvania, eight of the 11 sitting judges are seniors," including one who joined the bench in 1962. This is not only a local issue. I know courts in Michigan, Illinois, the District of Columbia, Arizona and elsewhere across the Nation have faced similar problems. According to the Patriot News, "nationwide, senior judges handle 21 percent of the federal court's caseload." I ask that a copy of this article be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1)

Mr. LEAHY. I am grateful to the senior judges who are willing to step in and take large caseloads, and to the active judges who continue to work hard to keep the courts functioning, but the Senate must do better. We must work together to ensure that the Federal judiciary has the judges it needs to provide justice to Americans in courts throughout the country. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others, including the President of the United States, have spoken out and urged the Senate to act.

We should follow the model we are following today by considering and confirming the President's nominations to the Federal bench in a timely manner. President Obama has worked with Senators from both sides of the aisle to identify superbly qualified nominees in districts with vacancies. All 13 of the nominations on the Executive Calendar have the support of their home State Senators, Republicans and Democrats. All have a strong commitment to the rule of law and a demonstrated faithfulness to the Constitution. All should have an up or down vote after being considered by the Judiciary Committee, and without weeks of needless delay.

I have thanked the Ranking Republican on the Judiciary Committee, Sen-

ator GRASSLEY, for his cooperation this year. I see him taking credit for what he calls "our rapid pace." I am glad to see him echo my call to turn the page and end the days of tit for tat on judicial nominations. That is what I did from the first days of the Bush administration in spite of how President Clinton's nominees had been treated. I hope he will work with me so that we can continue not only to report nominations, but to vote on them in the Senate.

We have a long way to go to do as well as we did during President Bush's first term, when we confirmed 205 of his judicial nominations, bringing the vacancy rate down from 10 percent to just over 4 percent. We confirmed 100 of those judicial nominations during the 17 months I was chairman during President Bush's first 2 years in office. So far, well into President Obama's third year in office, the Senate has only been allowed to consider 75 of President Obama's Federal circuit and district court nominees. We remain well short of the benchmarks we set during the Bush administration.

I hope that it is a sign of progress that we are today proceeding to confirm a judicial nominee considered and reported last month and hope that we can continue to work to restore regular order in considering judicial nominations. I would hope that we could clear the calendar of nominees before the next recess and that at a minimum the Senate proceed to confirm those who will be confirmed unanimously. If we join together we can make real progress by considering all of the judicial nominations now on the Senate's Executive Calendar.

I congratulate Jimmie Renya and his family on his confirmation today.

[From Pennlive.com, Mar. 23, 2011]

SENIOR JUDGES EASE 'A VERY SERIOUS SHORTAGE'

(By Matt Miller)

Judge Malcolm Muir leads a group of new U.S. citizens in the oath of allegiance during a naturalization ceremony at the U.S. Courthouse and Federal Office Building in Williamsport, Pa.

At age 96, long after his contemporaries have retired, U.S. Middle District Senior Judge Malcolm Muir still comes to work every day, minus the occasional holiday.

Hearing problems keep him out of the courtroom, but his workload hardly has decreased.

Muir is inundated with Social Security appeals. He handles most of those types of cases for the entire district, which spans Pennsylvania's core.

"Some of those files are large," Muir said. "I just got one last week that was 7 inches thick."

It is likely that without Muir and other senior judges, the federal court system would implode.

Those jurists have agreed to keep presiding with no extra pay long after they could have stepped comfortably into retirement.

Nationwide, senior judges handle 21 percent of the federal court's caseload. In the Middle District of Pennsylvania, eight of the 11 sitting judges are seniors. The longest-serving senior judge in the district, William J. Nealon, joined the bench in 1962.

Muir is the nation's fourth-oldest serving federal senior judge.

Senior judges are particularly vital given that more than 90 federal judgeships across the nation—10 percent of regular full-time posts—remain unfilled, often because of political wrangling in Washington, D.C.

Judicial appointments are recommended by the president but require congressional sanction.

In the Middle District, which serves 33 of the state's 67 counties, there are three regular judge vacancies. President Barack Obama has made a recommendation to fill only one of them, with Scranton labor lawyer Robert David Mariani.

Senior Judge Richard P. Conaboy, who like Muir helps keep the Middle District running, said he checked on the status of Mariani's appointment recently and was told "there is no movement at all."

"It's frustrating," the 86-year-old Conaboy said. "The cases keep piling up. We have much more civil rights, employment discrimination and immigration lawsuits."

There is no question that the court is busier than when he was appointed to the bench during the Carter administration in 1979, he said.

He also noted there were no senior judges then.

Yvette Kane, chief judge of the Middle District, said "the wheels would stop turning" for her court if the senior judges abandoned their essentially volunteer service.

The district, which logs 2,500 new case filings each year, is experiencing "a very serious judicial shortage" and needs to have its three judicial vacancies filled, Kane said.

She said she is requesting that a seventh judgeship be added to the court's roster. The 3rd U.S. Court of Appeals has approved the proposal, Kane said, and if backed by the U.S. Judicial Conference this year, it would go to Congress.

"This district is already underserved" in terms of judges, she said, noting that her court ranks 12th in the nation among federal courts in terms of trial activity.

The three regular judge vacancies on her court arose when Judges James Munley and A. Richard Caputo in the Scranton division took senior status in January and March 2009, respectively, and Judge Thomas I. Vanaskie was elevated to the 3rd Circuit Court last April.

Larry Smar, deputy chief of staff for U.S. Sen. Robert P. Casey Jr., D-Pa., said his boss and former Sen. Arlen Specter submitted three names of judicial candidates for the state's Middle and Western District courts to the president last year.

Smar said Casey and Specter's successor, Sen. Pat Toomey, is "currently working on establishing a process moving forward" to fill the remaining court vacancies.

Kane said her court received a major blow in December with the death of 79-year-old Senior Judge James F. McClure Jr., one of the district's younger senior judges.

"He was a workhorse," she said.

Without McClure, Kane said, the court's regular judges have had to travel more often among the district's offices to cover the caseload.

Despite their obvious value, McClure's loss highlights the tenuous nature of the reliance on senior judges, she said.

"No one knows how long they're going to be able to do this," Kane said.

Being short-staffed on regular judges has its effects, especially because the senior judges often "are not able to travel or manage trial dockets as they once did, and should not be expected to do so," she said.

"Although we're going to get the work done, it's not ideal for the litigants," Kane said. "It results in delays."



Three midstate attorneys who practice regularly in federal court—John Abom, Dennis Boyle and Karl Rominger—said they haven't experienced delays in the handling of cases.

"Decisions are rendered in a quick period of time," said Abom, who has appeared before federal judges since 1999.

Rominger said the experience of the seniors brings value. "The senior judges are the court's institutional memory," he said.

Some might wonder why senior judges stay on when they could retire and escape their often crushing caseloads.

They are paid \$174,000 annually for the rest of their lives regardless of whether they stay or go, so senior judges make no extra money by continuing to work.

Conaboy said the need to fill the Middle District judge vacancies is desperate.

"It is a crisis here in our district," he said, noting that senior judges do at least 80 percent of the work in the Middle District's northern zone, which is centered on Scranton.

Yet Conaboy said he wouldn't walk away even if all the judge vacancies were filled.

"I work every day. I'm not complaining because I've always had an interest in the workings of the justice system," he said. "I want to see that the system works properly."

That's one of his motivations for continuing to weigh cases. The other, he said, is that "there's no one else to do the work."

Still, senior judges are not a limitless resource, Conaboy said.

"When you're 86, how long can you go on?" he asked. "We'd like to lighten our workloads. Trial work gets to be a much greater burden as you get older."

Mr. LEAHY. I see the distinguished Senator from Tennessee. I am going to suggest the absence of a quorum to speak with him for a moment before he speaks.

I suggest the absence of a quorum and ask unanimous consent that the time be divided equally.

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

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

REMEMBERING FORMER GOVERNOR NED MCWHERTER

Mr. ALEXANDER. Mr. President, it is my sad responsibility to announce that former Gov. Ned McWherter of Tennessee has died this afternoon. Ned had many friends here in Washington, but he had a lot more in Tennessee.

What symbolized Ned McWherter to me was a story that occurred to me when I was elected Governor in 1978. I was a young Republican, about 37 years old. There hadn't been many Republican Governors in Tennessee at that time. The whole State was one party. It was very Democratic. Ned McWherter was the speaker of the House. For those who knew Ned McWherter, he was a big, burly, Hoss Cartwright sort of fellow. He and the Lieutenant Governor, a Democrat, pretty well ran the capital.

Shortly after I came in, the Capitol Hill media came up to speaker Ned McWherter and said: Well, Mr. Speaker, what are you going to do with this new young Republican Governor?

Speaker McWherter said: I am going to help him, because if he succeeds, our State succeeds.

For 8 years, as he was speaker and I was Governor, he did that. The people of Tennessee apparently didn't mind it because after I left, they elected him Governor. He served for 8 years. That sort of bipartisan cooperation was the way I learned about politics in Tennessee. Ned was a pretty thoroughgoing Democrat. He was one of President Clinton's closest friends and early allies. Democrats all around the country came to him for his homespun advice. He had no problem working hard during election time to put legislators who were Democratic in place of Republicans who were already in their seats. That was not a problem for him. But in between elections, he knew what to do. We would meet in the Governor's office every Tuesday morning, and we would go over the issues, the Republican Governor and the Democratic leaders. Then we would decide what to do. If I came up with a better schools program, the Democrats would come up with an even better "better schools" program. So when Tennessee became the first State to pay teachers more for teaching well on a Statewide basis in 1984, I made the proposal, but it was the result of a bipartisan education commission that Speaker McWherter and Lieutenant Governor Wilder, both Democrats, and I jointly agreed on. When the legislature agreed to it, I may have proposed it as Governor, but it was amended by the Weakley County amendment, which was the home county of Speaker McWherter. In other words, it was his willingness to fashion a consensus bill on a revolutionary idea at the time, to reward outstanding teachers by paying them more for teaching well.

He did the same thing with highways and roads. Tennessee had one of the worst road systems in the country in the early 1980s. By the time we were finished, we had what the truckers called the best. We had three big road programs. We increased revenues to pay for it so we didn't run up any debt. In every case, Speaker McWherter supported and made sure legislation passed.

When we became a State that attracted Japanese industry, he knew the commitments I made as a Republican Governor he would fulfill as a Democratic leader of the House of Representatives and that he would continue as a Democratic Governor. It was a seamless transition. The same was true with the automobile industry when it had begun to come to Tennessee. People began to look around for a central location with a right-to-work law and good working people. Through a succession of Governors—Republican, Democratic, Republican, Democratic—we worked together to do that.

Of special interest to Washington, DC, right now, through all those Democratic and Republican Governors, we agreed our State would have almost no debt. Under Governor McWherter and Speaker McWherter, our State had almost no debt. If we needed something, we paid for it. As a result, we have low taxes.

Ned McWherter was one of the finest public servants I ever had a chance to work with. He became a close friend. He had an infectious personality and great sense of humor. One of the last visits I had with him included the inauguration of the new Governor, Bill Haslam. Ned McWherter, who was 80 years old, and Jim Haslam, father of the new Governor, were the same age and the best of friends. Their sons competed for the right to be the new Governor of Tennessee. Governor McWherter and Jim Haslam, after the election, were the best of friends. That is the kind of person Ned McWherter was.

There are a lot of people in our State who come in and out of politics. Maybe they are appreciated, maybe they are not. Only a few leave a lasting impression. Ned McWherter will be among the very few who leave the most impression. Part of it was his big, burly, infectious, lovable personality. Part of it was his good sense of politics and openness around the State capital. But a lot of it was his willingness to say to people such as a new young Governor of the opposite party: I am going to help you succeed, because if you succeed, our State succeeds.

Governor McWherter and I talked many times. I talked with him most recently about 1 week ago. He was going to see his doctor again to find out whether, as he said, he had a short fuse or a long fuse. Apparently, he had a short fuse. He didn't have much life left in him, although he may not have known it. Perhaps he did. He used to joke and say the size of the crowd at your funeral will depend a lot on the weather. I think all of us in Tennessee would say the size of the crowd at Ned McWherter's funeral will have nothing to do with the weather, because I imagine it will be standing room only, with people pouring out of the back doors.

We are sad he is gone. But it has been 80 remarkable years. The Governor who never graduated from college is the Governor who had the courage to put into State law the Sanders model for relating student achievement to teacher performance, helping our State win this administration's Race to the Top Award some 15 or 20 years later. He made a real contribution to our State. He has a big place in all our hearts. I am sad to report he is gone. But it is an important time to celebrate the life of a public servant whose lessons of how to achieve consensus and still be a good politician will be a good lesson for everyone in Washington, DC.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be equally divided between the parties.

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

The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, today our body, the Senate, is going to vote to confirm the 15th judicial nominee for this year. If it seems to my colleagues and to the public that we have been voting on a nominee every week, well, we have been voting on a nominee at least once a week. Both in committee and on the floor, judicial nominees have regularly appeared on the Senate's agenda. We have taken positive action on 34 of the 61 judicial nominees submitted to this Congress by President Obama. We continue to hold hearings every 2 weeks to examine the nominees' records and to receive testimony. The committee meets every week to report nominees to the floor. So far, the committee has reported 27 nominees, which is ahead of the 23 reported by this same time in the 108th Congress.

This demonstrates my commitment and the commitment of Republicans on the Judiciary Committee to cooperate with the chairman to move forward on consensus nominees. Even as we do so, we continue to thoroughly examine the records and the qualifications of all nominees, which is the responsibility of the Senate.

I would note that a number of judicial nominations and at least one executive branch nomination which remain on the Senate's Executive Calendar are controversial in nature—in other words, not the consensus approach which I have spoken about concerning other nominees to the judiciary. I appreciate the efforts of our leadership to move in a timely manner the nominations which are consensus nominees.

Today, we will vote on the nomination of Jimmie V. Reyna to be a U.S. circuit judge for the Federal Circuit. Mr. Reyna received his B.A. from the University of Rochester and his juris doctorate from the University of New Mexico School of Law.

After graduating from law school, the nominee served as law clerk for a firm and as an associate at an insurance defense firm in New Mexico. It was in 1981 that Mr. Reyna formed his own firm and practiced plaintiff injury, civil rights, and criminal law. He then moved to the Washington, DC, area in 1986 and worked at an international trade firm, eventually making partner of that law firm. Mr. Reyna continues to specialize in international trade matters with the firm of Williams

Mullen, where he directs the international trade and customs practice group and the Latin American Task Force.

The American Bar Association has rated this nominee unanimously "well qualified," and of course I am pleased to support that nomination.

The Federal Circuit is unique among the courts of appeal. It is not geographical-based but has nationwide subject matter jurisdiction in designated areas of the law. In addition to international trade, the court hears cases on patents, trademarks, government contracts, certain money claims against the U.S. Government, veterans' benefits, and public safety officers' benefits claims.

Of particular interest to me, this court has exclusive jurisdiction over cases related to Federal personnel matters. That includes exclusive jurisdiction over appeals from the Merit Systems Protection Board, which hears whistleblower cases under the Whistleblower Protection Act. If anybody wonders why this Senator said that I have a particular interest in this court and what it does on Federal personnel matters, it is because I have been a long-time advocate for whistleblower protection legislation and have been involved with my colleagues in this body in passing some of that whistleblower protection legislation.

I congratulate Mr. Reyna and his family on this important lifetime appointment.

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

Mr. CARDIN. Mr. President, I rise in support of the nomination of Jimmie Reyna to be a U.S. Circuit Judge for the United States Court of Appeals for the Federal Circuit. I had recommended that Mr. Reyna be nominated.

Mr. Reyna comes to the Senate with 23 years of experience in international trade law. Mr. Reyna currently is a partner in the Washington, DC, office of Williams Mullen. Mr. Reyna directs the firm's Trade and Customs Practice Group, as well as the firm's Latin America Task Force, and has also served for several years on his firm's board of directors, where he currently serves as vice president.

In his practice, Mr. Reyna handles matters before the various federal agencies, and represents clients before the Court of International Trade, the U.S. Court of Appeals for the Federal Circuit, and foreign governmental, administrative, and judicial bodies. He also serves on the roster of dispute settlement panelists for trade disputes under the North American Free Trade Agreement and the World Trade Organization Dispute Settlement Mechanism.

Mr. Reyna has also authored several articles and two books on international trade issues, and his third book on the subject is due to be published this spring. His experience in trade law would bring important expertise to the

Federal circuit, a unique court with nationwide jurisdiction that deals with many trade law issues and yet currently lacks a trade specialist.

Mr. Reyna was admitted to the New Mexico Bar in 1979 and the District of Columbia bar in 1994. He received his J.D. from University of New Mexico School of Law and his BA from University of Rochester. The American Bar Association's Standing Committee on the Federal Judiciary evaluated Mr. Reyna's nomination and rated him unanimously well qualified, the highest possible rating.

Mr. Reyna's personal history is compelling. Born in New Mexico to a modest family, his missionary parents instilled in him a belief that all people are equal, a principle he has exemplified in his work to ensure that all people are treated fairly in our legal system. After law school, he worked as a litigator at a firm in Albuquerque and later established his own practice dealing with domestic relations, civil rights, tort, and criminal defense matters. In his practice, he often represented clients pro bono, devoting a large portion of his time to providing advice and representing individuals who could not afford legal assistance.

A few years later, Mr. Reyna moved with his family to the Washington, DC metro area, where he built his well-regarded career in international trade.

Mr. Reyna has continually proven that he is an outstanding and civic-minded person. Mr. Reyna is a well-known national leader in U.S. Hispanic affairs. He has held various leadership positions in the Hispanic National Bar Association, HNBA, including national president, vice president of regional affairs, regional president, and chair of the International Law Committee. During his term as national president of HNBA, Mr. Reyna launched the association's first-ever community outreach program called "The Promise in the Law," which was designed to instill trust and confidence in the U.S. legal system by the Hispanic communities. Mr. Reyna also created "The HNBA Journal of Law and Policy," the HNBA's first law journal, which addresses policy and legal issues affecting the Hispanic community. Currently, he serves on the board of directors of the National Hispanic Leadership Agenda, an organization that includes the country's 29 largest leading Hispanic organizations.

Mr. Reyna is also a founder and a member of the board of directors of the U.S.-Mexico Law Institute. He has received multiple awards for his service to the Hispanic community, including the 2009 Ohtli Medal Award, Mexico's highest award for a non-Mexican citizen. Through his work, Mr. Reyna has strived to ensure that members of disadvantaged communities are informed about the law, that the legal community is prepared to handle the legal challenges facing the growing Latino community, and that the judiciary remains strongly independent, impartial, and accessible to all.

Mr. Reyna's civil service is not limited to his work for the Hispanic community. He has been recognized by the Court of International Trade for his extensive pro bono work before that court. He also serves on the board of directors of the Community Services for Autistic Adults and Children Foundation.

Mr. Reyna's nomination would also bring much-needed diversity to the Federal circuit. Throughout his career, Mr. Reyna has shown a strong commitment to diversity and racial equality, not only through his service to the Hispanic community, but also through his service on the ABA Presidential Commission on Diversity in the Legal Profession, and as chair of the Williams Mullen Diversity Committee. If Mr. Reyna is confirmed, he would be the first Latino to serve on the Federal circuit in its history. With the nomination of Mr. Reyna, the Senate has another opportunity to further increase the diversity of the Federal bench.

Because of his vast qualifications, Mr. Reyna's nomination has received support from various organizations and individuals, including the HNBA and the Congressional Hispanic Caucus. Additionally, seven former chairs of the American Bar Association Section on International Law wrote a letter of endorsement for Mr. Reyna, affirming that Mr. Reyna has "the professional credentials, the experience and skills, the appropriate temperament, and the fair and sound judgment" to serve on the Federal circuit.

And, last but certainly not least, Mr. Reyna is a resident of Silver Spring, MD, and a constituent of mine.

In conclusion I urge the Senate to confirm Mr. Reyna's nomination to be a U.S. circuit judge for court of appeals for the Federal circuit.

Mr. BENNET. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. FRANKEN). Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jimmie V. Reyna, of Maryland, to be United States Circuit Judge for the Federal Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Oregon (Mr. MERKLEY), the Senator from Rhode Island (Mr. REED), and the Senator from Michigan (Ms. STABENOW) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote "yea."

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho

(Mr. RISCH), the Senator from Pennsylvania (Mr. TOOMEY), the Senator from Louisiana (Mr. VITTER), the Senator from Mississippi (Mr. WICKER), and the Senator from Illinois (Mr. KIRK).

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

The result was announced—yeas 86, nays 0, as follows:

[Rollcall Vote No. 47 Ex.]

YEAS—86

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

NOT VOTING—14

Conrad	Klobuchar	Stabenow
DeMint	Lautenberg	Toomey
Graham	Merkley	Vitter
Hutchison	Reed	Wicker
Kirk	Risch	

The nomination was confirmed.

• Ms. KLOBUCHAR. Mr. President, I regret that a commitment in Minnesota has prevented me from being able to cast my vote in support of Mr. Jimmie V. Reyna's confirmation to be a judge on the U.S. Court of Appeals for the Federal Circuit. I believe that Mr. Reyna has the stellar qualifications, intellectual capability, temperament and integrity that are the hallmarks of our finest federal judges. Had I been present this evening, I would have cast my vote in support of Mr. Reyna.

I had the pleasure of being introduced to Mr. Reyna last year by Peter Reyes, a constituent of mine who is an intellectual property lawyer and a leader in the Minnesota Hispanic Bar Association. Upon meeting Mr. Reyna, it was easy to see what the American Bar Association later confirmed when it unanimously gave him the highest possible rating for a judicial nominee: he is well qualified. I know that Mr. Reyna's three decades of experience in private practice focusing on international trade issues will serve him well given the Federal circuit's unique jurisdiction. I congratulate Mr. Reyna on his confirmation. •

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

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

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Delaware is recognized.

## MORNING BUSINESS

Mr. COONS. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

## COLLECTIVE BARGAINING RALLIES

Mr. COONS. Mr. President, I rise today to speak about the rallies that have occurred all over this country today, and to add my voice to theirs. Today, Americans in all 50 States are gathering at hundreds of rallies and events to stand together in unity in defense of the collective bargaining rights of public employees—rights I believe are now under attack in Wisconsin, Ohio, and in other States across this country.

That those demonstrations have been held today is no mere coincidence, for on this very day, 43 years ago, the Reverend Dr. Martin Luther King was killed in Memphis, TN, while standing up for the rights of 1,300 public sanitation workers.

Working men and women gathered early today in Wilmington to declare "We Are One," and within the hour of this speech, thousands more will gather in Madison, WI, to protest what in my view is the scandalous move of Governor Walker to strip Wisconsin's longstanding collective bargaining rights from public-sector employees.

Before coming to this body, I served as the county executive of New Castle County, DE, for 6 years. And before becoming Governor of Wisconsin, Governor Scott Walker was also the county executive of Milwaukee County for 8 years. I understand the difficult choices executives face when they must adopt a balanced budget, even in the toughest of economic and fiscal times, for as county executive I too faced extremely difficult budget challenges, as did the Presiding Officer as the Governor of West Virginia.

But I rise today because I know from my experience in cutting spending and in balancing budgets that it can be done without stripping American workers of their fundamental rights to organize and to collectively bargain. I know it because I have done it through collective bargaining and without resorting to blaming and draconian anti-union legislation.

New Castle County, DE, is a mid-sized county government serving just over ½ million people and has a budget of about \$230 million. As the county executive, I confronted a real and growing budget problem. Our housing boom

had masked deepening spending deficits that were unsustainable even before the economic collapse in 2008. As our national and local economies tumbled, our government's revenue did as well. I had already spent my first few years as county executive cutting spending each and every year in simple cuts, and we had only fundamental cuts in front of us.

We had reduced library hours, ended popular public events, and made many difficult choices that many local governments and many State governments face today. But that wasn't enough. As with many State and local governments, our budget was three-quarters personnel costs, and we could not allow those costs to continue to grow as health care and pension costs boomed. We needed to cut our people cost to get our budget under control.

Now, in the case of the county I formerly served, more than 80 percent of the county workforce is represented by organized labor, mostly AFSCME, but also the FOP and IBEW as well—and we needed all groups to come together and share the sacrifice that lay ahead.

It was just 2 years ago last week that I rose before our county council and delivered the hardest budget address I had ever given, one in which I laid out that we had two paths forward; one path would involve having all the suffering focused on about 150 to 200 public employees who would have to be laid off to balance our budget, and the other was sharing that sacrifice across our entire mostly unionized workforce.

Ultimately, after many meetings, many negotiations, some very hard talk and debate—and yes, even at one point some layoffs—every bargaining unit in our county government came to the table, worked collaboratively, and helped us reach the goal of cutting 5 percent of our total personnel costs not just 1 year but, as the recession continued and deepened, a second year as well. Many of these great and dedicated public employees saw health care costs shift and benefit packages change as well. But together they were willing to share that sacrifice, to work in the best interests of our county and the public, and to acknowledge that we are one.

In some ways, seeking a legislative solution such as has been done in Wisconsin, trying to simply strip away the right to be organized, to be at the bargaining table, might have seemed easier. Working together, as you know, as labor and management is not an easy path. No one wants to hear they have to do more with less, especially when it comes to their own paychecks. And public employees—in Delaware and all across this country—are, in my view, not just the backbone of our community but the backbone of our middle class. They are the policemen, the paramedics, the 911 call-takers, the emergency sewer repairmen, the librarians, the teachers, the health service workers, and the prison guards—the folks who keep our communities safe,

healthy, and prepared for the future day in and day out.

In my view, where public employees come together to organize and seek collective representation on workplace issues, we ought to respect those choices. Collective bargaining serves as a critical check on our system and its long and storied history is an important part of American history and American values. It is that check that led to the end of child labor practices, that led to the 40-hour workweek and the weekend, to workplace safety rules, and ended legal sweatshops. It is a critical check against excesses and overreach by management and by the marketplace.

I stand here today to remind all of us that labor unions and the hundreds of thousands of public employees they represent in this country are not the enemy. We all know this country faces a significant, almost devastating national debt and annual budget deficit, and we are going to have to make shared sacrifices and tough choices to get through these next few years. But that does not require we strip the collective bargaining rights of the hundreds of thousands of public employees who serve us in the Federal Government, and the hundreds of thousands, even millions of public employees who serve our Nation at each and every level of government.

More often than not, these are the employees who do the difficult, the dirty and the dangerous jobs that keep us safe and make our communities strong. They simply, in my view, do not deserve to be demonized but, rather, to be listened to, respected, and partnered with, as together we seek solutions to the challenges facing our country now and in the future. In my view, passing new laws to eliminate their basic collective bargaining rights is wrong, and we can do it better by working together.

So today, I join with all those who are standing up for these fundamental rights of the American worker and join them in declaring “We Are One.”

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

The PRESIDING OFFICER. Will the Senator withhold his suggestion.

Mr. COONS. Yes, Mr. President.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I came to the floor for the same reason Senator COONS did. I appreciate the comments of the Senator from Delaware in the beginning of his first term in office. He obviously understands the importance of worker rights and the importance of collective bargaining.

In my State, collective bargaining passed 30 years ago. Because of that, we no longer see the “blue flu,” where a police officer calls in sick. Because there was no ability to organize and bargain collectively, they would call in sick the same day. They had no other way of expressing themselves. We have seen significant labor peace, when we

didn't always have labor peace on a lot of these issues prior to the early 1980s in my State, where we now have collective bargaining.

My colleagues who have followed the news—I think people are very aware of this in my State—know that Governor Kasich recently signed legislation to take away those bargaining rights. That is why I have come to the floor today, in part, to celebrate We Are One, an organization that represents people of faith, people who belong to trade unions, people who care about economic justice, people who support strong community local services—the police, the firefighters, nurses, teachers—and who have come together to honor Dr. King.

As Senator COONS mentioned, Dr. King was assassinated 43 years ago today because he was standing with workers in Memphis, TN—sanitation workers. Some of those workers had been crushed to death on the job by heavy machinery and had no ability to bargain collectively, no ability to fight for themselves. Most of them African American, most had no real rights to job safety, decent wages, or benefits. Dr. King understood that worker rights is a human rights issue, and that is why he stood up.

The debate in statehouses across America—Wisconsin, Ohio, and in other places—is about collective bargaining, but it is really about rights, opportunities, and the future of the middle class. The American middle class, as Senator COONS pointed out, didn't happen by chance. Those aspiring to the middle class had to work hard and play by the rules in order to enter it. The middle class was created after people worked together to demand a minimum wage, safe workplaces, pensions, Social Security, and basic fairness. The middle class, in many ways in this country, was a direct outgrowth of the passage in this body some 70-plus years ago of collective bargaining—the right of both private-sector workers, then later public-sector workers, to organize and bargain collectively.

Last fall we heard many of the Republican winners of elections in my State, and I think across the country, talk about the loss of jobs—the job loss that began during the Bush administration. When President Obama took office, we were losing 700,000 jobs a month. We are now beginning to gain jobs, and have done that the last 12 or 13 months, especially in manufacturing. We know manufacturing jobs create a middle class. But after winning these elections last fall in my State, instead of focusing on jobs, as they did during the election, too many politicians are governing by ideology and seeking to settle old scores. At a time when the middle class is struggling more than at any time in my lifetime, when workers are seeing their productivity going up and up and up but seeing their wages flatten or even seeing their hours cut back, American

families are burdened by new attacks on their rights.

About a month and a half ago, at a roundtable held in an Episcopal church on the statehouse square in Columbus, I was listening to nurses, teachers, police officers, and other public employees. I had heard from conservative politicians who wanted to cut off collective bargaining rights, to take those rights away, and those people making accusations that these firefighters and police officers and teachers were lazy, overpaid, had too much time off, had pensions that were too big, had health care benefits that were too generous. But as I was hearing all that from critics, I was listening one on one to these public employees.

A young teacher, who had been teaching only about 10 years, told me that when she goes to the bargaining table, she doesn't just talk about wages and benefits but that she is negotiating for smaller class sizes as well. A police officer I talked to wasn't just talking about pensions and pay, he was negotiating for a bulletproof vest for him and his men and women colleagues who were also police officers.

So these negotiations are not just for more money, more public dollars spent on behalf of these police, firefighters, teachers, and nurses; they are also about helping society, improving society, expanding on the middle class.

It is clear those attacking collective bargaining are more interested in taking rights away than creating jobs. It is clear in Ohio. The bill that passed the House of Representatives would give Ohio the most restrictive voter regulation laws in the Nation that they would seek to limit our basic freedoms—restrict worker rights, restrict the right to vote, cut back on women's rights. Perhaps I am missing something, but how does that have anything to do with creating jobs and strengthening our economy?

Let me, for a couple of moments, put a human face on all of this.

I have a friend who is a firefighter named George, in Willoughby, OH. He wrote me this letter right after the Governor signed this legislation taking away his rights, taking away bargaining rights for a huge number of police officers and firefighters and teachers and health care workers and nurses and others. He said:

I joined my proud profession knowing I would never be rich. I truly joined knowing I would be helping people. I joined knowing I would be able to raise a family. I joined knowing I would have a pension in the end.

As a 21-year-old kid entering this profession, I weighed heavily on the "helping people" and the pure excitement of the job. Now, as a 41-year-old firefighter who has been beaten down both physically and emotionally, I will admit my pension now plays a role, is my driving force to go to work every day.

I have always been the firefighter who the bosses look to when a task needs doing.

I will soon be a 42-year-old firefighter in my 21st year of service. I am virtually 6.5 years from being able to retire. This job has torn up my knees, requiring surgery to one of them.

This job has injured my back on several occasions, twice requiring extensive time off to rehab. I am doing everything possible to avoid surgery.

This job has caused memories that will stick with me for the rest of my life, the kind of memories that make you go home and hug your wife and kids and thank God that they are safe.

I mention all this because, as you know, we as public servants are being attacked in Ohio. We are being attacked in our profession as well as our retirement. Our fundamental rights and the foundation of our profession are being attacked. Collective bargaining is the only way we have been able to improve safety as well as maintain a quality of life for our families. This system protects both the taxpayer and the public servant from leaders on both sides who choose to rule with an iron fist.

I am now one of our beat-up senior firefighters who is rapidly approaching retirement age. Where do threats of pension changes leave me or the many others like me if I am unable to finish my years of service due to injury? Where do those threats of pension changes leave me if my employer decides it is "fiscally responsible" to lay off higher-paid beat-up senior firefighters to keep lower-paid younger fighters?

I will get back to the letter in a second, but my understanding is, under the legislation that Governor Kasich signed, management, then, would be able to say: This firefighter is more likely to get hurt. He is older and gets paid more, so we will lay off five of them in their forties and keep the younger ones. It is just too bad they are not going to have enough years to retire.

That is what taking away collective bargaining rights, that is what busting the union for these firefighters or police officers or teachers or nurses can do.

Back to the letter:

In Willoughby, due to economic conditions, we have not replaced firefighters who have died or retired. In 1990 we ran 2,100 incidents per year. In 2010 we ran just under 5,000 incidents.

In 20 years it went from 2,100 runs to 5,000 runs.

I am sure we are not the only city that continues to operate understaffed with higher volumes.

I consider myself a moderate when it comes to politics. I have always voted for those who support me as a public servant. That is what true public servants do.

That was George, a firefighter in Lake County, OH, in Willoughby, just east of Cleveland.

Again, this is not just about collective bargaining. It is what we want our country to be. Dr. King, whom we honor, who was assassinated 43 years ago today—Dr. King delivered the 1965 commencement address at Antioch College, in Yellow Springs, OH, where Coretta Scott attended many years before. On the moral question of confronting poverty, Dr. King said:

There is no deficit in human resources. The deficit is in human will.

Yes, we all care about budget deficits. We know we need to move toward a balanced budget. We know our first focus needs to be creating jobs. We

want to invest smartly and cut wisely, but we also care about the education deficit. We care about the infrastructure deficit. We care about disparities in education and health care based on class and race and gender. We care about the lack of economic mobility for millions of Americans in underserved urban areas and underserved rural Appalachian areas, like much of the Presiding Officer's State which borders an underserved rural area in my State. We care about these deficits in our Nation. But what is greater is our deficit in the lack of will to close them.

The question becomes, then, Do we have the will to do what is right? Do we have the will to fight back in Ohio when the Governor and legislature have eliminated collective bargaining, now effective in 90 days? Do we have the will to fight for the middle class? Do we have the will to strengthen our country as we cut the budget to move toward a balanced budget but not cut what matters for a productive, strong middle class, for middle-class Americans, and for all those people in Ohio and West Virginia and around this country who aspire to join the middle class?

I yield the floor.

#### ROCKCASTLE HIGH SCHOOL LADY ROCKETS

Mr. McCONNELL. Mr. President, I rise to recognize the remarkable accomplishments of one of Kentucky's most impressive athletic teams, the Rockcastle High School Lady Rockets basketball team. This March 12, the Lady Rockets triumphed over the DuPont Manual Lady Crimsons in overtime, 62 to 60, to win the school's first Kentucky High School Athletic Association Sweet 16 girls basketball championship.

It has been an unforgettable season for the Lady Rockets, who finished the year 36-1, on a 27-game winning streak, and undefeated by any fellow Kentucky team. They entered the final tournament game knowing they faced an experienced and competitive opponent, but that their raw talent and determination would show the people of the Bluegrass State that they had something to prove. Well, prove something they did: After clawing their way back from a nine-point deficit to tie it and send the game into overtime, the Lady Rockets never trailed during the extra minutes.

Senior Sara Hammond, named the tournament's Most Valuable Player, the State's first McDonald's All American, and Kentucky's Miss Basketball 2011, posted 26 points and 11 rebounds during the game. It all came down to the final seconds of overtime when Lady Rockets head coach Chrysti Noble decided not to call a time out and trusted her players to finish the game with the right shot. Senior Angie Lawrence took a buzzer-beating jumper to give the Lady Rockets the title.

Streamers and confetti hailed from the rafters, blanketing the team and the record number of 5,122 screaming spectators at E.A. Diddle Arena in Bowling Green, KY.

Their victory was the first championship title for coach Chrysti Noble in her 21 seasons at Rockcastle High School. It also made the Lady Rockets the first team not from Lexington or Louisville to win the girls' basketball State championship in more than a decade.

The students and faculty of Rockcastle High School, the community of Mount Vernon and the entire Commonwealth couldn't be more proud of this talented, winning team. The Sunday after winning the championship, the equivalent of one-fifth of the population of Mount Vernon turned out to wish the Lady Rockets well as the team members rode through town atop three fire engines, a convoy of honking vehicles and jubilant fans following behind. Their hard work, dedication and respect for one another undoubtedly makes them a team that will be remembered for years to come.

Mr. President, the Louisville Courier-Journal recently published an article about the Rockcastle High School Lady Rockets' history-making season and what the championship meant to the team, the school and the Commonwealth. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Courier-Journal, Mar. 13, 2011]

**GIRLS' SWEET 16 ROCKCASTLE COUNTY BEATS MANUAL 62-60 FOR TITLE ON LAST-SECOND SHOT**

(By Jason Frakes)

BOWLING GREEN, KY—The knock all season on the Rockcastle County High School girls' basketball team was that it's a one-woman squad, led by McDonald's All American Sara Hammond.

The Lady Rockets now have a state championship trophy to prove that never was the case.

Angie Lawrence nailed a jumper in the lane with 1 second left in overtime to give Rockcastle County a 62-60 victory over Manual in the final of the Houchens/KHSAA Sweet 16.

A state final-record crowd of 5,122 at E.A. Diddle Arena saw Rockcastle County capture its first state championship and end a 10-year reign of title winners from either Louisville or Lexington. West Carter (2000) was the last school not from either of Kentucky's largest cities to win the crown.

"This is the best feeling ever," said Hammond, a University of Louisville signee who was named the Sweet 16 MVP. "I knew we were going to get it done tonight."

The 6-foot-2 Hammond posted 26 points and 11 rebounds to lead the Lady Rockets (36-1), who finished the season with a 27-game winning streak and lost only to Mount Juliet (Tenn.) 60-47 on Dec. 30.

Lawrence, a 5-5 senior who has signed with Georgetown College, added 18 points.

LeAsia Wright had 19 points and Kara Wright 12 for Manual (33-5), which was No. 1 in the state in The Courier-Journal's Litkenhous Ratings all season.

"Our best wasn't good enough to win the game, but it's good enough for me," Lady

Crimsons coach Stacy Pendleton said. "They just beat us. We played as hard as we could."

Manual led 37-28 early in the third quarter, but Rockcastle County charged back and eventually tied it at 47 on a Lawrence three-pointer with 5:07 left in the fourth.

Hammond scored 19 points in the first half, but it was Lawrence who carried the Lady Rockets late with 15 points after the break.

"Their other kids really stepped up in the second half," Pendleton said. "But if it wasn't for (Hammond) in the first half, I think we could have blown them out."

Lawrence sank two free throws with 27.5 seconds left for a 55-53 lead, but Kayla Styles' basket with 2 seconds left tied it and forced overtime.

The Lady Rockets never trailed in the extra period and led 60-58 after Michaela Hunter's free throw with 1:22 left. Kara Wright tied it at 60 on a jumper with 56 seconds left, and Rockcastle County held for the final shot.

Lady Rockets coach Chrysti Noble chose not to call a timeout.

"They're experienced, and they've been here," she said. "I was like, 'No, let them go. Let them determine the outcome of the ballgame.' They did."

Lawrence drove to the lane and nailed her jumper from the right elbow.

"I was feeling it," Lawrence said. "It was a terrible-looking shot, but I had faith in myself. I knew I would hit it."

Hammond said there was a bit of confusion in the final minute.

"I kept asking, 'What offense are you running? What offense are you running?'" Hammond said. "(Lawrence) had that look in her eye that she was taking it to the hole. She's done that over and over again. We knew it was in her heart, and we trusted her for that shot."

Manual called a timeout with 0.5 second left but couldn't get a final shot.

Pendleton was left to wonder what might have been with junior guard April Wilson out since the regional final with a broken hand. He also had two seniors foul out in the final—Raven Hester with 1:29 left in regulation and Michael Guess at the 2:49 mark of overtime.

"To do all of this without April is amazing," Pendleton said. "That shows you how great this team is. . . . Michael fouling out was a huge problem, huge. You take away our No. 1 scoring punch and rebounding. That was a huge blow."

For Rockcastle County it was a huge win and gave the 12th Region its first state champion since Laurel County in 1991.

Noble, in her 21st season at Rockcastle County, said the victory was important for the school of 910 students and the community of Mount Vernon.

"It's so good to know there's something good from Rockcastle County instead of hearing all the bad stuff," she said. "There are a lot of good things that happen in our community. . . ."

"When you come through Rockcastle you'll get to see a sign up. I hope, that says, 'Welcome to Rockcastle County, 2011 state champions of girls' basketball.'"

#### SAM HOUSTON'S WALKING STICK

Mr. ALEXANDER. Mr. President, on Friday, I spoke at the Ladies Hermitage Association's Annual banquet in Nashville. This extraordinary organization, for 122 years, has preserved the home of President Andrew Jackson. No former President's home has more historical objects from a President's life than does the Hermitage. I ask unani-

mous consent that my remarks be printed in the RECORD.

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

I am honored to accept the Lewis R. Donelson III award, but in truth, the only appropriate person to receive the award is Lewis R. Donelson himself. Lewie is a remarkable individual. He will be 94 years of age in October. Two years ago, he shot a hole in one and he regularly shoots his age in golf. His doctor can find nothing physically wrong with him and he takes no medicine. I am convinced the only appropriate next step for Lewie is to put him into the Smithsonian.

No other family's thread runs so proudly through Tennessee's history, from John Donelson's river trip to Nashville in 1779 to Andrew Jackson's marriage to John's daughter, Rachel, to Lewie's life of distinguished public service. Thank you to the Ladies Hermitage Association for your remarkable work preserving Andrew Jackson's home.

I was sworn in as Governor of Tennessee three days early, on January 17, 1979. I did this at the request of the U.S. Attorney in order to prevent the incumbent governor from issuing pardons to prisoners whom the FBI believed had paid cash for their release. Lewis Donelson offered the prayer at that surprise inauguration ceremony. One of my first acts as governor was to direct Lewie to take charge of, and secure, the state capitol. Someone said, "Lewie has been waiting his whole life for someone to ask him to do that."

Lewis Donelson was my first appointee because I knew that if he agreed to be the chief operating officer of state government, it would help to recruit others during a time of a crisis in confidence.

Lewie's negotiating style became well known around the Capitol. He would knock you to the floor with his first offer. By the time you had gotten halfway back up you would have agreed with him and considered that a success.

About the only thing I was ever able to tell Lewie to do was to stop driving his car to the Capitol while reading a newspaper, and he only stopped that after he ran into the back of another car.

Alex Haley once told me, "Lamar, if you would say, 'let me tell you a story' instead of making a speech, people might actually listen to what you have to say." So, tonight, let me tell you the story of Andrew Jackson and Sam Houston's Walking Stick.

The setting for this story is the first half of the 19th century. Tennessee was then the fifth most populous state. This was the West. There were three Tennessee presidents—Jackson, Polk and Johnson—and two who aspired to be President: Davy Crockett and Sam Houston.

The political competition was intense. In 1834, Andrew Jackson's forces defeated the young congressman from West Tennessee, David Crockett, who then rode his horse to the courthouse steps and said to the assembled crowd what defeated politicians have always wanted to say to such voters, "I'm going to Texas and you can go to hell."

The two-party competition of that era produced strong leaders just as the reemergence of a two party system during the last half-century has sent Tennesseans to national positions from Vice President and Senate Majority Leader to Cabinet membership. There have, as yet, been no more presidents, although there have been regular attempts.

In 1807, when Thomas Jefferson was president, the widow Elizabeth Paxson Houston, aged 50, loaded six sons and three daughters into two wagons and moved from Virginia to



a 419-acre farm near Maryville, Tennessee, that her husband had purchased before his death. Of her fifth son Sam, who was then 14 years old, the widow Houston said, "I had no hope for him. He was so wild."

The Houston farm lay on the border of the Cherokee Nation. Sam found the life of a young Indian man more appealing than working in the family store, so at 16 he ran away from home to live with the Indians and became known by a Cherokee name, Raven.

By 1813, the War of 1812 was in full swing. In Maryville, Sam took a silver dollar from the recruiter's drumhead and enlisted. In February of 1814, his regiment received a call to go to the aid of General Andrew Jackson at Horseshoe bend in Alabama. For the next 31 years, Sam Houston was a friend and protégé of Andrew Jackson.

Jackson taught Houston how to fight a duel. In 1823, he helped Houston be elected to the U.S. House of Representatives. The next year Houston helped Jackson in his unsuccessful bid for the presidency. With Jackson's help Houston became governor of Tennessee in 1827.

With Houston's help, Jackson was elected president in 1828. One biographer of Houston said that for Houston "to be governor of Tennessee with Old Hickory in the White House was as close to being the Prince of Wales as American blood could approach. Houston was the all-but-anointed heir of the most popular president since Washington himself."

A local judge wrote at the time "Houston stood six-foot-six in his socks, was of fine contour, a remarkable well-proportioned man, and of commanding and gallant bearing. He enjoyed unbounded popularity among the men and was a great favorite with the ladies."

As governor, Houston often visited the Hermitage, sometimes picking flowers in Rachel Jackson's garden. He was chief pallbearer when Rachel died on Christmas Eve of 1828, just after Jackson's election to the Presidency. The next month Governor Houston, then 36 years of age, married Eliza Allen of Gallatin, who was 18. In March, Jackson became President. A month later, on April 16, 1829, distraught over some still unexplained trouble with Eliza, Houston resigned the governorship and went to live with his old friends, the Indians who by then had moved west. He married again and made his way to Texas in 1832.

We all know that the great story of Sam Houston and Texas. But the story I would like to complete here tonight is of Sam Houston's walking stick and Andrew Jackson's death.

In March of 1845, President Tyler dispatched Andrew Jackson Donelson to Texas to try to persuade Sam Houston to support the annexation of Texas by the United States. Donelson was the nephew of Rachel Donelson. He had served as President Jackson's private secretary and in 1856 was nominated to run for the vice presidency of the United States. He lived in the plantation near the Hermitage, called Tulip Grove.

Upon reaching Texas, Andrew Jackson Donelson wrote, "Tell Uncle that Houston has disappointed me and not given the annexation question the support I expected." Houston had kept people guessing about whether he favored allowing Texas to remain an independent country, as British emissaries were arguing. According to one officer of the Texas Navy, "When [Houston] was sober he was for annexation but when he was drunk he would express himself strongly against the measure."

The next month, in April of 1845, Houston, his wife Margaret, and their two-year-old son Sam began a trip from Texas to New Orleans and up the Mississippi River to see 78-year-old Andrew Jackson, who was dying at the

Hermitage. According to one biographer, during those last hours Jackson was talking of his farm, his business, his country, and of the annexation of Texas, and especially of recent comments by Houston which had convinced Jackson that annexation would occur. In one of his last letters to Donelson, Andrew Jackson wrote, "I knew British gold could not buy Sam Houston."

The Houstons' river passage was delayed when their steamboat ran aground. Finally, at about 6 p.m. on Sunday, June 8, 1845, the steamboat tied up at the Nashville landing on the Cumberland River. The Houstons were told that Jackson was near death. They hired a coach to race to the Hermitage. A few miles outside Nashville their coach met the Jackson family physician. He told them that Jackson had died at about the same time the Houstons had arrived in Nashville. Proceeding on to the Hermitage, Houston lifted his two-year-old son and said, "Try to remember that you have looked upon the face of Andrew Jackson." Houston then put his head on Jackson's chest and wept. At midnight he wrote to President Polk, "I have seen the corpse. The visage is much as it was in life."

The Houstons were guests at the Donelson plantation, Tulip Grove, for several days after Jackson's death. Houston led the funeral cortege as he had as governor when Rachel Jackson died. When Houston left Nashville to travel to Texas, he left his walking stick at Tulip Grove. It is made of mulberry wood and has a solid gold cap. The stick is split and has been glued together, which may have been the reason Houston left it.

How do we know this stick was Houston's stick?

For one thing, the words "Sam Houston" and "Texas" and a Lone Star are engraved on the gold cap.

For another, we know from photographs and historical accounts that Houston carried walking sticks. We also know that he knew how to use his stick. In March of 1832, while visiting Washington, DC, Houston encountered Congressman Stanberry from Ohio who had criticized the Jackson Indian policy. Houston confronted Stanberry and said, "You are a damned rascal!" and whacked him multiple times over the head with his hickory cane, cut from the grounds of the Hermitage.

Fortunately, we know about the provenance of Sam Houston's walking stick from Stanley Horn, the former Tennessee state historian, and Dr. Ben Caldwell. Both Mr. Horn and Dr. Caldwell once owned this stick. Dr. Caldwell is here tonight.

Here is what affidavits and letters from Mr. Horn and Dr. Caldwell tell us: Andrew Jackson Donelson, the owner of Tulip Grove, where Houston left his walking stick, had married a widow of the grandson of Thomas Jefferson. Their son, William Alexander Donelson, inherited many of their Jefferson and Jackson items, including the stick. Some of these items, including the stick, were exhibited at Tennessee's 1896 centennial celebration. This exhibit was mentioned in a Nashville newspaper article in 1927.

When William Alexander Donelson died these Jackson and Jefferson relics were inherited by his widow, known as "Miss Bettie." In a letter to Ben Caldwell on June 15, 1976, Mr. Horn wrote, "I knew her several years before her death in 1940. [She] told me the details of how the cane was split, etc. I bought the cane at the sale of her effects after her death, and had the slight break repaired; and it remained in my possession until I sold it to you."

Mr. Horn sold the stick to Dr. Caldwell and Baker Duncan of San Antonio in 1973.

In a letter to me in 1985 Dr. Caldwell said, "Mr. Horn proudly displayed the stick in his

home. The only way that Baker Duncan and I were able to purchase the walking stick from Mr. Horn was a purchase-swap. He was collecting books containing presidential notations that were in the presidents' personal library. He had a book [of every President] except that he did not have a book of John F. Kennedy's library as he had opposed President Kennedy and he did not want to pay a premium for one of his books . . . I purchased a book that formerly belonged to John F. Kennedy . . . and we were able to trade this with money to Mr. Horn for his walking stick."

Ben Caldwell also told me last year:

"Mr. Horn had offered the stick to the San Jacinto Museum in Texas but they gave him some rigamarole and he said 'to hell with it' and so Baker Duncan and I bought the stick from him."

In 1985, I bought Sam Houston's walking stick from Ben Caldwell and Baker Duncan. Ben said it would be appropriate for the second Tennessee governor from Blount County to own the walking stick of the first. So he arranged a three-way purchase swap that worked this way: I paid money to Mr. Horn's daughter, Ruth Crownover, for a sword that belonged to General Stonewall Jackson and then traded that sword to Baker Duncan for his half of the Houston stick. I also paid Mrs. Crownover for a bird bath sculpted by Will Edmondson and then traded that to Ben for his half of the cane.

I then gave the stick to our youngest son, Will Houston Alexander, who we named for Sam Houston. When Will was born in 1979, Honey said that I was "in my Sam Houston phase." The lure of Texas also attracted Will. He spent seven years at the University of Texas and its law school but now is living in Nashville. We are glad that he is here tonight.

I have since displayed Sam Houston's walking stick in the offices of Tennessee's governor, the president of the University of Tennessee, and the U.S. Secretary of Education. The story of the stick has always produced good conversation, as well as several attempts by Texans to run off with it.

For the last eight years, Sam Houston's walking stick has been displayed in my United States Senate office in Washington, DC. It is beneath a photograph of Sam Houston taken when he was United States Senator from Texas. In that photograph Senator Houston is standing with a walking stick much like the one he left in Nashville 166 years ago when Andrew Jackson died.

## ADDITIONAL STATEMENTS

### TRIBUTE TO TIM CREAL

● Mr. JOHNSON of South Dakota. Mr. President, today I wish to recognize and honor a South Dakotan who has been a tremendous advocate for rural education and has shown selfless dedication to ensuring thousands of students in South Dakota achieved their highest academic potential.

At the close of this school year, Dr. Tim Creal will retire from the Custer School District, where he has served as superintendent for 10 years. Tim began his career as an educator in the Faith School District in 1979. After teaching in Faith, SD, he spent nearly 20 years with the New Underwood School District, working first as a high school math teacher and coach for 10 years. He then served as an elementary principal, special education director, and

superintendent for the school district. In 2001, Tim moved to Custer, SD, to serve as the superintendent for the Custer School District.

Tim earned his bachelor's degree in mathematics education at Black Hills State University, BHSU, a university known for its exceptional education program. Last year, Tim was honored with the BHSU Excellence in Education Alumni Award, which is an award to honor an alumnus' outstanding contributions to the field of education.

Tim is a national leader and advocate for rural education. In 2001, Senator Tom Daschle appointed him to the Forest Counties Payments Committee, where Tim served for 7 years and helped oversee the implementation of the Secure Rural Schools and Community Self-Determination Act. Tim currently is on the board of the National Forest Counties and Schools Coalition. Additionally, Tim is actively involved with the Impact Aid Program and serves as secretary of the Section 8002 Federal property group for the National Association of Federally Impacted Schools, NAFIS. As a founder of the Senate Impact Aid Caucus, I have appreciated working with Tim to ensure children living in rural areas and enrolled in federally impacted schools receive a high-quality education.

Over the years, I have enjoyed working closely with Tim on issues of great importance to education in South Dakota and have greatly valued Tim's insight and expertise. I commend Tim for his stewardship and involvement with the Secure Rural Schools and Impact Aid programs. Tim is currently in Washington, DC, for the annual spring NAFIS conference, and I would like to take this opportunity to thank him for his service to our State and Nation. As Tim prepares to retire from the Custer School District, I wish him, as well as his wife Darla, all the very best. I am deeply appreciative of Tim's years of service to students in South Dakota and for helping prepare our State's next generation of leaders.●

#### TRIBUTE TO FRANK SEILER

● Mr. JOHNSON of South Dakota. Mr. President, today I offer my heartfelt congratulations to a South Dakotan who has dedicated his life to educating students in my State.

At the close of this school year, Frank Seiler will retire as superintendent of the Timber Lake School District, concluding a nearly 50-year career as an educator in South Dakota. Frank began teaching in North Dakota in 1964. In 1967, he moved to Kadoka, SD, to serve as the high school principal and coach before moving to McIntosh, where he served as superintendent for 15 years. In 1991, Frank took over as superintendent of the Timber Lake School District, where he has worked for 20 years.

Frank has been involved with the National Association of Federally Impacted Schools, NAFIS, since 1975. As one of the founders of the Senate Im-

pact Aid Caucus, I am deeply appreciative of Frank's leadership in the Impact Aid community and for his responsible administering of the Impact Aid Program in the school districts where he has worked. In May 2010, I was pleased to announce that the Timber Lake School District would receive a \$5 million grant from the American Recovery and Reinvestment Act, known to many as the economic stimulus package, so that the community could replace its existing high school facility. Frank has shown tremendous leadership in helping make the dream of a new school become a reality.

Over the years, Frank has served as a tremendous advocate for his school district and for the importance of a strong education system. My staff and I have greatly valued Frank's insight and expertise over the years. It has been my pleasure working with him to ensure that the many children in South Dakota living in rural and federally impacted schools receive a quality education.

On the occasion of his retirement from the Timber Lake School District, I congratulate and thank Frank for his service as an educator and mentor to thousands of students in South Dakota. He has truly been an inspiration to many of his friends and colleagues. As Impact Aid leaders from across our country gather this week for the annual NAFIS conference, I want to take the time to recognize Frank for responsible management of the Impact Aid Program. On behalf of all South Dakotans, I thank Frank for his years of tireless dedication to students in our State and for the lasting legacy he leaves. I also thank his wife Donna for her continued support. I wish them both a happy and healthy retirement.●

#### MESSAGES FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 872. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

H.R. 1255. An act to prevent a shutdown of the government of the United States, and for other purposes.

At 2:46 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 658. An act to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

#### MEASURES REFERRED

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

H.R. 872. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 706. A bill to stimulate the economy, produce domestic energy, and create jobs at no cost to the taxpayers, and without borrowing money from foreign governments for which our children and grandchildren will be responsible, and for other purposes.

H.R. 471. An act to reauthorize the DC opportunity scholarship program, and for other purposes.

#### 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-1138. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules; Amdt. 492" ((RIN2120-AA63)(Docket No. 30769)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1139. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A330-243F Airplanes" ((RIN2120-AA64)(Docket No. FAA-2011-0156)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1140. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EUROCOPTER FRANCE Model SA330F, SA330G, and SA330J Helicopters" ((RIN2120-AA64)(Docket No. FAA-2010-0891)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1141. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eclipse Aerospace, Inc. Model EA500 Airplanes Equipped with a Pratt and Whitney Canada, Corp. (PWC) PW610F-A Engine" ((RIN2120-AA64)(Docket No. FAA-2011-0199)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1142. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited

Model 427 Helicopters” ((RIN2120-AA64)(Docket No. FAA-2010-0866)) received in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1143. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bell Helicopter Textron Canada Limited (BHTC) Model 206A, 206B, 206L, 206L-1, 206L-3, 206L-4, 222, 222B, 222U, 230, 407, 427, and 430 Helicopters” ((RIN2120-AA64)(Docket No. FAA-2011-0079)) received in the Office of the President of the Senate on February 25, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1144. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Model CL-600-2B19 (Regional Jet Series 100 and 440) Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-1039)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1145. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Turbomeca Model Arriel 1E2, 1S, and 1S1 Turboshaft Engines” ((RIN2120-AA64)(Docket No. FAA-2011-0141)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1146. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A330-200 and -300 Series Airplanes and Model A340-200, -300, -500, and -600 Series Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-0859)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1147. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc RB211-Trent 768, 772, and 772B Turbofan Engines” ((RIN2120-AA64)(Docket No. FAA-2010-0960)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1148. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Model 757 Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-0698)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1149. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France (Eurocopter) Model EC130 B4 Helicopters” ((RIN2120-AA64)(Docket No. FAA-2011-0212)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1150. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled “Airworthiness Directives; Thielert Aircraft Engines GmbH Models TAE 125-02-99 and TAE 125-02-114 Reciprocating Engines” ((RIN2120-AA64)(Docket No. FAA-2010-0892)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1151. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Model 737-300, -400, and -500 Series Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-0379)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1152. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Rolls-Royce plc RB211-Trent 768, 772, and 772B Turbofan Engines” ((RIN2120-AA64)(Docket No. FAA-2010-0960)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1153. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A Model PIAGGIO P-180 Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-1099)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1154. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Model 777-200, -200LR, -300, and -300ER Series Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-1156)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1155. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes” ((RIN2120-AA64)(Docket No. FAA-2011-0154)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1156. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series” ((RIN2120-AA64)(Docket No. FAA-2010-0679)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1157. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Saab AB, Saab Aerosystems Model SAAB 2000 Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-1198)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1158. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; BAE Systems (Operations) Limited Model ATP Airplanes; BAE SYSTEMS (Operations) Limited Model HS 748 Airplanes” ((RIN2120-AA64)(Docket No. FAA-2011-0150)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1159. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Eurocopter France Model AS-365N2, AS 365 N3, and SA-365N1 Helicopters” ((RIN2120-AA64)(Docket No. FAA-2010-0781)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1160. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-1296)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1161. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Allied Ag Cat Productions, Inc. Models G-164, G-164A, G-164B, G-164B with 73” Wing Gap, G-164B-15T, G-164B-34T, G-164B-20T, G-164C, G-164D, and G-164D with 73” Wing Gap Airplanes” ((RIN2120-AA64)(Docket No. FAA-2011-0149)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1162. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt and Whitney JT8D-209, -217, -217A, -217C, and -219 Turbofan Engines” ((RIN2120-AA64)(Docket No. FAA-2010-0594)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1163. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Learjet Inc. Model 45 Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-0951)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1164. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Viking Air Limited (Type Certificate No. A-815 Formerly Held by Bombardier Inc. and de Havilland, Inc.) Model DHC-3 Airplanes” ((RIN2120-AA64)(Docket No. FAA-2010-1192)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1165. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Pratt and Whitney JT8D-209, -217, -217A, -217C, and -219 Turbofan Engines” ((RIN2120-AA64)(Docket No. FAA-2010-0594)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1166. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring; Amendment 4" (RIN0648-AW75) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1167. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Hawaii Bottomfish and Seamount Groundfish Fisheries; Modification of Fishery Closures" (RIN0648-BA58) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1168. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Halibut Fisheries; Catch Sharing Plan" (RIN0648-BA25) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1169. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish (MSB) Fishery, Revision of 2011 Butterfish Specifications" (RIN0648-BA86) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1170. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Less Than 60 Feet (18.3 m) Length Overall Using Hook-and-Line or Pot Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XA279) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1171. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XA294) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Commerce, Science, and Transportation.

EC-1172. A communication from the Assistant Secretary of the Navy (Financial Management and Comptroller), Department of Defense, transmitting, pursuant to law, a report relative to meals sold by messes for the United States Navy and Naval Auxiliary vessels; to the Committee on Armed Services.

EC-1173. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Benjamin R. Mixon, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1174. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Liabilities" (RIN2590-AA36) received during adjournment of the Senate in the Office of the President of the Senate on April

1, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1175. A communication from the Deputy to the Chairman, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Monitoring Bank Secrecy Act Compliance and Fair Credit Reporting: Technical Amendments" (RIN3064-AD76) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-1176. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2010 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-1177. A communication from the Chief Human Capital Officer, Department of Energy, transmitting, pursuant to law, (4) four reports relative to vacancies in the Department of Energy, received in the Office of the President of the Senate on March 30, 2011; to the Committee on Energy and Natural Resources.

EC-1178. A communication from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Planning Resource Adequacy Assessment Reliability Standard" ((RIN1902-AE15)(Docket No. RM10-10-000)) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Energy and Natural Resources.

EC-1179. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removal of *Erigeron maguirei* (Maguire Daisy) from the Federal List of Endangered and Threatened Plants; Availability of Final Post-Delisting Monitoring Plan" (RIN1018-AU67) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1180. A communication from the Chief of the Recovery and Delisting Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reclassification of the Okaloosa Darter from Endangered to Threatened and Special Rule" (RIN1018-AW95) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1181. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Carex lutea* (Golden Sedge)" (RIN1018-AW55) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1182. A communication from the Acting Chair of the Federal Subsistence Board, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska—2011–12 and 2012–13 Subsistence Taking of Fish and Shellfish Regulations" (RIN1018-AW71) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1183. A communication from the Director of Congressional Affairs, Nuclear Regu-

latory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HISTORM Flood/Wind Addition" (RIN3150-AI90) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1184. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Regulatory Guide 8.5, 'Criticality and Other Interior Evacuation Signals'" (Regulatory Guide 8.5) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Environment and Public Works.

EC-1185. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Control of Electroslag Weld Properties" (Regulatory Guide 1.34, Revision 1) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Environment and Public Works.

EC-1186. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Control of Stainless Steel Weld Cladding of Low-Alloy Steel Components" (Regulatory Guide 1.43, Revision 1) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Environment and Public Works.

EC-1187. 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 "Specified Tax Return Preparers Required to File Individual Income Tax Returns Using Magnetic Media" (RIN1545-BJ52) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC-1188. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of Sunset Date for Attorney Advisor Program" (RIN0960-AH05) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC-1189. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to quality improvement and savings under the Medicare Hospital Gainsharing Demonstration; to the Committee on Finance.

EC-1190. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the issuance of a determination to waive certain restrictions on maintaining a Palestine Liberation Organization (PLO) Office in Washington and on the receipt and expenditure of PLO funds for a period of six months; to the Committee on Foreign Relations.

EC-1191. A communication from the Employee Benefits Law Specialist, Office of Exemption Determinations, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Amendment to Prohibited Transaction Exemption (PTE) 96-23 for Plan Asset Transactions Determined by In-House Asset Managers" (RIN1210-ZA09) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1192. A communication from the Acting Assistant General Counsel for Regulatory Service, Office of the Chief Financial Officer, Department of Education, transmitting, pursuant to law, the report of a rule entitled

"Department of Education Acquisition Regulation" (RIN1890-AA16) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1193. A communication from the Deputy Director for Operations, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC-1194. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-51; Introduction" (FAC 2005-51) received in the Office of the President of the Senate on March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-1195. A joint communication from the Chairman and Acting General Counsel of the National Labor Relations Board, transmitting, pursuant to law, an annual report relative to acquisitions made from entities that manufacture articles, materials, or supplies outside of the United States; to the Committee on Homeland Security and Governmental Affairs.

EC-1196. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report relative to the Board's Strategic Plan for Fiscal Years 2012-2016; to the Committee on Homeland Security and Governmental Affairs.

EC-1197. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an annual report relative to Federal sector equal employment opportunity complaints filed with the Office during fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1198. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1199. A communication from the Human Resources Specialist, Office of the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1200. A communication from the Director of Equal Employment Opportunity, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1201. A communication from the Associate Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1202. A communication from the Executive Vice President and Chief Human Resources Officer, U.S. Postal Services, transmitting, pursuant to law, a report relative to the No FEAR Act for fiscal year 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-1203. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "Public-Private Development Project Compliance with Certified Business Enterprise Goals through Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-1204. A communication from the Deputy General Counsel, Office of Business Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Regulations; 8(a) Business Development/Small Disadvantaged Business Status Determinations" (RIN3245-AF53) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Small Business and Entrepreneurship.

EC-1205. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business, Small Disadvantaged Business, HUBZone, and Service-Disabled Veteran-Owned Business Status Protest and Appeal Regulations" (RIN3245-AF65) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Small Business and Entrepreneurship.

EC-1206. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Jobs Act: 504 Loan Program Debt Refinancing" (RIN3245-AG17) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Small Business and Entrepreneurship.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Select Committee on Intelligence, without amendment:

S. 719. An original bill to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 112-12).

## 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. BINGAMAN (for himself, Mr. WYDEN, Mr. UDALL of Colorado, and Mr. UDALL of New Mexico):

S. 714. A bill to reauthorize the Federal Land Transaction Facilitation Act, and for other purposes; to the Committee on Energy and Natural Resources.

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

S. 715. A bill to reinstate and transfer certain hydroelectric licenses and extend the deadline for commencement of construction of certain hydroelectric projects; to the Committee on Energy and Natural Resources.

By Mrs. SHAHEEN (for herself, Mr. BEGICH, Mr. KERRY, Mr. FRANKEN, Ms. KLOBUCHAR, Mr. COONS, and Mr. REID):

S. 716. A bill to establish within the Department of Education the Innovation Inspiration school grant program, and for other

purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER:

S. 717. A bill to establish an advisory committee to issue nonbinding governmentwide guidelines on making public information available on the Internet, to require publicly available Government information held by the executive branch to be made available on the Internet, to express the sense of Congress that publicly available information held by the legislative and judicial branches should be available on the Internet, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROBERTS:

S. 718. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to improve the use of certain registered pesticides; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 719. An original bill to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. THUNE (for himself and Mr. GRAHAM):

S. 720. A bill to repeal the CLASS program; to the Committee on Finance.

By Mrs. HUTCHISON (for herself and Mr. INHOFE):

S. 721. A bill to appropriate such funds as may be necessary to ensure that members of the Armed Forces, including reserve components thereof, continue to receive pay and allowances for active service performed when a funding gap caused by the failure to enact interim or full-year appropriations for the Armed Forces occurs, which results in the furlough of non-emergency personnel and the curtailment of Government activities and services; to the Committee on Appropriations.

By Mr. WYDEN (for himself and Mr. ROBERTS):

S. 722. A bill to strengthen and protect Medicare hospice programs; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. COLLINS (for herself and Mr. KERRY):

S. Res. 127. A resolution designating April 2011 as "National Child Abuse Prevention Month"; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, and Mr. LAUTENBERG):

S. Res. 128. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 1 through 7, 2011; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Mr. MANCHIN, Mr. HARKIN, Mr. ENZI, Mrs. MURRAY, and Mr. ISAKSON):

S. Res. 129. A resolution honoring the 29 coal miners who perished in the explosion at the Upper Big Branch Mine in Montcoal, West Virginia, on April 5, 2010, and remembering all those who have lost their lives while mining for the resources on which the United States relies; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 25

At the request of Mrs. SHAHEEN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 102

At the request of Mr. MCCAIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 102, a bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.

S. 146

At the request of Mr. BAUCUS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 146, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity credit to certain recently discharged veterans.

S. 164

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 211

At the request of Mr. ISAKSON, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 211, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and performance of the Federal Government.

S. 222

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 222, a bill to limit investor and homeowner losses in foreclosures, and for other purposes.

S. 251

At the request of Mr. VITTER, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 251, a bill to prohibit the provision of Federal funds to State and local governments for payment of obligations, to prohibit the Board of Governors of the Federal Reserve System from financially assisting State and local governments, and for other purposes.

S. 275

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 275, a bill to amend title 49, United States Code, to provide for enhanced safety and environmental protection in pipeline transportation, to provide for enhanced reliability in the transportation of the Nation's energy products by pipeline, and for other purposes.

S. 306

At the request of Mr. WEBB, the name of the Senator from Florida (Mr. NEL-

SON) was added as a cosponsor of S. 306, a bill to establish the National Criminal Justice Commission.

S. 339

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 398

At the request of Mr. BINGAMAN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Wisconsin (Mr. KOHL) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 398, a bill to amend the Energy Policy and Conservation Act to improve energy efficiency of certain appliances and equipment, and for other purposes.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 414, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 418

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

S. 468

At the request of Mr. MCCONNELL, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 468, a bill to amend the Federal Water Pollution Control Act to clarify the authority of the Administrator to disapprove specifications of disposal sites for the discharge of dredged or fill material, and to clarify the procedure under which a higher review of specifications may be requested.

S. 470

At the request of Mr. CASEY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 470, a bill to establish an Early Learning Challenge Fund to support States in building and strengthening systems of high-quality early learning and development programs and for other purposes.

S. 491

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 491, a bill to amend title 38, United States Code, to recognize the service in the reserve components of the Armed Forces of certain persons by honoring them with status as veterans under law, and for other purposes.

S. 520

At the request of Mr. COBURN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 520, a bill to repeal the Volumetric Ethanol Excise Tax Credit.

S. 534

At the request of Mr. KERRY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 554

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

S. 570

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

S. 641

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 641, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis within six years by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 666

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 666, a bill to require a report on the establishment of a Polytrauma Rehabilitation Center or Polytrauma Network Site of the Department of Veterans Affairs in the northern Rockies or Dakotas, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 680

At the request of Ms. COLLINS, the names of the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 680, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 699

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 699, a bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial



application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes.

S. 707

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 707, a bill to amend the Animal Welfare Act to provide further protection for puppies.

S. RES. 86

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. Res. 86, a resolution recognizing the Defense Intelligence Agency on its 50th Anniversary.

S. RES. 109

At the request of Ms. SNOWE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 109, a resolution honoring and supporting women in North Africa and the Middle East whose bravery, compassion, and commitment to putting the wellbeing of others before their own have proven that courage can be contagious.

S. RES. 125

At the request of Mr. UDALL of New Mexico, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 125, a resolution supporting the goals and ideals of National Public Health Week.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Mr. ROBERTS):

S. 722. A bill to strengthen and protect Medicare hospice programs; to the Committee on Finance.

Mr. WYDEN. Mr. President, this is far from the first time I have spoken in this Chamber about the importance of providing hospice benefits and those workers who help provide them tirelessly every day. Today I'm pleased to introduce legislation to strengthen the hospice program so that these critical benefits will continue to be available for those in the final stages of life.

Hospice care provides humane and comforting support for over 744,000 terminally ill patients and their families each year. These services include pain control, palliative medical care and social, emotional and spiritual services.

Hospice supports the basic human needs for feeling comfortable, in a familiar environment, surrounded by loving caregivers and family during the later stages of life. Hospice care is an effective model for the interaction of interdisciplinary teams of health professionals, family members and volunteers in providing care for those needing care in our communities.

Our country strives to provide exceptional support for the sick, elderly and terminally ill in home and hospice settings. These vulnerable individuals, as

well as their family caregivers, are indebted to the many professionals and volunteers who have made it their life's work to serve those in greatest need. Nearly 83,000 hospice professionals, 46,000 hospice volunteers and 1 million home health providers, nationally, contribute significantly to our health care system through their compassion and commitment.

It is because of these professionals and volunteers that seniors continue to have access to this vital service. And it is with these committed people in mind that Senator ROBERTS and I introduce legislation that will help sustain the future of hospice care.

Specifically, The Hospice Evaluation and Legitimate Payment Act creates a "do no harm" demonstration that evaluates proposed payment changes to hospices at 15 different sites before going into effect. With an estimated 66% of hospices looking down a road to negative operating margins by 2019, Congress must act to ensure hospice doors remain open. Testing payment changes can do that.

The HELP Act also allows nurse practitioners and physicians assistants to sign-off on the required face-to-face encounter. This expansion ensures program integrity while also preserving access to services, especially in rural areas where great distances can create unwanted impediments.

Finally, the HELP Act calls for increased accountability. Instead of a hospice submitting a survey every eight years, this legislation implements the recommendation of the OIG, and increases submission to once every 3 years.

We need to support new ways to treat a very ill patient physically and emotionally, long before the last days of life. We need to make sure doctors are not afraid of using pain medications to make people comfortable and, most of all, we need to make sure people start the conversations with their families and doctors about having a better death and using hospice as early as possible. None of these options for changing the standards of end-of-life care delivery can occur if hospices cannot continue to operate. The HELP Act makes that more possible.

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. 722

*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 "Hospice Evaluation and Legitimate Payment Act".

#### SEC. 2. ENSURING TIMELY ACCESS TO HOSPICE CARE.

(a) IN GENERAL.—Section 1814(a)(7)(D)(i) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)) is amended to read as follows:

"(i) a hospice physician, a nurse practitioner, a clinical nurse specialist, or a physi-

cian assistant (as those terms are defined in section 1861(aa)(5)), or other health professional (as designated by the Secretary), has a face-to-face encounter with the individual to determine continued eligibility of the individual for hospice care prior to the first 60-day period and each subsequent recertification under subparagraph (A)(ii) (or, in the case where a hospice program newly admits an individual who would be entering their first 60-day period or a subsequent hospice benefit period or where exceptional circumstances, as defined by the Secretary, may prevent a face-to-face encounter prior to the beginning of the hospice benefit period, not later than 7 calendar days after the individual's election under section 1812(d)(1) with respect to the hospice program) and attests that such visit took place (in accordance with procedures established by the Secretary); and".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date of enactment of this Act and applies to hospice care furnished on or after such date.

#### SEC. 3. RESTORING AND PROTECTING THE MEDICARE HOSPICE BENEFIT.

(a) IN GENERAL.—Section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) is amended—

(1) in subparagraph (1)(C)—

(A) in clause (ii)—

(i) in the matter preceding subclause (I), by striking "(6)(D)" and inserting "(6)(E)"; and

(ii) in subclause (VII), by striking "(6)(D)" and inserting "(6)(E)";

(B) in clause (iii), by moving such clause 6

ems to the left and striking "(6)(D)" and inserting "(6)(E)";

(2) in paragraph (6)—

(A) in subparagraph (A), by striking "subparagraph (D)" and inserting "subparagraph (E)";

(B) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively, and inserting after subparagraph (C) the following new subparagraph:

"(D) HOSPICE PAYMENT REFORM DEMONSTRATION PROGRAM.—

"(i) ESTABLISHMENT OF DEMONSTRATION PROGRAM.—

"(I) IN GENERAL.—Prior to implementing any revisions to the methodology for determining the payment rates for routine home care and other services included in hospice care under subparagraph (E), the Secretary shall establish a Medicare Hospice Payment Reform demonstration program to test such proposed revisions.

"(II) DURATION.—The demonstration program shall be conducted for a 2-year period beginning on or after October 1, 2013.

"(III) SCOPE.—The Secretary shall select not more than 15 hospice programs at which the demonstration program under this subparagraph shall be conducted.

"(IV) REPRESENTATIVE PARTICIPATION.—Hospice programs selected under subclause (III) to participate in the demonstration program shall include a representative cross-section of such programs throughout the United States, including programs located in urban and rural areas.

"(V) VOLUNTARY PARTICIPATION.—Hospice program participation in the demonstration program shall be on a voluntary basis.

"(ii) EVALUATION AND REPORT.—

"(I) EVALUATION.—The Secretary shall conduct an evaluation of the demonstration program under this subparagraph. Such evaluation shall include an analysis of whether the use of the revised payment methodology under the demonstration program has improved the quality of patient care and access to hospice services for beneficiaries under this title and the impact of such payment revisions on hospice care providers, including the impact, if any, on the ability of hospice

programs to furnish quality care to beneficiaries under this title.

“(II) REPORT.—Not later than 1 year after the completion of the demonstration program, the Secretary shall submit to Congress a report containing the results of the evaluation conducted under subclause (I), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

“(iii) BUDGET NEUTRALITY.—With respect to the 2-year period of the demonstration program under this subparagraph, the Secretary shall ensure that the estimated amount of aggregate payments under this title to each hospice program participating in the demonstration program for such period shall not be more than 5 percent higher or 5 percent lower than the estimated amount of aggregate payments that would have been made under this title to each such hospice program during such period had they not participated in the demonstration program under this subparagraph.”.

(C) in subparagraph (E), as redesignated by subparagraph (B)—

(i) in clause (i)—

(I) in the first sentence, by striking “October 1, 2013, the Secretary shall, by regulation” and inserting “subject to clause (iii), the later of 2 years after the demonstration program under subparagraph (D) is completed or October 1, 2017, the Secretary shall, by regulation, preceded by notice of the proposed regulation in the Federal Register and a period for public comment in accordance with section 1871(b)(1),”; and

(II) in the second sentence, by inserting “, and shall take into account the results of the evaluation conducted under subparagraph (D)(ii)” before the period; and

(ii) by adding at the end the following new clause:

“(iii) In no case may the Secretary implement any revisions in payment pursuant to clause (i) unless the Secretary determines that the demonstration program under subparagraph (D) demonstrated that such revisions would not adversely affect access to quality hospice care by beneficiaries under this title.”.

(D) in subparagraph (F), as redesignated by subparagraph (B), by striking “subparagraph (D)” and inserting “subparagraph (E)”.

#### SEC. 4. HOSPICE SURVEY REQUIREMENT.

(a) IN GENERAL.—Section 1861(dd)(4) of the Social Security Act (42 U.S.C. 1395x(dd)(4)) is amended by adding at the end the following new subparagraph:

“(C) Any entity seeking certification as a hospice program shall be subject to an initial survey by an appropriate State or local survey agency, or an approved accreditation agency, as determined by the Secretary, not later than 6 months after beginning operations, and any entity which is certified as a hospice program shall be subject to a standard survey not less frequently than every 36 months.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on the date that is 180 days after the date of enactment of this Act and applies to hospice programs on or after such date.

Mr. ROBERTS. Mr. President, I rise today in support of the legislation introduced by Senator WYDEN, of which I am an original cosponsor, the ‘Hospice Evaluation and Legitimate Payment Act.’ The HELP Act.

The HELP Act does what the title says it does and takes initial steps in helping our hospices in Kansas and across the Nation continue to give the valuable care that patients and families need.

It is impossible to describe the value of hospice services to the patients and families for whom they provide selfless and compassionate care. Over the next 10 years hospice is facing drastic reductions in their reimbursements, negatively impacting at least 1.3 million patients and families, which is the number served by hospice programs in recent years.

The HELP Act sets realistic requirements for a face-to-face encounter. The Accountable Care Act included a requirement that a hospice physician or nurse practitioner should have a face-to-face encounter with hospice patients before their 180-day recertification and for each 60-day recertification period after that date, has caused a significant burden on our hospice communities, especially those in rural areas. The limits on who can conduct the face-to-face encounter and the timeline for compliance do not reflect the operational realities of hospice programs, especially for small and rural hospices. The HELP Act would allow Nurse Practitioners, Clinical Nurse Specialists and Physician’s Assistants to conduct the face-to-face encounter, and that hospice programs be afforded 7 days after the election of services to fulfill the requirement.

The HELP Act would require the Secretary to establish a payment reform demonstration program to test any prospective payment revisions to hospice, and would include an evaluation period for data analysis; increase the frequency of hospice surveys to every 3 years; and would amend the new face-to-face encounter statutory framework to reflect operational realities for hospice programs, and the needs of the patients and families they serve.

Under this legislation the new payment methodologies for hospice must first be piloted through a 2-year, 15-site demonstration program to allow for any recommended payment reform schemes to be tested across a representative sample of the hospice community and to assess their impact on beneficiary access to hospice services.

The HELP Act also requires more frequent hospice surveys. A recent Office of the Inspector General’s, OIG, report noted that CMS was remiss in its supervisory responsibilities by not regularly reviewing the operational and clinical delivery processes of the hospice community. OIG has recommended on numerous occasions that “CMS should conduct more frequent certification surveys of hospices as a way to enforce the requirements.” Accrediting organizations, such as the Joint Commission for the Accreditation of Healthcare Organizations, JCAHO, have set an industry standard of certification every 3 years for hospices. The HELP Act requires an initial survey for those seeking certification to be followed by a standard survey every 3 years.

While there is more work that needs to be done to address payment reductions for hospice providers, the HELP

Act takes some initial steps to addressing these problems. I am grateful to my colleague Senator WYDEN for introducing this legislation and I am happy to lend my support. I encourage all of my colleagues on both sides of the aisle to review and consider supporting this very important piece of legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 127—DESIGNATING APRIL 2011 AS “NATIONAL CHILD ABUSE PREVENTION MONTH”

Ms. COLLINS (for herself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 127

Whereas in 2009, approximately 702,000 children were determined to be victims of abuse or neglect;

Whereas in 2009, an estimated 1,770 children died as a result of abuse or neglect;

Whereas in 2009, an estimated 80.8 percent of the children who died due to abuse or neglect were under the age of 4;

Whereas in 2009, of the children under the age of 4 who died due to abuse or neglect, 46.2 percent were under the age of 1;

Whereas abused or neglected children have a higher risk for developing health problems in adulthood, including alcoholism, depression, drug abuse, eating disorders, obesity, suicide, and certain chronic diseases;

Whereas a National Institute of Justice study indicated that abused or neglected children—

(1) are 11 times more likely to be arrested for criminal behavior as juveniles; and

(2) are 2.7 times more likely to be arrested for violent and criminal behavior as adults;

Whereas an estimated 1/3 of abused or neglected children grow up to abuse or neglect their own children;

Whereas providing community-based services to families impacted by child abuse or neglect may be far less costly than—

(1) the emotional and physical damage inflicted on children who have been abused or neglected;

(2) providing other services to abused or neglected children, including child protective, law enforcement, court, foster care, or health care services; or

(3) providing treatment to adults recovering from child abuse; and

Whereas child abuse and neglect have long-term economic and societal costs: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2011 as “National Child Abuse Prevention Month”;

(2) recognizes and applauds the national and community organizations that work to promote awareness about child abuse and neglect, including by identifying risk factors and developing prevention strategies;

(3) supports the proclamation issued by President Obama declaring April 2011 to be “National Child Abuse Prevention Month”; and

(4) should increase public awareness of prevention programs relating to child abuse and neglect, and continue to work with States to reduce the incidence of child abuse and neglect in the United States.

Ms. COLLINS. Mr. President, it is with a heavy heart that I rise today to submit a resolution recognizing National Child Abuse Prevention Month. I

am honored to be joined by an advocate for children, Senator KERRY, in turning a spotlight on the issue of child abuse and neglect in this country. Senator KERRY and I share a common belief that children should be valued and nurtured by both their families and all of us.

The effort to address child abuse transcends ideological and partisan lines. This is not a Democratic or Republican issue—this is an American issue—one that we can't wish away, but that we must face head on and work to eradicate.

Abuse of children occurs in all segments of our society, in rural, suburban, and urban areas and among all racial, ethnic, and income groups. According to the 2009 Child Maltreatment Study compiled by the U.S. Department of Health and Human Services, during 2009, an estimated 702,000 children were determined to be victims of abuse or neglect, and an estimated 1,770 children died as a result.

Last year I became aware of yet another tragic case of child abuse. Maine was mourning the death of 15-month old Damien Lynn. Autopsy reports show that little Damien had broken bones and ribs, head and abdominal injuries, and a human bite mark on his right arm. This year the former boyfriend of Damien's mother will face the consequences of his actions, and I am proud to introduce this resolution again in Damien's memory.

The time has come for Americans to unite in an all-out effort to eradicate child abuse. National Child Abuse Prevention Month is an opportunity for communities across the country to keep children safe, provide the support families need to stay together, and raise children and youth to be happy, secure, and stable adults.

To paraphrase Mahatma Gandhi, "You can judge a society by how they treat their weakest members." This resolution is sad commentary that we have to do more to protect those who are in the dawn of life, the most vulnerable among us, our children.

**SENATE RESOLUTION 128—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 1 THROUGH 7, 2011**

Mr. AKAKA (for himself, Ms. COLLINS, Mr. LIEBERMAN, Mr. LEVIN, Mr. CARPER, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 128

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver social security and medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist our Nation's veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 1 through 7, 2011, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 27th anniversary: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to honor America's public servants, who provide so many essential services that Americans rely on every day. I am pleased to once again introduce a resolution recognizing these employees during Public Service Recognition Week.

Public Service Recognition Week provides us with the opportunity to honor and celebrate the works of federal, state and local public employees—and also gives American's across the country a chance to learn about the many possible careers in public service. As a former teacher and a life-long public servant, I have worked alongside so many hard-working, talented people who have dedicated their lives to serving others. Public employees across the country use the week to educate their fellow citizens on how government serves them and makes life better for all of us. It is my hope that this week's events will encourage many people, especially students and young professionals, to consider a career in public service.

As the Chairman of the Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, I am proud to take this moment to highlight the importance of our public servants. This country is facing so many challenges both here at home and abroad, and our public servants play an integral role in moving our country forward. It is essential that we do not lose sight of their importance and all that they do to keep our country strong.

Our public servants are honorable men and women who provide vital services to the American people, including teaching our children, keeping our Nation safe, caring for our wounded warriors, guarding our prisons, and responding to natural disasters. Our way of life would not exist without the work of public employees.

This is the 27th year we have honored our public servants with Public Service Recognition Week during the first week of May. Although we have designated a week to pay tribute to government employees, it is also important that we honor the invaluable service of public servants throughout the year. America's public servants deserve our gratitude and respect and I thank them for their dedication. I encourage my colleagues to join me in this annual

celebration and recognize the public servants in their states.

**SENATE RESOLUTION 129—HONORING THE 29 COAL MINERS WHO PERISHED IN THE EXPLOSION AT THE UPPER BIG BRANCH MINE IN MONTCOAL, WEST VIRGINIA, ON APRIL 5, 2010, AND REMEMBERING ALL THOSE WHO HAVE LOST THEIR LIVES WHILE MINING FOR THE RESOURCES ON WHICH THE UNITED STATES RELIES**

Mr. ROCKFELLER (for himself, Mr. MANCHIN, Mr. HARKIN, Mr. ENZI, Mrs. MURRAY, and Mr. ISAKSON) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 129

Whereas West Virginia coal miners and their predecessors not only have a strong commitment to providing a good living for their families, but also take a deep and patriotic pride in the fact that their work and the energy they produce has made the United States strong and free;

Whereas coal mining has been, and remains, an important part of the economy of the United States;

Whereas coal accounts for nearly ½ of the electricity produced in the United States;

Whereas coal has been commercially mined in what is now the State of West Virginia since 1810;

Whereas since 1810, West Virginia miners and their families have sacrificed greatly to mine the coal that powers the economy of the United States;

Whereas on April 5, 2010, 29 heroic and patriotic West Virginia miners tragically lost their lives in an explosion at the Upper Big Branch Mine in Montcoal, West Virginia;

Whereas a search and rescue effort was launched immediately following the explosion that involved dozens of courageous volunteers, first responders, and mine rescue teams who fearlessly risked their lives to rescue survivors and find lost miners;

Whereas Carl “Pee Wee” Acord, Jason Matthew Atkins, Christopher Lee Bell, Sr., Gregory Steven Brock, Kenneth A. Chapman, Sr., Robert Eugene Clark, Cory Davis, Charles Timothy Davis, Michael Lee Elswick, William Ildon Griffith, Steven J. “Smiley” Harrah, Edward “Dean” Jones, Richard Keith Lane, William Roosevelt Lynch, Joe Marcum, Ronald Lee Maynor, Nicolas D. McCroskey, James “Eddie” Moonney, Adam K. Morgan, Rex Lane Mullins, Joshua Scott Napper, Howard “Boone” Payne, Jr., Dillard Earl “Dewey” Persinger, Joel R. “Jody” Price, Gary Wayne Quarles, Deward Allan Scott, Grover Dale Skeens, Benny Ray Willingham, and Ricky L. Workman perished in the explosion at the Upper Big Branch Mine;

Whereas the terrible tragedy broke the hearts of the people of the United States;

Whereas since the beginning of 2010, 77 miners of coal and other resources have lost their lives on the job, and thousands more have been injured or diagnosed with occupational illnesses, such as Black Lung disease;

Whereas the families of the deceased continue to suffer, as do those miners who have become seriously injured or ill; and

Whereas Congress has long recognized the need to protect the safety and health of miners: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the coal miners who lost their lives in the explosion at the Upper Big

Branch Mine in Montcoal, West Virginia, on April 5, 2010;

(2) extends its continued heartfelt condolences to the families of the deceased, who are still looking for answers to the tragedy;

(3) recognizes the hardships faced by survivors of the tragedy and fellow miners who worked side-by-side with the deceased;

(4) acknowledges the risks faced by all miners, as well as the important and often over-looked contributions that miners make to the United States;

(5) expresses its appreciation for the volunteers, first responders, and mine rescue teams who fearlessly risk their lives to save miners after tragedies; and

(6) reaffirms its commitment to keep miners safe and healthy on the job.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 283. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 284. Mr. MENENDEZ (for himself, Mr. KERRY, and Mr. ROCKFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

**SA 283.** Mr. McCAIN submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 116, after line 24, add the following:

**SEC. 504. ELIMINATION OF DUPLICATIVE SECURITY ASSESSMENTS.**

Notwithstanding any other provision of law, the Transportation Security Administration is not authorized to conduct security assessments of motor carriers that are—

(1) registered under subpart G of part 107 of title 49, Code of Federal Regulations; and

(2) subject to security contact reviews conducted by the Federal Motor Carrier Safety Administration.

**SA 284.** Mr. MENENDEZ (for himself, Mr. KERRY, and Mr. ROCKFELLER) submitted an amendment intended to be proposed by him to the bill H.R. 4, to repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, after line 3, insert the following:

(c) **STUDY OF THE EFFECTS ON SMALL BUSINESSES OF INCREASES IN THE AMOUNTS OF HEALTH CARE CREDIT OVERPAYMENTS REQUIRED TO BE RECAPTURED.**—

(1) **IN GENERAL.**—The Secretary of Health and Human Services shall conduct a study to determine if the amendments made by this section—

(A) will result in an increase in health insurance premiums within the Exchanges created by the Patient Protection and Affordable Care Act for employees or owners of small businesses; or

(B) will result in an increase in the number of individuals who do not have health insur-

ance coverage, a disproportionate share of which are employees and owners of small businesses.

(2) **EFFECT OF INCREASES.**—If the Secretary determines under paragraph (1) that there will be an increase described in subparagraph (A) or (B), or both, then, notwithstanding subsection (b), the amendments made by this section shall not apply to taxable years ending after the date of such determination and the Internal Revenue Code of 1986 shall be applied and administered to such taxable years as if such amendments had never been enacted.

**NOTICES OF INTENT TO SUSPEND THE RULES**

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 217 on S. 493.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 220 on S. 493.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 222 on S. 493.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 273 on S. 493.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 274 on S. 493.

Mr. COBURN. Mr. President, I submit the following notice in writing: In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 279 on S. 493.

**NOTICE OF HEARING**

**COMMITTEE ON INDIAN AFFAIRS**

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 7, 2011, at 2:15 p.m. in Room

628 of the Dirksen Senate Office Building to conduct a hearing on S. 675, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; S. 676, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes; and S. 703, a bill to amend the Long-Term Leasing Act, and for other purposes, to be followed immediately by an oversight hearing entitled "Promise Fulfilled: The Role of the SBA 8(a) Program in Enhancing Economic Development in Indian Country."

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

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ORDERS FOR TUESDAY, APRIL 5,  
2011

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it adjourn until 10 a.m. on Tuesday, April 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority the final half; that following morning business, the Senate proceed to consideration of H.R. 4, 1099 repeal, under the previous order; further, that the Senate stand in recess from 12:30 to 2:15 to allow for the weekly caucus meetings.

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

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PROGRAM

Mr. BROWN of Ohio. Mr. President, Senators should expect two rollcall

votes at approximately 12 noon in relation to 1099 repeal. We are working to reach an agreement on the small business bill. Senators will be notified when additional votes are scheduled.

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ADJOURNMENT UNTIL 10 A.M.  
TOMORROW

Mr. BROWN of Ohio. 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 6:22 p.m., adjourned until Tuesday, April 5, 2011, at 10 a.m.

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CONFIRMATION

Executive nomination confirmed by the Senate April 4, 2011:

THE JUDICIARY

JIMMIE V. REYNA, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT.