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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, March 29, 2011, at 2 p.m.

Senate

MONDAY, MARCH 28, 2011

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

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

Let us pray.

Almighty God, Your hand is open wide to satisfy the needs of every living creature. Make us always thankful for Your loving providence, enabling us to remember the account we must one day give to You. Empower the Members of this body to be faithful stewards of Your good gifts. May they use their influence and power to bring glory to Your Name in all the Earth. May their lives provide exemplary models of excellence for others to follow.

And, Lord, we continue to ask You to guard our troops in harm's way.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 28, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, first, I welcome you and everyone back after the break we had doing work at home. I hope everyone had a productive week.

The past week was a productive one for the most crucial and closely watched discussion in Congress—our negotiations to keep the country running with a responsible budget for the rest of the fiscal year.

Though the Senate and House Chambers have been dark, Senators and Members of Congress worked together every day last week—me, my staff, the White House, and the House of Representatives, members of both parties, members of the congressional leadership, and members of the Appropriations Committees—we have all been in contact. We have worked hard to make progress and pursue an agreement and a budget that best serves the American people. Democrats' priorities and goals have not changed from day one. We are committed to a long-term budget based in reality, not ideology. We are committed to keeping the country running, not using the American people as political pawns or to score political points.

We are more than willing to make smart cuts, but we are unwilling to do so on the backs of hard-working, middle-class families and the jobs on which they depend. We are ready to make tough choices that strengthen our country and strengthen our economy but will not make arbitrary or careless cuts that weaken it.

Let me briefly update the Senate on the progress of these talks and how far we have yet to go.

On our side of the negotiating table, we have made a proposal. That proposal makes significant cuts but will not hurt our fragile economy. We are also honest with ourselves and the country: We readily recognize that in the end, we will not get everything we want. That is true of any fair and reasonable negotiation. We recognize sacrifices are the cost consensus, and we believe they are worth it.

But on the other side, Republicans refuse to negotiate on a final number. That is because the biggest gap in this negotiation is not between Republicans and Democrats; it is between Republicans and Republicans.

The infighting between the tea party and the rest of the Republican Party—

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

including the Republican leadership in Congress—is keeping our negotiating partner from the negotiating table, and it is pretty hard to negotiate without someone on the other side of the table to talk to.

Republicans have to resolve their own deep disagreements before we can find middle ground between the two parties. We have tried to wait patiently for them to do that, but our patience and the patience of the American people is wearing very thin.

We have only 2 weeks before the current temporary budget expires. Time is not on our side. It is time, I say to my Republican colleagues, to get to work. Work out your differences.

I, once again, remind the Senate that our willingness to compromise is in recognition of reality. We have already voted on a Democratic proposal and a Republican proposal. We have seen in practice—not just theory—that neither plan can pass unless it is adjusted. We all know neither party can pass a bill without the other party and neither Chamber can send that bill to the President without the other Chamber.

Democrats have long ago acknowledged that we need Republicans to pass a bill. But Republicans still have not admitted to themselves they need Democrats to pass a bill. Cooperation and compromise are not just good ideas. They are not political slogans. They are essential to the endgame. With a cooperative spirit and willingness to compromise, we can move the country forward. Without them, we cannot. It is as simple as that.

I can only speak for my Democrats when I say we are ready to negotiate and legislate. We are ready to do our jobs. But we cannot negotiate with ourselves, and we will not negotiate through the media. Once the Republicans settle their own internal disagreements and decide for what they stand, we will get this done. Until that happens, the country waits, watches, and worries.

SCHEDULE

Mr. REID. Mr. President, following any remarks of Senator MCCONNELL, if he does wish to speak, there will be a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 10 minutes each. At 3 p.m., the Senate will resume consideration of the small business jobs bill. There are currently 10 amendments pending. We will continue to work through them in order to complete action on this bill this week.

At 4:30 p.m. today, the Senate will proceed to executive session to consider Calendar No. 40, the nomination of Mae D'Agostino, of New York, to be U.S. District Judge for the Northern District of New York. At 5:30 p.m., the Senate will vote on that judgeship that needs to be filled.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that Senator BOOZMAN be recognized at 2:30 p.m. for up to 20 minutes to make his maiden speech to the Senate.

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

Mr. REID. Will the Chair announce morning business, please.

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 for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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. MCCONNELL. 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.

RECOGNITION OF THE MINORITY LEADER

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

MILITARY ACTION IN LIBYA

Mr. MCCONNELL. Mr. President, today, as the American naval aviators in the Mediterranean wait offshore to fly combat missions against the Libyan Army, as marines wait for the call to go ashore to rescue a downed pilot, or as Air Force pilots fly combat air patrol, we are confident that all military orders will be met with the same professionalism and skill we have come to expect of our All-Volunteer Force. The valor and loyalty of the men and women of our Nation's Armed Forces have never been in question. Yet, despite that certainty, many Americans view our military intervention in Libya with anxiety and uncertainty. They are wondering why U.S. forces are once again engaged in combat action against an Arab regime in the Middle East. They are wondering when this operation will end and when their loved ones will return. And they are asking another reasonable question: What is the mission?

If the American people are uncertain as to our military objectives in Libya, it is with good cause. The President has failed to explain up to this point what follows the evident establishment of a no-fly zone over Libya as it was originally described. Further, the President has articulated a wider political objective of regime change in Libya that is not the stated objective of our military intervention, nor is it the mandate of the U.N. resolution the President has used as a justification for our military efforts there.

Now that the objective of establishing a no-fly zone has been reached and our NATO allies are ready to assume the command and execution of this mission, it is fair to ask, what is the role of our military and military alliance in providing support to an opposition we are only now beginning to understand?

These concerns and questions are equally relevant here in the Senate and in the Congress since it is the responsibility of Congress to declare war, if it is war, and, of course, to fund our military operations.

The President stated:

> There is no decision I face as your commander in chief that I consider as carefully as the decision to ask our men and women to use military force. Particularly at a time when our military is fighting in Afghanistan and winding down our activities in Iraq, that decision is only made more difficult.

Yet this latest decision was taken without adequate consultation with Congress or sufficient explanation to the American people.

Since returning from South America, the President has begun to talk in greater detail about our involvement in Libya. For the second time, he has discussed our operations in and around Libya with the congressional leadership. Over the weekend, he devoted his entire address to the topic, and he will speak to the American people tonight about our operations in Libya. All of this is welcome and, in my view, overdue.

Before addressing what answers I hope to hear from the President this evening, let me address the notifications to Congress that the President made.

Prior to the initiation of combat activities in Libya, the congressional leadership received two forms of notification of the President's decision to order Americans into harm's way. Prior to departing for his overseas trip, the President notified the congressional leadership of his plans to send American forces into combat action in a limited, discrete role to destroy the integrated air defenses of the Libyan Government and to enable our allies to establish a no-fly zone over Libya. The second notification was a written communication as part of his responsibilities under the War Powers Resolution.

Throughout his communications with the congressional leadership, the President has emphasized that the U.S. military would not undertake ground combat against the Libyan Army and that the American combat role would be limited in time, scope, and would be used simply as a means ''to set the conditions for our European allies and

Arab partners to carry out the measures authorized by the U.N. Security Council Resolution.''

The President and his military advisers and commanders have explained that the overwhelming American capabilities to destroy enemy air defenses, target command-and-control structures, jam communications signals, and monitor the battlefield would all be employed to allow NATO and the coalition to assume responsibility for the no-fly zone. It was the limited nature of our combat role that encouraged me that the President was acting within his article II authorities as Commander in Chief. And the actions by NATO over the past few days to take over command and responsibility for the no-fly zone are consistent with the President's commitment that ''limited U.S. actions will set the stage for further action by our coalition partners.''

Here I am reminded of the important contribution of Secretary of Defense Robert Gates in advising the President since he came to office. The President is fortunate to be able to call upon the wisdom of this seasoned national security expert in considering our operations in Afghanistan, Iraq, and Libya. It was Secretary Gates who reminded the American people of the risks inherent in military intervention. I know his views will be critical as we transfer further responsibilities to the coalition, and I hope the administration pays close attention to what he says.

This week, NATO will consider the last part of the mission that must be transferred. What the United Nations resolution refers to as protection of civilian personnel has included attacks on Libyan ground forces and strike missions conducted by American warplanes. If U.S. military forces were to have responsibility for close air support or execute additional strike missions in support of opposition forces, then that, of course, would exceed the President's definition of a limited, supporting role. Such a mission could last indefinitely and would trigger congressional consideration of our larger role in the war.

My expectation is that the President will explain this transfer of responsibility in his speech tonight and that NATO will resolve this issue this week, ending our efforts there as the primary force.

As the commander of U.S. African Command, GEN Carter Ham has said:

> Our mandate—again, our mission—is to protect civilians from attack by the regime ground forces. Our mission is not to support any opposition forces.

General Ham has also said:

> We do not operate in direct support of the opposition forces.

So as President Obama addresses the Nation this evening, like many Americans, I will be listening for answers to the following questions: When will the U.S. combat role in the operation end? Will America's commitment end in days, not weeks, as the President promised? What will be the duration of the noncombat operation, and what will be the cost? What national security interests of the United States justify the risk of American life? What is the role of our country in Libya's ongoing civil war?

The President made clear that our combat forces' role in Libya will be limited in scope and duration. Tonight, I hope he will reiterate that pledge or ask Congress before extending the duration or scope of our mission there. And, as always, our thoughts are with the brave young Americans in places such as Helmand Province and Baghdad, those in Japan helping the Japanese people recover from the natural disaster there, and with those who are once again off the shores of Tripoli.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

BALANCED BUDGET AMENDMENT

Mr. BOOZMAN. Mr. President, I rise to speak on the floor of this Chamber for the first time as a Senator. I am honored to have this opportunity to be a voice for Arkansans who want to change the direction our country is headed so that we still have a great nation to leave behind for future generations, just as the greatest generation did for us.

I am eager to carry out the traditions of this body and I am honored to serve alongside my distinguished colleagues. The traditions set forth and established in this Chamber have long been admired and often imitated in governments around the world. The work done here sets an example of how people of different backgrounds and expertise can come together for the betterment of this country. We need to provide results by balancing the budget, cutting the deficit, creating jobs and putting our differences aside to work for the best interests of our country. I am up for the task assigned by the American people.

We are a nation of great thinkers and innovators and I am confident the ideas proposed and debated here will put us on the continued path to success. There is no question that we have faced difficult times in our Nation's history. We have been tried and tested before. We have weathered the storms and have always emerged as a better, stronger country.

The debates and issues we face today are just as challenging as those faced by the men and women who served in this body before us. As the first Republican elected to this Arkansas Senate seat since reconstruction, it is evident that Arkansans and all Americans are anxious for new results with new leaders to move our country into the future.

When I look back at the Senators who have served the great State of Arkansas, I am inspired by their service, dedication and commitment.

Growing up in Fort Smith, in Sebastian County, we were taught at an early age about William Sebastian. At 36, he was the youngest Senator in the 30th U.S. Congress after leading an already distinguished career as a cotton farmer, judge and State legislator.

Hattie Caraway broke the glass ceiling, becoming the first woman to serve in the U.S. Senate. She recognized the important role of agriculture to the State and requested a seat on the Agriculture Committee. There is no doubt agriculture is still critical to the State today. My predecessor, Senator Blanche Lincoln, was the first woman to chair the Agriculture Committee and I am pleased to have a seat on that same committee and be part of the debates and discussions as we formulate future agriculture policies.

Throughout history, our State has been represented in this body by a diverse group of men and women who have put Arkansas and America first and I am honored to follow in their footsteps.

Each of these individuals had their generation's crises to address. We have our own as well.

The American people are worried. And rightfully so. Some of them have to check the morning news to see if they still have a job. Still many other able-bodied, ready-to-work Americans have not received a paycheck for months, some for years now.

Between November and December of last year, unemployment rates increased in 72 of the 75 counties in my home State of Arkansas.

And these are not small hits to our communities. A plywood plant in Fordyce, a town of 5,000 closed its doors, displacing almost 350 workers. That is more than 14 percent of the town's population.

It is not any easier in the State's larger cities either. In Fort Smith, Arkansas's second largest city, a leading appliance manufacturer laid off 850 employees last year.

Even our Nation's largest retailer, and Arkansas's largest employer, is not immune to this crisis. The economic downturn forced Wal-Mart to cut hundreds of jobs in its corporate office in Bentonville.

Like much of the rest of our Nation, Arkansas's job creators are nervous. It is hard for a small business owner to invest in their business and create jobs if they are concerned about the negative impact actions in Washington will have on their bottom line.

Given the right tools and circumstances, small business owners can and will create good paying jobs for the people of Arkansas and all Americans. We need to create policies that empower the private sector. That means fostering an environment that promotes economic certainty and encourages growth and innovation.

We can see results of the combined efforts of city, county, State and Federal leaders with Mitsubishi's decision to build a wind-turbine manufacturing plant in Fort Smith. The region's business leaders spent more than a year

competing with more than 60 other U.S. cities to attract Mitsubishi, resulting in as many as 400 new good-paying jobs in the Fort Smith community.

This is how we stimulate the economy.

Unfortunately, instead of taking that approach to creating a business-friendly environment in our communities, Washington's agenda over the past few years has created a climate of uncertainty.

From past experience, I know this hampers the private sector's ability to create jobs.

Before entering public service, I practiced optometry at a clinic my brother-in-law and I started in Rogers, AR. Over the course of 24 years, our little clinic grew from 5 employees to 85 employees and is now a leading provider of eye care in northwest Arkansas. We were able to grow over the years because we could plot our course with some degree of certainty. While no one can see the future, we could, with a fair degree of confidence, understand what our tax burden would be, what our energy costs would be and what our health care costs would be.

What we are hearing today from small business owners and investors is the exact opposite. They are afraid to invest any capital, because they don't know what their taxes will be; afraid to hire another employee because they are nervous about what that does to their health care costs; and afraid to expand until they know how big their energy bill is going to be.

Compound that uncertainty with the excessive spending, and you have a recipe for a disaster. While Americans tighten their belts, they watch in disbelief as Washington throws taxpayer money around with reckless abandonment.

The extent of this problem is documented in a recent report by the Government Accountability Office. The report highlights wasteful spending by revealing a number of duplicative programs within the Federal Government which come with a price tag estimated to be in the billions.

There is simply no room for wasteful spending, especially when much of that money is not ours. Forty cents of every dollar we spend is borrowed, much of which is owed to countries that are not always friendly to us, countries like Saudi Arabia and China, the latter of which now owns more than $1 trillion of our debt.

In testimony before Congress, ADM Mike Mullen said the greatest threat to our sovereignty is not Iran; not al-Qaida; not radical Islam, it is our national debt. He is right. We simply cannot continue to operate at this pace.

We cannot continue to add billions to our already staggering national debt. This year alone, the Federal Government will spend $3.7 trillion while only collecting $2.2 trillion. It does not take an advanced math degree to understand that 3 is greater than 2.

The average American family doesn't have the luxury to spend beyond its means. Their government should not, and does not, either. We must as a nation quit spending money we do not have.

The only way we will get a handle on this situation is to reform the manner in which we budget and allocate Federal dollars. It is time we put mechanisms in place to stop the government from spending beyond its means.

This is why one of the first bills I signed my name onto after taking the oath of office was Senator RICHARD SHELBY's balanced budget amendment. Senator SHELBY has been a champion on this front for a number of years, introducing this bill every session of Congress since 1987. Imagine what the country would look like if it had passed when he first proposed it. Now, more than ever, it is an idea that's time has come and I look forward to working with the Senator from Alabama to get some sort of spending cap like a balanced budget amendment passed.

This is a catalyst for change. It holds us to spending limits and forces changes in the manner in which taxpayer money is allocated.

We are at a crossroads in our country. We cannot keep kicking the can down the road. The ''tax, borrow, spend'' philosophy is not creating jobs; it is only creating more debt for our children and grandchildren.

We owe it to the generations of Americans who have made sacrifices in order for our country to prosper and that means working together to solve our problems.

No matter what political views we hold, at the end of the day we are all Americans who are committed to seeing our country succeed.

As a child, I learned that commitment from my dad who retired as a master sergeant in the Air Force. He followed in the steps of his dad who served in the Armed Forces during World War I and World War II.

We have a great ability through the power of this office that allows us to help Americans with issues they are facing. For our veterans who return home, a Senate office can be a huge resource. That is what helped my mom's dad when he returned home at the end of WWI. After surviving being gassed as the war wound down, his lungs did not function properly and he reached out to Senator Davis to help him with his disability.

Today, as our servicemembers return from tours in Afghanistan and Iraq, we have the same responsibilities to the men and women who fight for our freedoms and interests of our country.

No matter what major legislative crisis we are facing, we have a responsibility to these brave men and women. And the debates that take place in this body are no doubt of great importance, but so is each constituent who is having trouble with a Federal agency. In some cases, we are their last resort to overcome a major obstacle in their lives and each and every case that comes before us must be given our undivided attention.

When I was first elected to Congress as a Member of the House in 2001, former Congressman John Paul Hammerschmidt, who represented the Third District of Arkansas for 26 years, gave me some excellent advice. He said: ''John, always remember, now that the election is over, there are no more Republicans, no more Democrats, only the people of Arkansas and you need to take care of them.'' That is the key to good governing and good public service. Nobody embodied that more than John Paul. He was and is a dedicated public servant and has been a wonderful mentor during my time on Capitol Hill.

I think Arkansas's new congressional delegation is going to make John Paul proud. Certainly our senior Senator MARK PRYOR has embodied John Paul's mantra of taking care of the people of Arkansas. I have enjoyed working with Senator PRYOR while serving the third district of Arkansas and appreciate his leadership. I believe our delegation, working together, will be able to make a difference for the people of Arkansas and for our Nation.

The Senators who served Arkansas before Senator PRYOR and myself and those who have sat at these very desks understood their desk never belonged to them personally. It has always belonged to the American people. My name, carved in the desk, will always remind me that I am here to serve them. I am humbled and honored that the people of Arkansas have selected me to work from this desk for the next 6 years, and I will never forget why. I am here to be their voice, address their needs, and help tackle the great challenges we face as a nation. I look forward to working with each and every one of my colleagues to accomplish our mutual goals to keep our country on the path of prosperity.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I congratulate our colleague from Arkansas on his first speech and remark at how fortunate the people of Arkansas are to have him here representing them. I was particularly interested in the history lesson he taught us about various individuals who served the State of Arkansas both in the seat he now holds and other positions of responsibility. Again, on behalf of all Senators, I congratulate the junior Senator from Arkansas for his initial speech.

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

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

(The remarks of Mr. CARDIN pertaining to the introduction of S. 657 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CARDIN. I yield the floor and 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. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

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

OBAMACARE

Mr. KYL. Mr. President, last Wednesday marked the 1-year anniversary of the deeply flawed health care bill. The worst aspect of that bill is that it will lead to health care rationing by the Federal Government. That is the delay and denial of care in order to control costs. The words ''ration,'' ''withhold coverage'' and ''delay access to care'' of course are not found anywhere in the bill. But new Federal rules that aim to reduce health care costs will inevitably result in delayed or denied tests, treatments, and procedures deemed too expensive and in less innovation in the development of drugs, devices, and treatments. Many of the decisions will be based on information provided by a new entity called the Patient-Centered Outcomes Research Institute, sometimes referred to as the PCORI. That will conduct comparative effectiveness research.

Comparative effectiveness research weighs the effectiveness of two or more health care services or treatments. The goal is to provide patients and doctors with better information regarding the risks and benefits of, for example, a drug versus a surgery for a particular situation. The problem is not with the merits of the research but whether the research should be used by the government to determine treatments and services covered by one's insurance. The health care law actually empowers the Secretary of Health and Human Services to do just that, to use this comparative effectiveness research when making coverage determinations.

Section 6301 of ObamaCare states:

> The Secretary may [. . .] use evidence and findings from research conducted [. . .] by the Patient-Centered Outcomes Research Institute.

That means the government, not patients and doctors, has the power to make health care decisions that affect you. A bureaucrat decides if your health care is an effective use of government resources without regard to the patient's individual needs and medical history. The end result is the government inevitably interferes with access to care. That is rationing, and it is wrong.

While ObamaCare includes limited safeguards for how this research may be used—appreciating the dangers involved—there is nothing that prohibits the government from taking it into account when, for example, making Medicare coverage decisions.

In fact, when asked whether the Federal CER agency should be involved in cost determinations, Donald Berwick, the President's recess-appointed head of the Centers for Medicare and Medicaid, responded:

> The social budget is limited.

Ask citizens in Britain how well the system is working in their country. Britain's National Institute for Health and Clinical Excellence—called NICE—routinely uses comparative effectiveness research to make cost-benefit calculations.

Last year, NICE rejected a cutting-edge drug, Avastin, used to treat bowel cancer because it said the drug's limited effectiveness for extending life—they said 6 weeks; but up to 5 months according to the chief executive of the organization, Beating Bowel Cancer—they said it did not justify the cost. As Mike Hobday, head of policy at the charity, Macmillan Cancer Support, told Britain's Daily Telegraph:

> We think this is devastating news for cancer patients with metastic colorectal cancer, especially as this drug could have a significant impact on peoples' quality of life. Although a few extra weeks or months might not sound much to some people it can mean an awful lot to a family affected by cancer.

Likewise, in August 2008, NICE recommended against coverage of four expensive drugs for advanced kidney cancer. NICE considered the drugs clinically beneficial in specific situations but concluded they ''were not cost-effective within their licensed indications.''

Health care in Britain is also routinely delayed. Several years ago, the country's National Health Service launched an ''End Waiting, Change Lives'' campaign—''End Waiting, Change Lives.'' The campaign's goal was to reduce a patient's wait time to 18 weeks from referral to treatment. That is 4½ months, and that is an improvement.

Government-run health care systems that ration care are the reason many Europeans and Canadians come to the United States each year to get treatments denied to them in their own countries.

Access to the highest quality care and the sacred doctor-patient relationship are the cornerstones of U.S. health care—the very things Americans value most and that the health care law jeopardizes.

So I will join Senators COBURN, BARRASSO, ROBERTS, and CRAPO in introducing the Preserving Access to Targeted, Individualized, and Effective New Treatments and Services Act of 2011. That is also known as the PATIENTS Act.

The PATIENTS Act does not prohibit comparative effectiveness research; rather, it is a propatient firewall that protects patients' access to high-quality care by prohibiting the Federal Government from using comparative effectiveness research to delay or deny care.

Additionally, the bill would require comparative effectiveness research to account for differences in the treatment response and preferences of patients, genomics and personalized medicine and the unique needs of health disparity populations and it would clarify that nothing shall be construed as affecting the FDA Commissioner's authority to respond to drug safety concerns.

All Americans deserve personalized treatment and should be able to get the care they and their doctors decide is best for them. No Washington bureaucrat should interfere with that right by substituting the government's judgment for that of a physician.

The administration has repeatedly promised that the health care law will not result in rationing. Well, if that promise is true, they should have no problem supporting the PATIENTS Act.

I urge my colleagues to join us in cosponsoring this important legislation.

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.

Ms. LANDRIEU. 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.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

SBIR/STTR REAUTHORIZATION ACT OF 2011

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 493, which the clerk will report.

The assistant legislative clerk read as follows:

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

Pending:

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

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

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

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

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

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

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

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate the opportunity the leadership has provided for Senator SNOWE and me to present S. 493 and continue to discuss this important bill. It is a very important program that has actually existed at the Federal level for 20 years. It is not a household word, but it is known very well in the small business community. It is supported by groups such as the Small Business Association, the Chamber of Commerce, and many high-tech organizations because they know the same thing we know, which is this is a very important Federal program that actually works and is accomplishing its mission.

It is a government/public-private partnership—a government-business partnership—with the largest Federal agencies that actually set aside a small portion of their research and development dollars. The amount is actually relatively small; 2.5 to 3 percent of all of their development and research dollars is set aside, and they aggressively look for small businesses that are able to provide new services, cutting-edge technology, new methodology, new software, to solve problems the government is having.

In the process of these small businesses solving problems for the government—i.e., the taxpayer—the great news is some new businesses are developed, and they can then be commercialized into the private market, which is how this program works, which is why it is so beneficial not only to taxpayers but to the market generally.

I am excited because we have great evidence from the studies and the surveys of this program that it is meeting and exceeding its expectations. It is creating thousands of jobs. It is providing an opportunity for small businesses to compete on a level playing field with large businesses, and it is providing the taxpayer with some cutting-edge technology and innovation.

Let me give one example which is close to my heart because we ran into this problem specifically and directly trying to deal with the aftermath of Katrina. This is just one example of the kinds of new technologies that are being developed through this program. This bill, which we hope will get passed this week if we can negotiate wisely and smartly on the amendments pending, will reauthorize this program for 8 years. This is a long-term reauthorization, and it is important to send a signal out to the market and to small businesses and to these coalitions: We believe in this partnership. We know it can work. We want to give a long lead time and an 8-year runway to lift off some of these businesses and launch them and to create the kind of jobs and entrepreneurial opportunity we know is out there.

This is just one example. A Huntsville, AL, company, GATR Technologies, inflatable antenna—an inflatable antenna provides emergency access, cell phone coverage and phone lines over satellite networks. It was first used by responders in Haiti and Hurricane Ike. It provides communication support to our Special Operations Forces, to U.S. Navy, and U.S. Air Force. It so far has created 30 jobs but has tremendous opportunity; last year, $7 million in sales and this year approximately $10 million. This technology was launched with a $148,000 grant.

What happened to us in the aftermath of Katrina—and the Presiding Officer may remember this—is that even the government's best satellite phones failed to work. So even with a great evacuation plan in place, with a great medical plan in place, with a great response plan in place, it is not worth the paper it is written on if you can't communicate it.

So what we found was when people landed with satellite phones, there wasn't enough reception base on the ground to be able to communicate. The technology has advanced significantly since then, but the same thing happens when you are trying to get communications in a war-torn place or a catastrophically destroyed place. This technology allows basically a balloon to be put down onsite, substantially increasing the communications capabilities.

This is just one example. So an agency had a problem. It couldn't communicate. It didn't have the right kind of communication technology. It puts out a small grant. Small business responds. This technology is created. Potentially, this could go on to develop into quite a large company. It might morph several times before it goes commercial, but that is what this program does.

These jobs are being created in Huntsville, AL. We are thrilled for Alabama. Jobs are created through this program in every State in the Union.

Here is another example. This is a small business from Watertown, MA. It is the A123 lithium-ion battery. The advanced lithium-ion battery is used widely for transportation power grid and commercial and industrial products. It opened the largest lithium-ion battery manufacturing plant in North America, in Michigan, a place where we need to be creating jobs. This program is doing exactly that. It has created more than 400 jobs across the State of Michigan.

I think this grant initially came out of the Energy Department. The technology was initially developed at MIT, but the road to commercial success was paved in 2002 when this company was awarded $100,000 for a small business innovation research grant. So this successfully leveraged this SBIR grant to take this lab and its product to the market. It employs now more than 2,000 people globally and has facilities around the world.

So this is creating jobs for America, new technology for America, but the world is benefiting from this. In fact, Senator SNOWE has joined me on the Senate floor, and she will remember when we had testimony from our consultant, Dr. Weissman, who testified that actually as the chief reviewer of this program, he has been asked to speak in many different countries about its success.

So while people are trying to eliminate government programs that aren't working, let's make sure this week in the Senate we take the opportunity to reauthorize programs that are working and that are creating jobs at home and serving as a model for entrepreneurship development all over the world.

I see Senator SNOWE is on the floor, so I am going to wrap up my opening remarks soon. I do want to review briefly. As I said, this program was designed in 1982 to harness the innovative capacity of America's small businesses to meet the needs of our Federal agencies. Senator Warren Rudman from New Hampshire had a great part to play as a lead sponsor of this bill.

To date, the Small Business Innovation Research Program and the Small Business Technology Transfer Program have produced more than 85,000 patents and have generated tens of thousands of well-paying jobs across all the 50 States, in addition to creating jobs overseas that are a benefit to America as well. This is a good return on the investment we make for our economy. As I said, it has garnered high praise from well-respected sources and governments around the world. It is an 8-year authorization.

In this bill, we update the award sizes, which have not been changed since 1994. Phase I awards will be increased from $100,000 to $150,000; phase II, from $750,000 to $1 million. We adopted the House measure that allows the SBA to update these award guidelines annually instead of every 5 years. We also put certain amounts of caps on some of the awards to make sure as many businesses as possible get access to these awards. This is merit-based. This is not a formula distributed based on applications. These are based on the quality of the application, the promise of the technology, and also on the level of need the agency has for this kind of new technology.

As I said, it creates a Federal-State technology partnership program. It improves the SBA's ability to oversee and coordinate these programs. It provides some administrative funding, which we thought was lacking, to make sure the agencies themselves have the wherewithal and the expertise to really get this program maximized in its job-creation potential. The reason I think this is so important—and Senator SNOWE and I have been almost singly focused on doing everything we can, leading this Small Business Committee, across party lines and together, Democrats and Republicans—is to try to put this recession behind us. This is a fight. This is not something that will happen naturally. It is going to be by this government in Washington and at the State and local levels creating atmosphere for businesses to prosper and jobs to be created.

I have to say I was very pleased to get a copy of the ''Kaufman Index on Entrepreneurial Activity,'' which I will submit a portion of for the record. I think people will be pleased to hear its opening paragraph, as follows:

In 2010, .34 percent of the adult population, which is 340 out of 100,000 adults, created a new business each month.

That means that in America, 565,000 new businesses were created each month in 2010, approximately. That is pretty extraordinary. Every month, 565,000 new businesses were launched. We know all of them don't succeed, but some of them do, and some of them grow to be huge, extraordinary companies. QualComm comes to mind, and Microsoft comes to mind. They started as small businesses and grew. The 2010 entrepreneurial activity rate was the same as 2009, but it represents a substantial increase from 2007 and, most significantly, represents the highest level over the past decade and a half.

I wish I could say this particular program was responsible for all of this, but obviously it is not. But it is one of the tools the Federal Government has, along with our contracting and procurement tools, along with our Tax Code, along with our other incentives that we passed in our last small business bill—the new $30 billion lending program, which is leveraged up to 300 and potentially could leverage up to $300 billion in lending to small businesses on Main Street, not Wall Street—getting money to small businesses, these 565,000 small businesses that are started every month by great Americans who are trying to provide a livelihood for themselves, opportunities for their families, and strength for their communities. So for innovation and jobs, fighting hard for them, we are trying to pass this reauthorization that can contribute to this substantial growth. Things are looking better. Trendlines are in a positive direction.

Let me show you some other growth lines that are very important. We had a terribly substantial loss of jobs, as you know, in 2008 and 2009. The President largely inherited this situation. He did not even take office until half of this job loss was completed. But I think we have been working together and the President has been leading a great effort to turn this situation around and start creating jobs as opposed to losing them. You can see this is a pretty dramatic turnaround. After losing 3.6 million in 2008 and 5.5 million in 2009, we have had a net increase of 1.3 million in 2010, with things looking promising in the first quarter of 2011—still moving in a very positive direction. I don't know what these projections are, but I think it will be greater than 1.3 million, which was last year's increase, which would be encouraging.

We have a long way to go to make up for the job loss of the great recession. When Wall Street collapsed, the housing market, the real estate market was terribly wounded. That is a story for another day. But the good news is that it looks as if we are recovering.

The unemployment rate is still too high in too many places in this country. That is why Senator SNOWE and I are on the floor again this week. That is why we are asking our colleagues to be as cooperative as possible. We know there are so many issues people want to talk about, and time is limited on the floor. In our minds, we should be almost singularly focused on job creation and reducing the debt and closing this deficit. By creating jobs and building businesses in the private sector—and this is one program that absolutely hits this mark—we can do all three. We can create jobs and expand economic opportunity. We are making a dent in the debt, and we are closing the deficit gap by creating new tax dollars that come in from hard-working Americans in the private sector.

Mr. President, I am excited to present this bill again. We will have a lot more information as the day unfolds. I understand we have a vote on a different matter at around 5 or 5:30 today. Senator SNOWE and I will be on the floor to answer any questions Members might have. We are not encouraging additional amendments. We already have 89 that have been filed on this bill. We are hoping to get some of them withdrawn that are not germane to the bill.

We will be working throughout the week, and hopefully together we can give a very strong vote of confidence to entrepreneurs who are taking extraordinary risks in very challenging times. The least we can do is get the government programs that are there for them to support them up and running and as strong as possible to help them in their quest to be successful.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I am very pleased to join the chair of the Small Business Committee to address the pending legislation before the Senate, which is so essential to helping to revitalize our economy and most especially the small business sector that is central to the job-creation abilities in this country.

The programs that would be reauthorized in the legislation pending before the Senate are extremely important to the ability of small businesses to be engaged in innovation and advancement in our economy and the businesses they are in. It helps to assist in the technology and the entrepreneurial spirit that is so essential for America, which has obviously been an innovative nation throughout our history.

The two pending programs before the Senate are very crucial. I hope, like the chair, that we will be able to get to a point to consider the remaining amendments the Senators may have to offer so that we can move quickly and expeditiously to vote on the bill, so it can move forward and ultimately become law. The SBIR and STTR programs have had a longstanding history, most specifically with the SBIR Program, regarding innovative research, which has been in law since 1982 because it has been extremely worthwhile and beneficial. It has been the subject of numerous reports essentially because it has been able to produce jobs and the innovation that has advanced this Nation.

In fact, there are two assessments—one by the National Academy of Sciences and another report from the Information Technology and Innovation Foundation—both underscoring that it is imperative to reauthorize these programs but also demonstrating their essential value to our Nation's economy—most especially from the standpoint that, of course, small businesses are the job creators.

Two-thirds of all new jobs in America come from small businesses. Obviously, they represent more than 99.7 percent of the employers in America. It is absolutely critical that we do everything we can to buoy this segment of the economy. The more we procrastinate in moving this legislation forward, the less likely we are going to see jobs created in our economy and get this economy to move forward. Frankly, it is critical, given the fact that we need to create more than 285,000 new jobs per month for 5 years just to return to the unemployment levels we were experiencing in 2007 at prerecession levels. We could be 10 years away from normal unemployment and full recovery if we do not make substantial strides in creating at least 285,000 jobs every month for 5 consecutive years and, most possibly, 8 consecutive years to achieve 5.5 percent unemployment rate. To achieve a 7-percent unemployment rate would require us to create 300,000 jobs per month.

We experienced an uptick in job creation numbers last month of a 192,000, but that has been the exception, not the norm, over the last 2½ years. In fact, there are only 3 months in 2½ years in which we have achieved those levels.

I am just underscoring how difficult it is going to be to create the jobs we need in order to return to normal pre-recession levels of unemployment. That is why the pending legislation is so critical and vital to this endeavor.

I wish to reiterate some of the anecdotal information that came to the committee that, again, emphasizes the value of these programs.

Roland Tibbetts, the father of the SBIR Program, summed up its purpose most vividly when he said that ''SBIR addresses a paradox at the heart of innovation funding: capital is always short until the test result are in. At the idea stage, and even the early development stage, the risks are too great for all but a few investors. But innovations can't get beyond that stage without funding.''

SBIR provides the funding for promising small firms, by directing critical research and development funding within 11 critical agencies within the Federal Government to perform the necessary testing and assess the validity of an idea and subsequently commercialize the product. As we know, small businesses are looking for the kinds of initiatives that can provide the catalyst for creating that innovation.

It is all about taking risks. Risk means investment. There are few opportunities in America now with respect to having access to early-stage capital. The programs before us represent just that. It is important for creating the middle-class jobs we need, and the fact is that small and medium-size businesses really do the majority of the hiring and firing, as Thomas Friedman noted in his book, The World is Flat. When they are hiring people, the economy is robust. When they are not, it is in recession, which is precisely what we are recovering from currently.

We have to move these programs forward, and hopefully that opportunity is going to come sooner rather than later. Hopefully, we can accomplish that at the end of this week because I think it is important to send the right message and a signal to give certainty and stability that small businesses and medium-sized businesses are desperately searching for.

Dr. Jacobs, cofounder of Qualcomm, who testified before our committee in February, revolutionized the wireless communication industry. As we both have noted earlier when we began debating this legislation, they applied for $1.5 million in SBIR funding almost 25 years ago. Today they have 17,500 employees. They paid approximately $1.4 billion in taxes in fiscal year 2010, more than half the cost of the SBIR and STTR programs annually.

Dr. Jacobs noted in his testimony that SBIR funding ''allowed us to pursue several innovative programs that otherwise would not have been possible.'' He went on to note that:

Cutting-edge research leads to breakthrough discoveries, but in order for companies to attract private funding, they need support to prove the feasibility of new and often risky and unproven technologies. For Qualcomm, SBIR provided one source of that critical start-up funding. . . . it was one of the critical ''stamps of approval'' that allowed us to successfully pursue sources of private capital.

Dr. Matt Silver, the cofounder of Cambrian Innovation, an environmental product development firm from Massachusetts, informed the committee that six SBIR awards—or, in his words, ''relatively small grants''—enabled his company to attract angel and direct investment, hire seven employees, file several provisional patents, and develop relationships with the Massachusetts Institute of Technology and Penn State for collaborative R&D, among other opportunities. His company's story is a remarkable example of the success that can be garnered from a relatively modest investment by Federal agencies in new and promising technologies.

Additionally, 2 weeks ago, the House Small Business Committee also held a hearings on these programs. I would like to briefly share some quotes from the testimony of several witnesses.

Professor David Audretsch noted that the United States '' . . . is no doubt more innovative, more competitive in the global economy and has generated more and better jobs as a result of the SBIR'' Program. Additionally, he summarized that ''The evidence accumulated from a broad spectrum of studies utilizing divergent methodologies all comes to the same result—the SBIR program has unequivocally made an invaluable contribution to the innovative performance of the United States.''

There are a number of specific examples of how the SBIR Program has contributed to the vitality of our economy and how it has advanced the technological developments that have occurred in America.

Furthermore, the Government Accountability Office has reviewed different aspects of the SBIR Program over the course of its history and has come to a number of positive conclusions. Specifically, the 2005 GAO report on the program summarized that, one:

SBIR is achieving its goals to enhance the role of small businesses in federal R&D, stimulate commercialization of research results. . . .

. . . more than three-quarters of the research conducted with SBIR funding was as good as or better than any agency-funded research. Agency officials also rated the research as more likely than other research they oversaw to result in the invention and commercialization of new products—

And—

The SBIR program successfully attracts many qualified companies, has had a high level of competition, and consistently has had a high number of first-time participants.

Combining those assessments that I have just cited with the National Academy of Sciences's landmark 2008 study, which I have spoken about earlier, SBIR and STTR clearly provide remarkable benefits to the American people. But also there is a larger picture for the Nation's entrepreneurs and job creators.

Small businesses are facing a veritable confluence of challenges from all sides these days, whether it is exorbitant costs through more taxes or crippling tax burden and regulations. There are a number of amendments pending before the Senate that I think would be vital to enhancing that dimension of helping our small businesses with respect to fighting burdensome regulations.

That is why Senator COBURN and I have introduced a regulatory reform bill we hope we will offer as an amendment to the pending legislation because we think it is important to address the numerous regulations that have imposed significant burdens on a number of businesses across this country.

If we just look at the average cost to small businesses in America, a business with 20 or fewer employees pays $10,585 per employee in annual regulatory costs. That is 36 percent higher than larger firms. Additionally, our Tax Code is so complex that taxpayers and businesses spent 7.6 billion hours and about $140 billion trying to comply with tax-filing requirements in 2008.

I do believe it is important we make strides in the regulatory arena because it is clear that small businesses cannot move forward having to comply with not only the additional costs but also the burden because there are so few employees in a small business. They are saddled with incessant and unnecessary paperwork, as we saw demonstrated with the 1099 filing requirement that was included in the overall health care law.

As we all know—and we are almost in unanimous agreement that we should repeal that onerous provision, but we have not reached that point. Hopefully, we will with respect to our legislation. We know Senator JOHANNS has filed an amendment to the pending bill, but we want to address that issue because it has provided a burdensome impact on small businesses across the country, even though it has yet to be enforced because it is not required until 2012.

The point is, businesses are already calculating the cost of having to comply with that paperwork. Because of the additional costs, because they do not know the extent to which it is going to add to the cost of their bottom lines, they are hesitant about hiring new individuals or making investments in capital equipment.

The sooner we can address this issue, the sooner we can repeal it and resolve the outstanding issues in terms of how we are going to pay for it, the sooner small businesses can understand the certainty with respect to this individual provision.

As I have conducted numerous street tours in my State, I can tell you this is the one issue that comes up repeatedly because, for every small business, they

are starting to calculate how many forms they will have to submit to the IRS for every $600 in business transactions. Not only is that paperwork burdensome but also it is going to add additional costs, not to mention, obviously, the fact that we are going to hire thousands more in Internal Revenue Service agents just to comply with this particular mandate.

I hope we can tackle this major problem and bring it to a final conclusion with respect to resolving this issue and to repeal it once and for all. It is regrettable it has taken so much time to get to this point. I know we worked mightily to address this issue, but clearly it is not sustainable for small businesses. I am hopeful we can move forward with this effort to repeal this provision and this requirement that clearly will represent, I think, a major step forward in understanding the dimensions small businesses are facing in today's environment.

As I stand here with my colleague, the chair of the Small Business Committee, I hope we can proceed to passing this legislation. I urge Members to come to the floor if they have amendments to begin to address those issues so we can advance this legislation at the conclusion of this week because I do think it is in the best interest of the small business community but, more importantly, it is also in the best interest of our Nation's economy, given the fact that we have to create jobs, and that obviously is not happening to the degree people deserve in this country.

There are a number of agencies that will be part of the scope of this legislation that will be setting aside the research and development dollars that play a critical role in innovation. It does not require additional funding. It is based on existing research and development dollars that are already appropriated to these agencies. But it is saying: Let's set it aside for small businesses to make sure they can have one piece of the pie when it comes to research and development because that is where we derive most of the innovation and the entrepreneurship—from the small business sector of our economy. Not only can it add jobs in America but, ultimately, as we saw with the example of Qualcomm, we can add to the dimensions of growth exponentially for decades to come.

This is a generational issue as well because we know we have to take the small steps to ultimately reach the large developments that can occur with the initial investments that are taken even with a modest sum of money. We know that is true in biotechnology, for example, which takes 10 to 15 years to bring a drug online. It can require millions, if not billions, for pharmaceuticals to do that.

Again, the SBIR Program has been essential and central to that effort. That is why the Biotechnology Industry Organization and the National Venture Capital Association also support this legislation because it can provide the initial boost that is a catalyst for the development of major drug therapies in this country.

Dr. Charles Wessner, who authored the landmark National Academy of Sciences report, underscored in his testimony to our committee about the SBIR Program and highlighted the work the SBIR Program created as a result of these investments. He said:

> The program brings in over a third new companies every year. This is really extraordinary. It is not captured by a small group. Twenty percent of the companies are created because of the awards, bringing things out of the research community into the market, its core function. It encourages partnership with the university community. . . . Almost 50 percent of the firms that get awards reach the market.

These numbers, again, demonstrate the incredible role the SBIR Program plays in our Nation's capacity to innovate. That is essentially why it was created at the outset. If we look historically as to when the SBIR Program was created, it was in 1982. I was an original cosponsor of that legislation when I was serving in the U.S. House of Representatives. But it coincided as well during a similarly difficult economy. In fact, at that time, we were in the midst of a recession. Now we are struggling to emerge from a recession and trying to create jobs. The same was true at that point in time. In fact, we were at the height of it.

Dr. Jere Glover, who has served as the chief counsel at the SBA's Office of Advocacy, testified before our committee. He concluded:

> Twice before, we have seen the President and Congress look at the situation where we are coming out of severe recessions and decide that the SBIR program was important. President Reagan in the early Congress in 1982 decided that this was an important thing to do to create jobs, to help grow innovation and technology. Again in 1992, Congress doubled the SBIR program, with the support of President Bush. So we have seen recognition in the past, when you are in a severe economic time, it is time to call on small business innovation.

He urged us to do that now. I concur with his call for us to use this opportunity to reauthorize these critical programs that will jump-start our Nation's economy through small business and talents they bring to bear when it comes to innovation. It is something we certainly need in our economy today and our country. More important, it is just not reauthorizing a program simply for reauthorizing it or because it has been on the books but because it works, and it has demonstrated it has worked repeatedly throughout the history of both these programs. That is why I urge the Senate to move as quickly as possible to adopt these bills so they can become law.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I will follow up with a few brief comments. The transition is important and worth noting. I am so glad Ranking Member SNOWE made reference to the fact that the two of us are on the floor not just to reauthorize because it is the time for reauthorization but because this program works, because it is cost-effective, and because it actually is a job creator. It creates jobs in the private sector, not necessarily the public sector, although there are some public sector jobs associated with it that are crucial and important—people in the agencies working on identifying this new technology. But the lion's share of these jobs by far is being created in the private sector.

I wish to show what our challenge is.

Here you can see both President Bush and President Obama faced extraordinary challenges. This is the Monthly Changes in Private Payrolls, Seasonally Adjusted from January 2008, when this recession began, until today. You can see it is absolutely a dramatic loss of private payroll, reductions in private payroll. This represents substantial job losses.

But as you can see, it is just now, in April 2010–July 2010, and now to the present, to February of 2011—I know we are into March but this doesn't have the final month or two on here—we are making tremendous progress in turning this around. Again, this is the Monthly Changes in Private Payrolls. This represents the teeth of the great recession that caught so many businesses, large and small, off guard.

There are many reasons why this recession happened, and the collapse of our financial markets, but that is not the subject of this debate. What is the subject of this debate is how we get out of it, how we create jobs in the private sector. Senator SNOWE and I are proud to have brought several bills to the floor, this being the latest, that we believe can contribute to the increase in private payroll.

I want to be clear, because many of our colleagues have been challenging, and I think appropriately, why we can't eliminate some government programs; why do we have to keep them all. Senator SNOWE and I have jointly recommended the elimination of two, though relatively small, programs within the SBA, and we will be reviewing just this week with the Administrator of the SBA the efficiency of their whole budget. If we can find other places and other programs to eliminate that are not hitting their marks, not meeting their goals, we are committed to working together to do that. But this program we have reshaped, we have modified, we have improved, and we are strongly and passionately recommending its reauthorization for 8 years.

We have together reviewed nine studies of the National Research Council, studies by the Government Accountability Office to help guide our committee in the drafting of this bill. We have included many additional policy goals and some former goals and appropriate interest to balance. We wanted

to improve the diversity of the programs geographically and otherwise so more States and individuals could participate. We also wanted to maintain a fair playing field so true small businesses could continue to compete for this very small but important percentage of overall R&D. We wanted to encourage exploration of high-risk, cutting-edge research.

As Dr. Charles Wessner said—the lead assessment adviser on this program—if every program you give money to is working, or every business you are awarding grants to works, you are not running your program correctly, Senators. Because this is high-risk early funding, where it is the most difficult funding for these businesses to receive. Obviously, once they show promise, there are any number of investors and capital out there looking right now for good investments, particularly right here in the United States. So at a certain point, at a certain level, with certain proven technologies, there is enough venture capital out there to take these programs to the next level. But what is not there right now is that first dollar, that early $150,000 grant that says: We think you have something of promise. Go ahead and try it. They try it for a year or two, they come back, and they can get another $150,000, up to $1.5 million.

Eventually, it may collapse because it wasn't what people thought, and that money is lost. But the great news is that collectively, cumulatively, this program makes money for the taxpayer—it does not lose money—although not every grant is successful. We wouldn't want that. This is a fairly high-risk, early form of capital, but it is a smart use of taxpayer dollars, and that is why Senator SNOWE and I enthusiastically recommend it.

This program has been supported by every President. President Reagan was supportive, President Bush was supportive, President Clinton has been supportive, and now President Obama has signaled his support as well. So we are very proud to be able to present this.

Mr. President, I ask unanimous consent to have printed in the RECORD another report regarding the state of small business—not the entire report but some parts of it that are central to this debate, sponsored by Network Solutions, the University of Maryland, Robert H. Smith School of Business.

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

INTRODUCTION

The competitive health of America's small businesses is as low as it has been since the Small Business Success Survey began tracking at the onset of the recession. There continues to be a struggle to provide capital and find new customers, while there is an unprecedented lack of confidence in competing with big business. Yet, small businesses are starting to grow and return to the black. After reaching a low point in the summer, technology investment is on the rise and social media adoption continues to grow. Despite poor competitive health now, owners are becoming increasingly optimistic about the economy and their future business success. Over a quarter plan to add staff in 2011, and if they carry out their plans, will create 3.8 million jobs.

Ms. LANDRIEU. Mr. President, this portion of the report says, interestingly enough:

After having reached a low point in the summer, technology investment is on the rise and social media adoption continues to grow. Despite poor competitive health now, owners are becoming increasingly optimistic about the economy and their future business success.

They have been taking this survey of small businesses since the recession started, and the report continues:

Over a quarter plan to add staff in 2011, and if they carry out their plans, will create 3.8 million jobs.

Again, it is the magic of small business. We have 27 million small businesses in America. If every one of them, obviously, created one additional job, that would be 27 million more jobs. And we could use it. That is not going to happen, but if even a portion of them added one job to their bottom line, we know they could have an impact. It is important for programs such as this and getting capital at their local bank, being able to access credit from credit cards, that have reasonable charges and transparent charges—which I am proud to have been a part of helping on—and it is getting access for new technologies to find a friend at the Federal Government who will step up and help them grow their business. We strongly recommend this program.

I am going to yield the floor at this time, but we do have several amendments that are pending, and we will have to organize those votes sometime this week. We have over 89 amendments that have been filed, but we are hoping some of the Members, if they do not feel they have to offer those amendments, will withdraw them. Some of them are not germane to this bill and we wish to keep this bill very focused on small business.

I do want to join Senator SNOWE in support of the repeal of 1099, which is represented by the Johanns amendment, and Senator MENENDEZ may have a perfecting amendment to that, I understand, and I look forward to working with Senators JOHANNS and MENENDEZ to get that regulatory burden lifted off the back of small business. It doesn't go into effect until 2012, but small businesses around the country are quietly alarmed, as they should be, in my view, regarding that additional paperwork that would be required. There is a fair amount of across-the-board support on both sides of the aisle for that repeal, and I hope we can get that done sometime this week as well, either specifically attached to this bill or parallel to this effort, because it is a very important effort for small businesses to get that new 1099 requirement repealed, as well as getting this bill passed.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

NOMINATION OF MAE A. D'AGOSTINO TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK

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

The legislative clerk read the nomination of Mae A. D'Agostino, of New York, to be United States District Judge for the Northern District of New York.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, I thank the majority leader for scheduling this confirmation vote today. Mae D'Agostino has the distinction of being the first newly considered judicial nominee this year. Every judicial confirmation thus far this year was of a nominee who had been unanimously reported by the Judiciary Committee last year. Each of those nominations could, and in my view should, have been considered and confirmed last year before the Senate adjourned in December. Ms. D'Agostino appeared at a hearing in February, and her nomination to fill a judicial emergency vacancy on the Northern District of New York was reported unanimously earlier this month. Now she is being considered by the Senate. This is an example of what we can do. It should not take weeks and months for the Senate to consider nominees reported by the Judiciary Committee, particularly those who are consensus nominees.

Ms. D'Agostino is a native of Albany, New York, and has spent her career in private practice in the Albany area. In addition to her legal practice, Ms. D'Agostino has taught at Albany Law School and the Junior College of Albany. Once confirmed, Ms. D'Agostino will be the only woman currently serving, and only the second woman ever to serve, on the Northern District of New York Federal bench. I thank Senator SCHUMER and Senator GILLIBRAND for working with the President on this nomination. They have worked hard throughout the process. In addition to Ms. D'Agostino, there remain nine other judicial nominees awaiting final Senate consideration after having been

reviewed 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 vacancy on the U.S. 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 four times Judge Edward Chen of the Northern District of California. So in addition to the D'Agostino nomination to fill a judicial emergency vacancy in New York, there are nominees ready to be confirmed to fill two judicial emergency vacancies in California, another judicial emergency vacancy in New York, a judicial emergency vacancy on the Second Circuit, vacancies on the Federal and DC Circuit, a vacancy in Oregon, and two vacancies in Virginia. I expect the Judiciary Committee will consider and report additional judicial nominations this week, adding to the number of judicial nominees ready for final Senate action.

Recently the Judicial Conference of the United States reaffirmed its recommendation that two additional judgeships be added to the U.S. Court of Appeals for the Second Circuit given its workload. That is in addition to the two existing vacancies. Regrettably, the unnecessary delays in considering Susan Carney's nomination to fill one of those vacancies has left that court and the people it serves without much-needed resources. It has also given right-wing pressure groups the chance to launch unfounded attacks on Ms. Carney full of false accusations and innuendo. This is a nominee who had the support of a majority of the Republicans on the committee, and who should have been considered and confirmed last year. The Senate should take up her nomination, debate it and vote on it rather than allowing her record to be smeared. That would be the fair thing to do and the right thing to do. I hope we will do so soon.

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. This 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.

Regrettably, rather than reduce vacancies dramatically as we did during the Bush administration, the Senate has reversed course in the first 26 months of 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 we reduced from 10 percent at the end of President Clinton's term to less than 4 percent in 2008 has now risen back to over 10 percent.

In contrast to the sharp reduction in vacancies we made during President Bush's first 2 years, when the Democratically controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first 2 years. Whereas the Democratic majority in the Senate reduced vacancies from 110 to 60 in President Bush's first 2 years, today judicial vacancies still number 96. By now, judicial vacancies should have been cut in half, but they have not been. We have not even kept up with the rate of attrition, putting at risk the ability of Americans to have a fair hearing in court.

The Senate must do better. The Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. 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 prevent 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 can consider and confirm this President's nominations to the Federal bench in a timely manner as the nomination before us today demonstrates. President Obama has worked with the New York home State Senators to identify this nominee, just as he has worked with Senators from both sides of the aisle to identify superbly qualified nominees in districts with vacancies. All 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.

During President Bush's first term, we proceeded to confirm 205 of his judicial nominations. We confirmed 100 of those during the 17 months I was chairman during President Bush's first 2 years in office and by this date in President Bush's third year had confirmed 112. So far in President Obama's third year in office, the Senate has only been allowed to consider 74 of his Federal circuit and district court nominees. We remain well short of the benchmark we set during the Bush administration. When we approach it we can reduce vacancies from the historically high levels at which they have remained throughout these first 3 years of the Obama administration to the historically low level we reached toward the end of the Bush administration.

I have thanked the ranking Republican on the Judiciary Committee, Senator GRASSLEY, for his cooperation this year. I see him taking credit for what he called ''our rapid pace.'' I am encouraged by his commitment to ''continue to move consensus nominees through the confirmation process.'' 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.

The committee's ranking Republican often points to the vacancies for which there are not nominees. Of course, some of that is attributable to a lack of cooperation with the White House by some home State Senators. Nonetheless, I agree with the Senator from Iowa that we can do little about confirming nominations we do not have before us. What we can do is proceed expeditiously with the qualified nominations the President has sent to the Senate.

I hope that it is a sign of progress that we are today proceeding to confirm a judicial nominee considered this year and reported earlier this month and hope that we can continue to work to restore regular order in considering judicial nominations. However, I would observe that it is nearly April and every judge confirmed so far this year could and should have been confirmed last year. Every one of them was unanimously reported last year and would have been confirmed had Republicans not objected and created a new rule of obstruction after midterm elections. We have long had the ''Thurmond rule'' to describe how Senator Thurmond shut down the confirmation process in advance of the 1980 Presidential election. Last year's shutdown was something new. I cannot remember a time when so many consensus nominees were left without Senate action at the midterm point of a Presidency. That new level of obstruction has contributed to our being so far behind and judicial vacancies having been perpetuated at so high a level for too long. I hope we can join together to make real progress.

I congratulate Mae D'Agostino and her family on her confirmation today.

Mr. GRASSLEY. Mr. President, I rise to speak on another of President Obama's judicial nominees. Tonight's vote to confirm Ms. Mae D'Agostino will be the 14th judicial nominee confirmed this Congress. It is the 10th judicial emergency filled this year.

Even though I gave an update to my colleagues just 11 days ago, when we had our last judicial nomination vote, I will give a short report on the status of judicial nominations. To date, we have taken positive action on 33 of the 60 judicial nominees submitted this Congress, or 55 percent. We continue to have nominations hearings every 2 weeks, and have favorably reported nominees out of committee at every weekly markup session.

Furthermore, nominees in committee continue to be processed much faster than those nominated by President Bush. On average, President Obama's district court nominees have only had to wait 66 days from nomination to their hearing. For President Bush's nominees, the wait time was nearly double, at 120 days. President Bush's circuit court nominees waited, on average, 247 days for a hearing. President Obama's nominees are receiving their hearing, on average, within 72 days.

Even with our rapid pace, the Federal courts still hold a vacancy rate of almost 11 percent. Yet 54 percent of the vacancies do not have nominees. While we are processing consensus nominees in a fair and thorough manner, we cannot lower the vacancy rate if no nominee exists.

The seat to which Ms. D'Agostino has been nominated, vacant since March of 2006, is categorized as a judicial emergency. This vacancy should never have been deemed an emergency. President Bush nominated not one, but two nominees to this vacancy during the 109th and 110th Congresses. First, Mary Donohue, who had served as New York State's Lieutenant Governor, was nominated in June 2006, 3 months after the vacancy occurred. Ms. Donohue's nomination languished in committee without a hearing or a committee vote for 435 days. Her nomination was withdrawn in September 2007. President Bush then nominated Thomas Marcelle to the seat. He waited 155 days in the Judiciary Committee and never received a hearing. The nomination was returned at the end of the 110th Congress. In sum, the seat had a nominee for 590 days, with no action. This is justice delayed. I would note that both candidates had a rating from the ABA of ''Well Qualified.''

It took President Obama over 20 months to finally nominate an individual to this vacancy. While I am disappointed this seat has been needlessly vacant for so long, I am pleased to support the nominee before us today.

Mae Avila D'Agostino received her B.A., magna cum laude, from Siena College and her J.D. in 1980 from Syracuse University College of Law. Ms. D'Agostino began her legal career in 1981 as an associate attorney at Maynard, O'Connor & Smith. In 1985, she was made a partner. In 1997, Ms. D'Agostino left Maynard, O'Connor & Smith to start her own firm D'Agostino, Krackeler, Maguire & Cardona, P.C., where she currently practices. Throughout her career, Ms. D'Agostino has primarily practiced in the area of defense litigation with a concentration on medical malpractice.

In addition to her legal practice, Ms. D'Agostino has also taught legal courses at the Junior College of Albany and Albany Law School. The ABA Standing Committee on the Federal Judiciary gave Ms. D'Agostino a unanimous ''Well-Qualified'' rating. Her nomination was reported by the Judiciary Committee by voice vote just 25 days ago.

I congratulate the nominee and wish her well in her public service as a U.S. district judge.

Mr. LEAHY. Mr. President, I congratulate Senator SCHUMER and Senator GILLIBRAND for their work.

The distinguished senior Senator from New York is on the floor. I am delighted to see him, and I would ask, when he is finished, if he asks for a quorum call, if he might ask to have it charged against both sides equally.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I thank the chairman, and thank you, Mr. President.

First, I express my gratitude and thanks to the chairman of our Judiciary Committee, Senator LEAHY. Senator LEAHY has conducted his chairmanship, as head of the Judiciary Committee, with fairness and strength and honor, and he has tried to bend over backwards to get our colleagues on the other side of the aisle fair hearings and equality in a certain sense.

I regret that too many of our colleagues on the other side of the aisle are blocking judges. It is not fair and it is not right. I hope they would heed Senator LEAHY's call to avoid tit for tat and bring more judges to the bench.

(Mr. LEAHY assumed the chair.)

Mr. SCHUMER. As I said, I have not seen a chairman—now he is the Presiding Officer of the Senate for the moment—I have not seen a chairman try to be fairer and with more patience and more honor as chair of the Judiciary Committee than Senator LEAHY. I hope my colleagues will heed his call because he is trying to be as fair and down the middle as possible at a time when we have a record number of vacancies in too many of our circuits.

I rise today to express my full support for Mae D'Agostino, the nominee for the United States District Court for the Northern District of New York. I am very hopeful we will confirm her with overwhelming support tonight, and I agree wholeheartedly with Chairman LEAHY that we should proceed quickly to confirm the other nominees for the many long vacant seats across the country.

Mae D'Agostino's entire career is a tribute to her skill, her intelligence, and her pioneering spirit. When she is confirmed today, she will be the only woman sitting on the Federal bench in upstate New York, and only the second in the history of the region.

Mae D'Agostino has earned the distinction of being one of the most well respected and revered trial attorneys in the State of New York. When I suggested her name to President Obama, I was amazed—I knew she had a good reputation and, of course, I had interviewed her—I was amazed at the acclaim throughout the entire Northern District that nomination received. Mae D'Agostino's reputation as a fair-minded, honorable, practical lawyer is incredible. I am so glad she is here before us tonight, and I believe, should we confirm her, she will be an outstanding judge. The capital region and the central New York area, as well as the north country, are sort of exultant. That is the word I use to describe Mae's possible ascension to the bench tonight.

She was born in Albany, NY, and graduated summa cum laude from one of the capital region's great institutions, Siena College, and then from Syracuse University School of Law. I would say to the Orange, we did not get into the Sweet Sixteen, but at least Mae D'Agostino is getting on the bench tonight. Right from the get-go, Mae established herself in private practice as a gifted and hard-working trial lawyer, taking cases ranging from medical malpractice to negligence to labor disputes.

She formed her own firm, D'Agostino, Krackeler, Maguire & Cardona in 1997, and has remained at the pinnacle of our State's legal profession ever since.

Along the way, she was inducted into the prestigious American College of Trial Lawyers, and she has won awards that are too numerous to list in full for her service to her alma maters, the community, and for her position as a role model for other women in the profession.

In 1992, Mae D'Agostino helped to organize an experimental program in which the Albany County court instructed parties in 420 cases to reach a settlement agreement or prepare for trial. The program resulted in 50 negotiators settling over 150 pending cases. This is exactly the kind of dedication and creativity we need from our judges.

I have always said that my three criteria in choosing people to recommend for judgeships are excellence, moderation, and diversity, and Mae fits all three of those to a T.

It is particularly fitting that Mae D'Agostino, a groundbreaking nominee of such impeccable judgment and intelligence, is the first of President Obama's new nominees to receive a confirmation vote this Congress. I hope and expect that as the Judiciary Committee moves through nominees under the leadership of Chairman LEAHY and Ranking Member GRASSLEY, we will be able to approve many more of them quickly.

We have the best and fairest judicial system in the world, but it depends on good judges to populate the bench. Especially when one in nine spots is vacant—let me repeat that: one in nine spots is now vacant—nominees with bipartisan support should not languish on the floor of the Senate.

Mae D'Agostino's confirmation is a big step in the right direction, and we all must work to make sure there are many more to follow.

This is a great day for Mae and her family, for the State of New York, and for our great Nation.

Thank you. Before suggesting the absence of a quorum, I ask unanimous consent that the time be equally divided between both sides of the aisle.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. CANTWELL. Mr. President, I yield back all remaining time.

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

The question is, Will the Senate advise and consent to the nomination of Mae A. D'Agostino, of New York, to be United States District Judge for the Northern District of New York?

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Nebraska (Mr. NELSON), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH), the Senator from Missouri (Mr. BLUNT), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Illinois (Mr. KIRK), the Senator from Idaho (Mr. RISCH), the Senator from Louisiana (Mr. VITTER), and the Senator from Mississippi (Mr. WICKER).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

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

The result was announced—yeas 88, nays 0, as follows:

[Rollcall Vote No. 46 Ex.]

YEAS—88

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

NOT VOTING—12

Blunt	Inouye	Risch
Cochran	Kirk	Rockefeller
Hatch	Menendez	Vitter
Hoeven	Nelson (NE)	Wicker

The nomination was confirmed.

The PRESIDING OFFICER (Mr. MANCHIN). 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.

MORNING BUSINESS

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

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

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

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

TRIBUTE TO LEE RHYANT

Mr. ISAKSON. Mr. President, I rise for a brief moment to pay tribute to a great career in aviation and aviation manufacturing in the State of Georgia and the United States. Tomorrow, Lee Rhyant, of Lockheed Martin in Marietta, GA, will retire at the age of 60, after giving the last 11 years of his life to that plant and overseeing the remarkable C–130J Super Hercules, the best selling transport aircraft in the history of aviation; of overseeing the completion of the first 187 F–22 Raptors, the stealth aircraft of the 21st century, the backbone of our Air Force; and then the development of the FA–35 Joint Strike Fighter, all being built in part or in whole in Marietta, GA.

Lee Rhyant has guided that process through difficult times and he stood up for the Air Force and he stood up for America and he stood up for those airlines, knowing they were the right thing for the American people to have to ensure our defense and our strength nationally.

I am sure, Mr. President, you have been to Iraq. I have been to Iraq, Afghanistan. We have flown in the C–130s. I flew out of Baghdad 2 years ago on one C–130 that was built in 1969 in the Marietta, GA, plant. It is still flying today, a great airplane built by great men and women.

Lee Rhyant has been the leader of that great company at Lockheed Martin in Marietta for the last 11 years. He came there from Rolls Royce and has been a great leader in aviation throughout his 35 years in business—so great that 2 years ago, in 2009, he was selected the National Management Associate of the Year by the National Management Association, a tremendous credit that only 35 people have received in the past.

Lee is my friend; he is my neighbor; he is a great American. He has led a great company and a great community in Georgia. I rise tonight to pay tribute to his dedication, to his commitment, and, most of all, his compassion for the American people and for the defense of our country.

I wish him the best in his retirement, knowing that he has given to his country everything he could have given and earned every day of retirement he is about to receive.

I yield the floor.

ADDITIONAL STATEMENTS

RECOGNIZING THE 188TH FIGHTER WING

• Mr. BOOZMAN. Mr. President, today I honor the men and women of the 188th Fighter Wing for their dedication, perseverance and commitment to excellence.

The 188th—based in Fort Smith, AR—recently received the Air Force Outstanding Unit Award, AFOUA, for their accomplishments over a 2-year period, beginning in October 2008 and concluding in September 2010.

During that time, the 188th logged over 2,700 combat hours while staged in Kandahar, Afghanistan, in support of Operation Enduring Freedom. During the award period, the 188th also deployed 141 members for Expeditionary Combat Support for Operations Enduring Freedom and Iraqi Freedom as well as other contingency operations worldwide. The unit had an exceptional score on their Air Combat Command Unit Compliance Inspection in 2009, acing 534 of 537 inspected areas.

Perhaps the most amazing and inspiring part of this story was that just a few years ago, the 188th was slated to lose its flying mission. The 2005 Defense Base Closure and Realignment Commission, BRAC, recommended that the 188th be stripped of its flying mission and of their F–16 Falcons. The community rallied, and instead of losing its flying mission, the 188th earned a new one—the Flying Razorbacks emblem now emblazons A–10 Thunderbolt II Warthogs.

The unit quickly transitioned to the A–10s, beginning in 2007, before deploying approximately 300 Airmen and 6 of

its Warthogs for an Air Expeditionary Forces rotation to Kandahar in 2010. The 188th never missed a mission tasking while in Kandahar.

The AFOUA recognizes the extent of the challenges the men and women of the 188th overcame in the past few years. The 188th Fighter Wing truly is a Phoenix that rose from the ashes.

Authorized by Department of the Air Force General Order 1, January 6, 1954, the AFOURA is awarded by the Secretary of the Air Force to numbered units that have distinguished themselves by exceptionally meritorious service or outstanding achievement that clearly sets the unit above and apart from similar units.

Mr. President, the 188th not only met the criteria for the AFOUA but eclipsed it. As a Senator, and a Fort Smith-native, words cannot say how proud I am of the members of the 188th for their accomplishments. Nor are words enough to express how grateful I am, as an American, for their service. We thank them, and all our servicemen and women, for their sacrifice and efforts on our behalf.●

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–985. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Organic Program; Amendment to the National List of Allowed and Prohibited Substances (Livestock)'' ((RIN0581–AD04) (Docket No. AMS–NOP–10–0051; NOP–10–04FR)) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–986. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Olives Grown in California; Decreased Assessment Rate'' (Docket No. AMS–FV–10–0115; FV11–932–1 IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–987. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnuts Grown in California; Decreased Assessment Rate'' (Docket No. AMS–FV–10–0060; FV10–984–1 FIR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–988. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2010–2011 Crop Year for Tart Cherries'' (Docket No. AMS–FV–10–0081; FV10–930–4 FR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–989. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Minimum Quality and Handling Standards for Domestic and Imported Peanuts Marketed in the United States; Section 610 Review'' (Docket No. AMS–FV–10–0030; FV10–996–610 Review) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–990. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Avocados Grown in South Florida; Increased Assessment Rate'' (Docket No. AMS–FV–10–0067; FV10–915–1 FIR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–991. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Blueberry Promotion, Research, and Information Order; Section 610 Review'' (Docket No. AMS–FV–10–0006) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–992. A communication from the Associate Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of the Salable Quantity and Allotment Percentage for Class 3 (Native) Spearmint Oil for the 2010–2011 Marketing Year'' (Docket No. AMS–FV–09–0082; FV10–985–1A IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–993. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Country of Origin Labeling of Packed Honey'' ((RIN0581–AC89) (Docket No. AMS–FV–08–0075)) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–994. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Kiwifruit Grown in California; Order Amending Marketing Order No. 920; Correction'' (Docket No. AMS–FV–10–0115; FV11–932–1 IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–995. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Pears Grown in Oregon and Washington; Amendment to Allow Additional Exemptions'' (Docket No. AMS–FV–10–0072; FV10–927–1 IR) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–996. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Flubendiamide; Pesticide Tolerances'' (FRL No. 8863–8) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–997. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aspergillus flavus AF36: Exemption from the Requirement of a Tolerance'' (FRL No. 8868–7) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–998. A communication from the President of the United States to the President Pro Tempore of the United States Senate, transmitting, consistent with the War Powers Resolution, a report relative to U.S. military operations to assist an international effort authorized by the United Nations Security Council relative to Libya; to the Committee on Foreign Relations.

EC–999. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed amendment to a manufacturing license agreement for the export of defense articles, to include technical data, and defense services to support the development and production of the Evolved SeaSparrow Missile in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–1000. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to Executive Order 12163, as amended by Executive Order 13346, a report relative to a waiver of the restrictions contained in Section 907 of the FREEDOM Support Act of 1992; to the Committee on Foreign Relations.

EC–1001. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to outstanding expropriation cases by country along with details about each case; to the Committee on Foreign Relations.

EC–1002. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Navy and was assigned case number 10–03; to the Committee on Appropriations.

EC–1003. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Multiyear Contract Authority for Electricity from Renewable Energy Sources'' ((RIN0750–AG48) (DFARS Case 2008–D006)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Armed Services.

EC–1004. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Repeal of Restriction on Ballistic Missile Defense Research, Development,

Test, and Evaluation'' ((RIN0750–AH18) (DFARS Case 2011–D026)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Armed Services.

EC–1005. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Nonavailability Exception for Procurement of Hand or Measuring Tools'' ((RIN0750–AH17) (DFARS Case 2011–D025)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Armed Services.

EC–1006. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Safety of Facilities, Infrastructure, and Equipment for Military Operations'' ((RIN0750–AG73) (DFARS Case 2009–D029)) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Armed Services.

EC–1007. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Security Zones; Moored Cruise Ships, Port of San Diego, California'' ((RIN1625–AA87) (Docket No. USCG–2010–1129)) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1008. A communication from the Secretary, Bureau of Trade Affairs, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled ''Service Contracts and Non-Vessel-Operating Arrangements; Transmission of Approved Log-In ID and Passwords'' (RIN3072–AC42) received during adjournment of the Senate in the Office of the President of the Senate on March 21, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1009. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Lake Brownwood and Early, Texas)'' (MB Docket No. 09–181, RM–11573) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1010. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures'' (MB Docket No. 09–52; FCC 11–28) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1011. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report relative to the Zero-Net Energy Commercial Building Initiative and other government initiatives that affect commercial buildings; to the Committee on Energy and Natural Resources.

EC–1012. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Waste Management System Identification and Listing of Hazardous Waste; Final Exclusion'' (FRL No. 9285–7) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Environment and Public Works.

EC–1013. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reconsideration of Inclusion of Fugitive Emissions; Interim Rule; Stay and Revisions'' (FRL No. 9280–8) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Environment and Public Works.

EC–1014. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9279–2) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Environment and Public Works.

EC–1015. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Gila River Indian Community's Tribal Implementation Plan'' (FRL No. 9259–9) received during adjournment of the Senate in the Office of the President of the Senate on March 22, 2011; to the Committee on Environment and Public Works.

EC–1016. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM–10; Technical Amendment'' (FRL No. 9284–3) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC–1017. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Regulation Extending the Reporting Deadline for Year 2010 Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule'' (FRL No. 9283–7) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC–1018. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Nebraska: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision'' (FRL No. 9281–6) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC–1019. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona, Maricopa County Air Quality Department; State of California, Santa Barbara County Air Pollution Control District'' (FRL No. 9283–4) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC–1020. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Determination of Attainment of the 1997 Ozone Standard'' (FRL No. 9281–5) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC–1021. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Adoption of the Revised Lead Standards and Related Reference Conditions and Update of Appendices; Withdrawal of Direct Final Rule'' (FRL No. 9281–4) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC–1022. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Amendments to the Protocol Gas Verification Program and Minimum Competency Requirements for Air Emission Testing'' (FRL No. 9280–9) received in the Office of the President of the Senate on March 16, 2011; to the Committee on Environment and Public Works.

EC–1023. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Program; State Allotments for Payment of Medicare Part B Premiums for Qualifying Individuals: Federal Fiscal Year 2010 and Federal Fiscal Year 2011'' (RIN0938–AQ42) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Finance.

EC–1024. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare and Medicaid Programs; Civil Money Penalties for Nursing Homes'' (RIN0938–AQ02) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Finance.

EC–1025. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled ''Report to the Congress: Medicare Payment Policy''; to the Committee on Finance.

EC–1026. A communication from the Deputy Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Change of Address; Requests for Exemption From the Bar Code Label Requirements'' ((21 CFR Part 201)(Docket No. FDA–2011–N–0101)) received in the Office of the President of the Senate on March 17, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1027. A communication from the Associate Legal Counsel, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as amended'' (RIN3046–

AA85) received during adjournment of the Senate in the Office of the President of the Senate on March 18, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1028. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law, a report relative to a vacancy in the position of Inspector General of the Corporation for National and Community Service, received in the Office of the President of the Senate on March 17, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–1029. A communication from the Ombudsman, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, a report relative to the Energy Employees Occupational Illness Compensation Program; to the Committee on Health, Education, Labor, and Pensions.

EC–1030. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–160 ''Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–1031. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18–724 ''District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2010''; to the Committee on Homeland Security and Governmental Affairs.

EC–1032. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, ''Auditor's Examination of the Office of Risk Management's Oversight of the District's Disability Compensation Program''; to the Committee on Homeland Security and Governmental Affairs.

EC–1033. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's Fiscal Year 2010 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1034. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the North Dakota Advisory Committee; to the Committee on the Judiciary.

EC–1035. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to law, the report of the appointment of members to the Montana Advisory Committee; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Special Report entitled ''Report on the Activities of the Senate Committee on the Judiciary During the 111th Congress'' (Rept. No. 112–5) .

By Ms. LANDRIEU, from the Committee on Small Business and Entrepreneurship:

Special Report entitled ''Summary of Legislative and Oversight Activities During the 111th Congress'' (Rept. No. 112–6).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 49. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

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 Ms. LANDRIEU (for herself, Mr. WICKER, and Mr. COCHRAN):

S. 653. A bill to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 Gulf Coast hurricanes or the 2008 Gulf Coast hurricanes; to the Committee on Small Business and Entrepreneurship.

By Ms. LANDRIEU:

S. 654. A bill for the relief of Djibril Coulibaly; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 655. A bill to designate the facility of the United States Postal Service located at 95 Dogwood Street in Cary, Mississippi, as the ''Spencer Byrd Powers, Jr. Post Office''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. REED (for himself, Mr. WHITEHOUSE, Mr. DURBIN, Ms. MIKULSKI, Mr. KERRY, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. CARDIN):

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

By Mr. CARDIN (for himself, Mr. GRAHAM, Mr. LEAHY, Ms. KLOBUCHAR, Mr. COONS, and Mr. WHITEHOUSE):

S. 657. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

By Ms. KLOBUCHAR (for herself, Ms. SNOWE, Ms. MURKOWSKI, and Mrs. MCCASKILL):

S. 658. A bill to provide for the preservation of the Department of Defense of documentary evidence of the Department of Defense on incidents of sexual assault and sexual harassment in the military, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. BOXER, Mrs. HAGAN, Mrs. HUTCHISON, Ms. CANTWELL, Ms. LANDRIEU, Mrs. SHAHEEN, Ms. COLLINS, Ms. STABENOW, Ms. AYOTTE, Ms. MIKULSKI, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mrs. MCCASKILL, and Mrs. GILLIBRAND):

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; to the Committee on Foreign Relations.

By Mr. BROWN of Massachusetts (for himself, Mr. LIEBERMAN, Ms. MURKOWSKI, Mr. ISAKSON, and Mr. CHAMBLISS):

S. Res. 110. A resolution to require that all legislative matters be available and fully scored by CBO 48 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 76

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Florida (Mr. NELSON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 76, a bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children.

S. 227

At the request of Mr. CONRAD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 228

At the request of Mr. BARRASSO, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 228, a bill to preempt regulation of, action relating to, or consideration of greenhouse gases under Federal and common law on enactment of a Federal policy to mitigate climate change.

S. 262

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 262, a bill to repeal the excise tax on medical device manufacturers.

S. 350

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 350, a bill to require restitution for victims of criminal violations of the Federal Water Pollution Control Act, and for other purposes.

S. 387

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 398

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Michigan (Ms. STABENOW) and the Senator from Colorado (Mr. UDALL) 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. 412

At the request of Mr. LEVIN, the names of the Senator from Ohio (Mr.

PORTMAN) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 412, a bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 414

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) 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 Minnesota (Ms. KLOBUCHAR) 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. 434

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 437

At the request of Mr. NELSON of Florida, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 437, a bill to amend the Internal Revenue Code of 1986 to require the Secretary of the Treasury to provide each individual taxpayer a receipt for an income tax payment which itemizes the portion of the payment which is allocable to various Government spending categories.

S. 464

At the request of Mr. KOHL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 464, a bill to establish a grant program to enhance training and services to prevent abuse in later life.

S. 474

At the request of Ms. SNOWE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 486

At the request of Mr. WHITEHOUSE, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 486, a bill to amend the Servicemembers Civil Relief Act to enhance protections for members of the uniformed services relating to mortgages, mortgage foreclosure, and eviction, and for other purposes.

S. 489

At the request of Mr. REED, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 489, a bill to require certain mortgagees to evaluate loans for modifications, to establish a grant program for State and local government mediation programs, and for other purposes.

S. 496

At the request of Mr. MCCAIN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 496, a bill to amend the Food, Conservation, and Energy Act to repeal a duplicative program relating to inspection and grading of catfish.

S. 533

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 533, a bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 542

At the request of Mr. BEGICH, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 542, a bill to amend title 10, United States Code, to authorize space-available travel on military aircraft for members of the reserve components, a member or former member of a reserve component who is eligible for retired pay but for age, widows and widowers of retired members, and dependents.

S. 550

At the request of Mr. LIEBERMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 550, a bill to improve the provision of assistance to fire departments, and for other purposes.

S. 567

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 567, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.

S. 578

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 578, a bill to amend title V of the Social Security Act to eliminate the abstinence-only education program.

S. 597

At the request of Ms. KLOBUCHAR, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 597, a bill to amend title XVIII of the Social Security Act to include neurologists as primary care physicians for purposes of incentive payments for primary care services under the Medicare program.

S. 600

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

S. 623

At the request of Mr. KOHL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 623, a bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes.

S. 626

At the request of Ms. CANTWELL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 626, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 632

At the request of Mr. SCHUMER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 632, a bill to amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized period for rebuilding of certain overfished fisheries, and for other purposes.

S. 633

At the request of Ms. SNOWE, the names of the Senator from North Carolina (Mrs. HAGAN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 633, a bill to prevent fraud in small business contracting, and for other purposes.

S. 634

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

S. 641

At the request of Mr. DURBIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors 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. CON. RES. 4

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of Congress that an appropriate site on Chaplains Hill in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the Jewish chaplains who died while on active duty in the Armed Forces of the United States.

S. RES. 87

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 87, a resolution designating the year of 2012 as the ''International Year of Cooperatives''.

S. RES. 99

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

AMENDMENT NO. 161

At the request of Mr. JOHANNS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of amendment No. 161 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 183

At the request of Mr. MCCONNELL, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 183 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU (for herself, Mr. WICKER, and Mr. COCHRAN):

S. 653. A bill to allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 Gulf Coast hurricanes or the 2008 Gulf Coast hurricanes; to the Committee on Small Business and Entrepreneurship.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on an issue that is of great importance to my home State of Louisiana: disaster recovery from Hurricanes Katrina and Rita of 2005; Hurricanes Gustav and Ike of 2008; and the Deepwater Horizon disaster of 2010. Almost 6 years after these first two devastating storms, our eyes are still fixed on our shores during hurricane season as our communities and businesses in the hardest-hit areas continue to rebuild. The region is also still reeling from the oil spill and subsequent Federal deepwater drilling moratorium. As Chair of the Senate Committee on Small Business and Entrepreneurship, I remain focused on their ongoing recovery efforts and am here today to introduce a bill that I believe will help these struggling small businesses become successful once again and hire new workers.

Charles R. ''Ray'' Bergeron and his wife's Fleur de Lis Car Care Center in New Orleans, Louisiana, is one of the businesses that needs this type of assistance. Small Business Administrator Karen Mills and I toured the Bergerons' business back in June 2009. Pre-Katrina, Fleur de Lis, which opened in 1988, had nine employees. After Hurricane Katrina hit, Mr. and Mrs. Bergeron found themselves having to take out two loans, one for their house and another for their small business. As of our visit that June, the Bergerons were down to 2 employees, not including themselves, and their business was back at about 40 percent of pre-Katrina sales, due in large measure to the population not returning. Their neighborhood is mostly empty homes, which Mr. Bergeron attributes in part to high flood insurance premiums, high property taxes and high homeowner's insurance.

When I met with them, the Bergerons had a $225,000 SBA disaster loan with a standard 30-year term, which Mr. Bergeron says he will not pay off until he is 101 years old. And two years ago now, Mrs. Bergeron contacted my office requesting SBA assistance with their loan repayment after work to repair the flood-damaged roads surrounding their gas station had cut access to their business for even their most loyal customers. Since the project began, Fleur de Lis' sales have been cut almost in half. This latest challenge comes on the heels of the economic downturn, which caused the station to lay off two employees in 2009.

The Bergerons' story is one I have heard from countless businesses. Coupled with their recovery from the 2005 and 2008 hurricanes, and more recently, the Deepwater Horizon oil spill and Federal deepwater drilling moratorium, these businesses—the ones that took the initiative to quickly reopen after the storms—are today struggling with one challenge after another. Yet these ''pioneer'' businesses are the ones rebuilding communities, they are the businesses communities need the most because they serve as anchors. If residents see the Bergerons' gas station or their favorite restaurant open, they are more likely to come back to rebuild their homes.

To help ongoing recovery efforts in the Gulf Coast, and to give these struggling businesses immediate assistance, I am introducing today the Southeast Hurricanes Small Business Disaster Relief Act of 2011. This legislation would provide targeted assistance to as many as 11,000 businesses in Louisiana, Mississippi, Alabama, and Texas. What these particular businesses have in common is that they received SBA disaster loans following the 2005 or 2008 hurricanes. While they have made payments on these loans, I have heard from countless businesses in my State that they could expand operations if they had additional cash flow. This legislation would inject immediate capital into these hardest-hit businesses by giving SBA the authority to waive up to $15,000 of interest payments over three years, helping to create or save up to 40,000 jobs.

Under this program, SBA is required to give priority to applications from businesses with 50 employees or less and businesses that re-opened between September 2005 and October 2006 for the 2005 storms or September and December 2008 for the 2008 hurricanes. This ensures that SBA first helps true small businesses and those ''pioneer'' businesses that were the first to re-open after the disaster. The bill also includes a priority for applications from businesses suffering substantial economic harm from the Deepwater Horizon oil spill last year. The program would end on March 31, 2012.

The Southeast Hurricanes Small Business Disaster Relief Act also includes provisions to help reduce the program's impact on the Federal deficit. First, the bill eliminates a duplicative program at the SBA. This program, the Gulf Coast Disaster Loan Refinancing Program, was created as part of the 2008 Farm Bill. Although it was created almost three years ago, the program has not received any appropriations nor has the SBA utilized the authority to refinance any disaster loans. It is my understanding this is because the program just re-amortizes the same debt of borrowers. Furthermore, any refinancing must not exceed the original loan amount and differ from the original terms of the loan. As a result, this program is not attractive to borrowers, lenders or the SBA. Our bill eliminates this program and creates one that will work better for all stakeholders. Next, the bill allows SBA the authority to get reimbursed by the party responsible for the Deepwater Horizon oil spill for any interest relief provided to businesses impacted by that disaster. This ensures that the taxpayers will be reimbursed for interest relief related to the Deepwater Horizon oil spill. I also note that this is

consistent with the claims process provided for in the Oil Pollution Act of 1990.

This program makes a difference because for some businesses, depending on the loan term and loan amount, their total principal/interest payments could run as high as $1,000 per month. For example, for a $114,000 disaster loan with a 4 percent interest rate and a 25-year term, a business could be paying as much as $400 in monthly interest. In one year, this adds up to $4,800 and almost $14,500 in three years. While this is not a lot of money for Wall Street banks or Fortune 500 companies, $15,000 makes a major impact for a gas station with two employees, like Fleur de Lis, or a neighborhood restaurant with 10 employees. These businesses have seen their bottom lines shrink as others on Wall Street received extravagant bonuses. I, for one, believe it is time to help these Main Street businesses as they are the backbone of our communities.

My legislation also follows legislation approved by a previous Congress. The prior bill came after Hurricane Betsy devastated Florida, Louisiana, and Mississippi in September 1965. According to Red Cross reports at the time, between 800,000 and 1 million people were adversely impacted by the hurricane. Before this storm, the only previous disaster of that magnitude was the 1937 Ohio-Mississippi River floods which forced more than a million people from their homes. In total, Betsy destroyed more than 1,500 homes, damaged more than 150,000, and damaged more than 2,000 trailers. Hurricane Betsy also destroyed 1,400 farm buildings and 2,600 small businesses. At the time, the Senate Committee on Public Works noted in Committee Report 89–917 that, ''The overwhelming magnitude of the vicious storm, surprising even to experienced disaster workers, was more apparent every day as storm victims continued to register for long-term recovery help in rebuilding their lives and homes.''

As part of the review to provide Hurricane Betsy victims appropriate assistance, including a field hearing in Louisiana, Congress determined that the massive scale of this disaster required targeted, disaster-specific programs. In particular, Congress approved the Southeast Hurricane Disaster Relief Act of 1965, Public Law 89–339. This bill authorized various business, homeowner, and agricultural disaster assistance, including loans and temporary rental assistance. In its committee report on the legislation, which is referenced above, the Senate Committee on Public Works wrote, ''This bill contains what the committee believes is needed and necessary to give further aid to the disaster-stricken areas . . . including special measures to help these States in the reconstruction and rehabilitation of devastated areas.'' Among other provisions, Section 3 of the bill authorized SBA to waive interest—for loans above $500—due on the loan over a period of three years, but not to exceed $1,800 in interest. The bill was signed into law in November 1965 and Congress later approved $35 million to implement provisions in the Act.

Just as with Hurricane Betsy in 1965, in 2005, Mississippi and Louisiana again saw a catastrophic disaster hit their businesses, farms, and homes. Everyone now knows the impact Hurricanes Katrina and Rita had on the New Orleans area and the southeast part of our state. Images from the devastation following these storms, and the subsequent Federal levee breaks, were transmitted across the country and around the world. Katrina ended up being the deadliest natural disaster in United States history, with 1,800 people killed—1,500 alone in Louisiana. Katrina was also the costliest natural disaster in U.S. history, with more than $81.2 billion reported in damage.

In Louisiana, we had 18,000 businesses catastrophically destroyed and 81,000 businesses economically impacted. I believe that, across the entire Gulf Coast, some estimates ran as high as 125,000 businesses impacted by Katrina and Rita. Many of these businesses, for various reasons, have not returned or re-opened. By mid–2007, Orleans Parish was still down 2,000 employers, or 23 percent of its pre-Katrina business level. Nearby St. Bernard Parish—which had up to 80 percent of its homes damaged—had the largest percentage decline of 48 percent fewer businesses open, according to Louisiana State University and the Louisiana Recovery Authority. These disasters were followed by the 2008 hurricanes that hit the same areas in Texas and Louisiana. With this in mind, on September 25, 2009, I chaired a committee field hearing in Galveston, Texas. At this hearing, we received a progress report from Federal, State and local officials on the recovery from Hurricane Ike in 2008. We also heard from individual business owners in Galveston who were still struggling a year on from the hurricane.

These Galveston business owners, the Bergeron's Fleur de Lis gas station, and many other ''pioneer'' businesses did choose to re-open and are now struggling to stay alive. As is clear from the Bergeron's story, these businesses have suffered from not one disaster, but three: Hurricane Katrina/Rita in 2005, Hurricane Gustav/Ike in 2008, and the Deepwater Horizon disaster. I believe the special program implemented following Hurricane Betsy in 1965 would today greatly benefit businesses in these four states hardest hit by Katrina, Rita, Gustav, Ike, and the Deepwater Horizon. While I recognize that these are the hardest hit states, I am also interested to hear from my other Gulf Coast colleagues on whether this program would benefit their impacted businesses as well.

In closing, I would like to note that Congress has been generous in providing essential recovery funds following the 2005 and 2008 storms. However, as we approach the sixth anniversary of the 2005 disasters, we must now ensure that impacted businesses can make it past this anniversary—preventing thousands more workers from being unemployed or additional defaults on SBA disaster loans. One important way that this Congress can ensure that these workers remain employed and that these businesses survive, and even grow, would be to relieve some of the interest on these SBA disaster loans. For this reason, I urge my Senate colleagues to support this commonsense legislation which would make a difference for up to 11,000 Main Street business owners and their estimated 40,000 employees in the Gulf Coast.

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. 653

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 ''Southeast Hurricanes Small Business Disaster Relief Act of 2011''.

SEC. 2. SOUTHEAST HURRICANES SMALL BUSINESS DISASTER RELIEF PROGRAM.

(a) IN GENERAL.—Section 12086 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–234; 122 Stat. 1422) is amended to read as follows:

''SEC. 12086. SOUTHEAST HURRICANES SMALL BUSINESS DISASTER RELIEF PROGRAM.

''(a) DEFINITIONS.—In this section—

''(1) the term 'covered area' means an area in the State of Louisiana, the State of Mississippi, the State of Alabama, or the State of Texas for which the President declared a major disaster relating to Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008;

''(2) the term 'covered disaster loan' means a loan—

''(A) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

''(B) for damage or injury caused by Hurricane Katrina of 2005, Hurricane Rita of 2005, Hurricane Gustav of 2008, or Hurricane Ike of 2008; and

''(C) made to a business located in a covered area;

''(3) the term 'Deepwater Horizon oil spill' means the blowout and explosion of the mobile offshore drilling unit *Deepwater Horizon* that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment; and

''(4) the term 'program' means the Southeast Hurricanes Small Business Disaster Relief Program established under subsection (b).

''(b) PROGRAM ESTABLISHED.—Subject to the availability of appropriations, the Administrator shall establish a Southeast Hurricanes Small Business Disaster Relief Program, under which the Administrator may waive payment of interest by a business on a covered disaster loan—

''(1) for not more than 3 years; and

''(2) in a total amount of not more than $15,000.

''(c) PRIORITY OF APPLICATIONS.—The Administrator shall, to the extent practicable, give priority to an application for a waiver

of payment of interest under the program by a small business concern—

''(1) with not more than 50 employees;

''(2) that demonstrates substantial economic injury as a result of the Deepwater Horizon oil spill; or

''(3) that resumed business operations—

''(A) during the period beginning on September 1, 2005 and ending on October 1, 2006 in a covered area relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005; or

''(B) during the period beginning on September 1, 2008 and ending on January 1, 2009 in a covered area relating to Hurricane Gustav of 2008 or Hurricane Ike of 2008.

''(d) REIMBURSEMENT BY RESPONSIBLE PARTY.—The Administrator may present a claim to the responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) for costs and expenses described in section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) relating to a waiver of interest under this section for a business suffering a substantial economic injury as a result of the Deepwater Horizon oil spill in accordance with section 1013 of the Oil Pollution Act of 1990 (33 U.S.C. 2713).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out the program.

''(f) TERMINATION OF PROGRAM.—The Administrator may not approve an application under the program after March 31, 2012.''.

(b) SAVINGS CLAUSE.—A loan refinanced under section 12086 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–234; 122 Stat. 1422) before the date of enactment of this Act shall remain in full force and effect under the terms, and for the duration, of the loan (including any option to defer repayment).

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–234; 122 Stat. 933) is amended by striking the item relating to section 12086 and inserting the following:

''Sec. 12086. Southeast Hurricanes Small Business Disaster Relief Program.''.

By Mr. REED (for himself, Mr. WHITEHOUSE, Mr. DURBIN, Ms. MIKULSKI, Mr. KERRY, Mr. FRANKEN, Ms. KLOBUCHAR, and Mr. CARDIN):

S. 656. A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residents; to the Committee on the Judiciary.

Mr. REED. 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. 656

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 ''Liberian Refugee Immigration Fairness Act of 2011''.

SEC. 2. ADJUSTMENT OF STATUS.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—

(A) ELIGIBILITY.—Except as provided under subparagraph (B), the Secretary of Homeland Security shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(i) applies for adjustment not later than 1 year after the date of the enactment of this Act; and

(ii) is otherwise eligible to receive an immigrant visa and admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) INELIGIBLE ALIENS.—An alien shall not be eligible for adjustment of status under this section if the Secretary of Homeland Security determines that the alien—

(i) has been convicted of any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43));

(ii) has been convicted of 2 or more crimes involving moral turpitude; or

(iii) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(A) IN GENERAL.—An alien present in the United States who has been subject to an order of exclusion, deportation, or removal, or has been ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1) if otherwise qualified under such paragraph.

(B) SEPARATE MOTION NOT REQUIRED.—An alien described in subparagraph (A) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate the order described in subparagraph (A).

(C) EFFECT OF DECISION BY SECRETARY.—If the Secretary of Homeland Security adjusts the status of an alien pursuant to an application under paragraph (1), the Secretary shall cancel the order described in subparagraph (A). If the Secretary of Homeland Security makes a final decision to deny such adjustment of status, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The benefits provided under subsection (a) shall apply to any alien—

(A) who is—

(i) a national of Liberia; and

(ii) has been continuously present in the United States between January 1, 2011 and the date on which the alien submits an application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(A)(ii), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL.—

(1) IN GENERAL.—The Secretary of Homeland Security shall establish procedures, by regulation, through which an alien, who is subject to a final order of deportation, removal, or exclusion, may seek a stay of such order based upon the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Secretary of Homeland Security may not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a) unless the Secretary of Homeland Security has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary of Homeland Security may—

(i) authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States while a determination regarding such application is pending; and

(ii) provide the alien with an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment.

(B) PENDING APPLICATIONS.—If an application for adjustment of status under subsection (a) is pending for a period exceeding 180 days and has not been denied, the Secretary of Homeland Security shall authorize such employment.

(d) RECORD OF PERMANENT RESIDENCE.—Upon the approval of an alien's application for adjustment of status under subsection (a), the Secretary of Homeland Security shall establish a record of the alien's admission for permanent record as of the date of the alien's arrival in the United States.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary of Homeland Security shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); and

(2) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Secretary of Homeland Security regarding the adjustment of status of any alien under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—If an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—

(1) DEFINITIONS.—Except as otherwise specifically provided in this Act, the definitions contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply in this section.

(2) SAVINGS PROVISION.—Nothing in this Act may be construed to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Secretary of Homeland Security in the administration and enforcement of the Immigration and Nationality Act or any other law relating to immigration, nationality, or naturalization.

(3) EFFECT OF ELIGIBILITY FOR ADJUSTMENT OF STATUS.—Eligibility to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude an alien from seeking any status under any other provision of law for which the alien may otherwise be eligible.

By Mr. CARDIN (for himself, Mr. GRAHAM, Mr. LEAHY, Ms. KLOBUCHAR, Mr. COONS, and Mr. WHITEHOUSE):

S. 657. A bill to encourage, enhance, and integrate Blue Alert plans throughout the United States in order

to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty; to the Committee on the Judiciary.

Mr. CARDIN. Mr. President, I take this time to inform my colleagues of legislation I have introduced today to establish a national Blue Alert Act. This would establish a nationwide program for blue alert. It would be similar to what we do for AMBER alert today. With AMBER alert, when children are abducted, we use that communication system nationwide to get information out about the abductor so we can get the public assisting law enforcement in apprehending the individuals responsible for the abduction of a child. My legislation would establish a similar system of disseminating information when a police officer has been murdered or severely injured as a result of a violent attack. This bill would help in keeping law enforcement safer by removing these individuals who have committed these horrible crimes from the streets sooner and holding them accountable for their acts.

Every day 900,000 law enforcement officers go out in our communities to keep us safe. They are the frontline for public safety. They put their lives on the line. Our communities are much safer as a result of their actions, so we want to do everything we can to help our law enforcement officers. In recent years, too many have lost their lives in the line of duty. We need to do something about that.

In Prince George's County, MD, today I joined with law enforcement officers at the FOP Lodge 89 to talk about this legislation. There is a fallen heroes memorial located at that FOP lodge to honor law enforcement officers in Prince George's County who gave their lives in the line of duty. Unfortunately, there are 26 individuals honored at that memorial. They have lost their lives since 1937. The Superintendent of State Police was also there, and we recalled State trooper Wesley Brown who died in June of last year in Forestville at the age of 24 serving his community. I mention Trooper Brown specifically because as a result of Trooper Brown's death, Governor O'Malley took executive action to establish a blue alert system in the State. We now have nine other States that have joined Maryland—10 States altogether—in establishing their own blue alert programs so we can assist in the capture of those who murder or seriously injure law enforcement officers.

We need to use technology the best we can to help those who are serving our communities. My legislation would make that program nationwide. I am proud we have bipartisan cosponsors in Senators GRAHAM, LEAHY, KLOBUCHAR, and COONS. It complements the work being done by Attorney General Holder in his Law Enforcement Officer Safety Initiative. The purpose here is try to keep our law enforcement officers safer and keep the community safer. We think both will be achieved by using a blue alert system nationwide.

I am also pleased to say it has the endorsement of the Fraternal Order of Police and the Concern of Police Survivors, COPS. I urge all colleagues to join me in supporting this legislation. I hope we can get it enacted shortly. This can help in living up to our commitment to those who serve us.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 109—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

Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. BOXER, Mrs. HAGAN, Mrs. HUTCHISON, Ms. CANTWELL, Ms. LANDRIEU, Mrs. SHAHEEN, Ms. COLLINS, Ms. STABENOW, Ms. AYOTTE, Ms. MIKULSKI, Ms. MURKOWSKI, Ms. KLOBUCHAR, Mrs. MCCASKILL, and Mrs. GILLIBRAND) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 109

Whereas, in the course of peaceful protests in countries throughout North Africa and the Middle East, women have stood shoulder-to-shoulder with men to advance their rights;

Whereas Secretary of State Hillary Rodham Clinton has said, ''The rights of women and girls is the unfinished business of the 21st Century.'';

Whereas, in late December 2010 and January 2011, Tunisia underwent a political upheaval, dubbed the ''Jasmine Revolution,'' resulting in the fleeing of President of Tunisia Zine El Abidine Ben Ali from the country on January 14, 2011;

Whereas one of the first voices of the ''Jasmine Revolution'' was the sister of Mohammad Bouazizi, the young man whose death led to many of the peaceful protests in Tunisia;

Whereas, on January 25, 2011, demonstrations began across Egypt with thousands of protesters peacefully calling for a new government, free and fair elections, significant constitutional and political reforms, greater economic opportunity, and an end to government corruption;

Whereas women in Egypt have utilized social media to galvanize support among men and women for peaceful protest;

Whereas huge crowds came out to protest peacefully in Egypt, and women were among those that faced tear gas and who pitched their tents and slept in the cold in Tahrir Square;

Whereas hundreds of women took part in a rally in Cairo on March 8, 2011, the 100th Anniversary of International Women's Day, to remind women in Egypt that they must have a voice in their nation's future;

Whereas, on February 25, 2011, the United Nations Security Council and the international community condemned the violence and use of force against civilians in Libya;

Whereas, according to press reports, women in Libya have been working behind the scenes making a profound difference to promote reform and keep the momentum of the uprising alive, listening to worried fathers whose sons are fighting on the frontlines, keeping up with the day-to-day clashes and casualty numbers, and holding meetings about health and education issues, as well as participating in the demonstrations themselves;

Whereas, according to press reports, women are among the leaders of demonstrations calling for reform in Yemen;

Whereas women's groups in countries such as Morocco, Jordan, Lebanon, and Iran have attempted to harness critical support regarding legislation affecting their rights;

Whereas women around the world continue to face significant obstacles in all aspects of their lives, including denial of basic human rights, discrimination, and gender-based violence;

Whereas women, young and old, have marched in the streets of countries from Tunisia to Iran demanding freedom from oppression; and

Whereas women across North Africa and the Middle East aspire for freedom, democracy, and rule of law: Now, therefore, be it

Resolved, That the Senate—

(1) honors the women in North Africa and the Middle East who have worked to ensure that women are guaranteed equality and basic human rights;

(2) recognizes that the empowerment of women is inextricably linked to the potential of nations to generate economic growth and sustainable democracy;

(3) acknowledges that women in North Africa and the Middle East are demanding to be included in making choices that will affect their own lives and their families;

(4) reaffirms the commitment of the United States to the universal rights of freedom of assembly, freedom of speech, and freedom of association, including via the Internet, and supports the calls for representative and responsive democratic governments that respect these rights;

(5) celebrates this year's centennial anniversary of International Women's Day, a global day to celebrate the economic, political, and social achievements of women past, present, and future, and a day to recognize the obstacles that women still face in the struggle for equal rights and opportunities;

(6) condemns any efforts to provoke or instigate violence against women, and calls upon all parties to refrain from all violent and criminal acts; and

(7) underscores the vital importance of women's rights and political participation as leaders in North Africa and the Middle East consider constitutional reforms and shape new governments.

Ms. SNOWE. Mr. President, I rise today to submit a resolution calling for women's rights in North Africa and the Middle East. Following weeks of tumult and protests in this area of the world, I could not be more honored to lead my 16 female colleagues in the United States Senate in emphasizing the importance of women's rights and political participation. As one unified voice, the 17 of us have introduced a resolution calling for a renewed focus on women's rights as leaders in North Africa and the Middle East consider constitutional reforms and shape new governments. The resolution we introduced reaffirms our commitment to representative and responsive democratic governments that respect women's rights and calls on leaders to include women when it comes to making decisions that will affect their lives.

In the course of peaceful protests in countries throughout North Africa and

the Middle East, women have stood shoulder to shoulder with men to advance their rights. Indeed, U.S. Secretary of State Hillary Rodham Clinton has said that, ''the rights of women and girls is the unfinished business of the 21st century,'' and I couldn't agree more.

Earlier this year, demonstrations spread from Tunisia to Egypt, with thousands of protesters peacefully calling for new governments, free and fair elections, significant constitutional and political reforms, greater economic opportunity, and an end to government corruption. Women played a vital role in these movements, utilizing social media to galvanize support for peaceful protest—facing tear gas and sleeping in tents in Tahrir Square. In fact, hundreds of women took part in a rally in Cairo on March 8th, the 100th anniversary of International Women's Day, to remind women in Egypt that they must have a voice in their nation's future. And today, as the people of Libya seek to overturn the brutal regime of Moammar Qadhafi, women have been working behind the scenes making a profound difference to promote reform and keep the momentum of the uprising alive.

However, while women have sacrificed and peacefully protested side by side with men in nations throughout North Africa and the Middle East, there are signs that women are increasingly being sidelined from the formation of new governments. In Tunisia, according to press reports, only two women have been appointed to the transitional government and in Egypt, not a single woman has been appointed to the council in charge of revamping the constitution.

The simple truth is women around the world continue to face significant obstacles in all aspects of their lives, including denial of basic human rights, discrimination, and gender-based violence. Be it Tunisia and Egypt—or Morocco, Yemen, Lebanon, and Iran—women have attempted to harness critical support regarding matters affecting their rights, which is precisely why my colleagues and I introduced this resolution.

We stand together to honor the women in North Africa and the Middle East who have worked to ensure guaranteed equality and basic human rights, recognizing that the empowerment of women is inextricably linked to the potential of nations to generate economic growth and sustainable democracy. Part and parcel to the success and stability of any government is the equal voice and participation of women. The spirit and devotion exemplified by women in North Africa and the Middle East—and the ongoing challenges they continue to face—are both an inspiration to us all and a reminder that discrimination and gender-based violence endures around the world. The resolution I am introducing with my colleagues is meant to honor their commitment to ensuring future generations enjoy the guaranteed equality and basic human rights for which they endeavor to this day.

SENATE RESOLUTION 110—TO REQUIRE THAT ALL LEGISLATIVE MATTERS BE AVAILABLE AND FULLY SCORED BY CBO 48 HOURS BEFORE CONSIDERATION BY ANY SUBCOMMITTEE OR COMMITTEE OF THE SENATE OR ON THE FLOOR OF THE SENATE

Mr. BROWN of Massachusetts (for himself, Mr. LIEBERMAN, Ms. MURKOWSKI, Mr. ISAKSON, and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 110

Resolved,

SECTION 1. PUBLIC AVAILABILITY OF LEGISLATION AND THE COST OF THAT LEGISLATION.

(a) COMMITTEES.—Rule XXVI of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

''14. (a) It shall not be in order in a subcommittee or committee to proceed to any legislative matter unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 48 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

''(b) With respect to the requirements of subparagraph (a)—

''(1) the legislative matter shall be available on the official website of the committee; and

''(2) the final score prepared in accordance with section 308(a) of the Congressional Budget Act of 1974 shall be available on the official website of the Congressional Budget Office.

''(c) This paragraph may be waived or suspended in the subcommittee or committee only by an affirmative vote of ⅗ of the Members of the subcommittee or committee. An affirmative vote of ⅗ of the Members of the subcommittee or committee shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

''(d)(1) It shall not be in order in the Senate to proceed to a legislative matter if the legislative matter was proceeded to in a subcommittee or committee in violation of this paragraph.

''(2) This subparagraph may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this subparagraph.

''(e) In this paragraph, the term 'legislative matter' means any bill, joint resolution, concurrent resolution, complete substitute amendment, conference report, or message between the Houses.''.

(b) SENATE.—Rule XVII of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

''6. (a) It shall not be in order in the Senate to proceed to any legislative matter, including any matter hotlined, unless the legislative matter and a final budget scoring by the Congressional Budget Office for the legislative matter has been publically available on the Internet as provided in subparagraph (b) in searchable form 48 hours (excluding Saturdays, Sundays and holidays except when the Senate is in session on such a day) prior to proceeding.

''(b) With respect to the requirements of subparagraph (a)—

''(1) the legislative matter shall be available on the official website of the committee with jurisdiction over the subject matter of the legislative matter; and

''(2) the final score prepared in accordance with section 308(a) of the Congressional Budget Act of 1974 shall be available on the official website of the Congressional Budget Office.

''(c) This paragraph may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this paragraph.

''(d) In this paragraph, the term 'legislative matter' means any bill, joint resolution, concurrent resolution, complete substitute amendment, conference report, or message between the Houses.''.

SEC. 2. PROTECTION OF CLASSIFIED INFORMATION.

Nothing in this resolution or any amendment made by it shall be interpreted to require or permit the declassification or posting on the Internet of classified information in the custody of the Senate. Such classified information shall be made available to Members in a timely manner as appropriate under existing laws and rules.

AMENDMENTS SUBMITTED AND PROPOSED

SA 250. 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 251. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 252. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 253. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mr. MERKLEY, Mr. ENZI, Mrs. HAGAN, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

SA 254. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 255. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 256. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 257. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 250. 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:

At the end of the bill, add the following:

SEC. _____. POSTAL SERVICE POLICY.

Section 101(b) of title 39, United States Code, is amended—

(1) in the first sentence, by striking ''a maximum degree of''; and

(2) in the second sentence, by striking ''No small'' and all that follows through ''being'' and inserting ''It is''.

SA 251. 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:

At the end of the bill, add the following:

SEC. _____. LIMITATION ON POSTAL SERVICE CONTRIBUTIONS FOR LIFE INSURANCE AND HEALTH INSURANCE BENEFITS.

(a) IN GENERAL.—If the Postmaster General does not submit a certification described under subsection (b) to Congress before fiscal year 2012 and each fiscal year thereafter—

(1) no sums may be appropriated from the United States Treasury to the United States Postal Service with respect to that fiscal year; and

(2) notwithstanding section 2005(a) of title 39, United States Code, the United States Postal Service may not borrow any money under that section with respect to that fiscal year.

(b) CERTIFICATION.—A certification referred to under subsection (a) is a certification that, with respect to the applicable fiscal year, the contributions by the United States Postal Service for employees for—

(1) life insurance benefits shall not exceed the maximum contribution provided for under section 8708 of title 5, United States Code; and

(2) health insurance benefits shall not exceed the maximum contribution provided for under section 8906 of title 5, United States Code.

SA 252. 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:

At the end of the bill, add the following:

SEC. _____. LIMITATION ON PAY OF OFFICERS OF THE UNITED STATES POSTAL SERVICE.

(a) REPEAL OF EXCEPTION TO COMPENSATION LIMITATION.—Section 3686 of title 39, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) LIMITATION ON PAY.—Notwithstanding any other provision of law, the total annual pay of the Postmaster General or any other officer or employee of the Postal Service may not exceed the total annual pay payable to the Vice President under section 104 of title 3, United States Code, until the Postal Service has paid—

(1) any obligation and any borrowed money under section 2005 of title 39, United States Code; and

(2) any other debt owed to the United States Treasury.

SA 253. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. BROWN of Massachusetts, Mr. MERKLEY, Mr. ENZI, Mrs. HAGAN, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE __—CONTRACTING FRAUD PREVENTION

SECTION ___1. SHORT TITLE.

This title may be cited as the ''Small Business Contracting Fraud Prevention Act of 2011''.

SEC. ___2. DEFINITIONS.

In this title—

(1) the term ''8(a) program'' means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms ''HUBZone'' and ''HUBZone small business concern'' and ''HUBZone map'' have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(3) the term ''recertification'' means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. ___3. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Whoever'' and all that follows through ''oneself or another'' and inserting the following: ''A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a 'small business concern', a 'qualified HUBZone small business concern', a 'small business concern owned and controlled by socially and economically disadvantaged individuals', a 'small business concern owned and controlled by women', or a 'small business concern owned and controlled by service-disabled veterans', in order to obtain for any person'';

(ii) by amending subparagraph (A) to read as follows:

''(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36;'';

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking '', shall be'' and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

''(C) be subject to the civil remedies and penalties under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act');''; and

(C) by adding at the end the following:

''(3)(A) In the case of a violation of paragraph (1)(A), (g), or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

''(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

''(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.'';

(2) by striking subsection (e) and inserting the following:

''(e) Any representation of the status of any concern or person as a 'small business concern', a 'qualified HUBZone small business concern', a 'small business concern owned and controlled by socially and economically disadvantaged individuals', a 'small business concern owned and controlled by women', or a 'small business concern owned and controlled by service-disabled veterans', in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.''; and

(3) by adding at the end the following:

''(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a 'small business concern', a 'qualified HUBZone small business concern', a 'small business concern owned and controlled by socially and economically disadvantaged individuals', a 'small business concern owned and controlled by women', or a 'small business concern owned and controlled by service-disabled veterans'—

''(1) in order to allow any person to participate in or be admitted to any program of the Administration; or

''(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

''(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 36, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

''(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

''(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

''(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.''.

SEC. ___4. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking ''means a veteran'' and all that follows and inserting the following: ''means—

''(A) a veteran who possesses a disability rating letter establishing a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

''(B) a former member of the Armed Forces with a service connected disability who, under chapter 61 of title 10, United States Code, is placed on the temporary disability retired list, retired from service due to a physical disability, or separated from service due to a physical disability.''.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) VETERAN STATUS.—

''(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

''(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

''(B) register with—

''(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

''(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

''(2) VERIFICATION OF STATUS.—

''(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

''(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

''(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 36, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

''(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

''(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.''.

(c) INTEGRATION OF DATABASES.—Not later than 1 year after the date of enactment of this Act, the Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

SEC. ___5. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

''(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

''(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

''(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

''(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

''(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

''(iv) the number of training sessions offered under the program; and

''(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).''.

(b) OTHER IMPROVEMENTS.—

(1) IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(A) not later than 90 days after the date of enactment of this Act, begin to—

(i) evaluate the feasibility of—

(I) using additional third-party data sources;

(II) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(III) using fraud detection tools, including data-mining techniques; and

(IV) conducting financial and analytical training for the business opportunity specialists of the Administration;

(ii) evaluate the feasibility and advisability of calculating the adjusted net worth or total assets of an individual for purposes of the 8(a) program in a manner that includes assets held by the spouse of the individual; and

(iii) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(B) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (a), issue, in final form, proposed regulations of the Administration that—

(i) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(ii) require a small business concern to provide additional certifications designed to prevent fraud in order to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

(2) DEFINITION.—In this subsection, the term ''immediate family member'' means a father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, and mother-in-law.

SEC. ___6. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

''(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

''(i) DEFINITION.—In this subparagraph, the term 'interim period' means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

''(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

''(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

''(II) does not meet the applicable employment percentage—

''(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

''(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.''; and

(2) by adding at the end the following:

''(8) HUBZONE PROGRAM.—The term 'HUBZone program' means the program established under section 31.

''(9) HUBZONE MAP.—The term 'HUBZone map' means the map used by the Administration to identify HUBZones.''.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15

U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

''(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or''.

SEC. ___7. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General;

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (4), and the reason for each such decision;

(6) the number of investigations and reviews of potential suspensions and debarments that were initiated by the Administration; and

(7) the number of investigations and reviews of potential suspensions and debarments that were referred by the Administration to other agencies.

SA 254. Mr. KIRK 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 __, between lines __ and __, insert the following:

SEC. _____. PROHIBITING NEW MANDATORY SPENDING.

Section 312 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(g) PROHIBITING NEW MANDATORY SPENDING.—

''(1) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that—

''(A) creates a new mandatory funding program; or

''(B) converts a discretionary funding program into a mandatory funding program.

''(2) SUPERMAJORITY WAIVER AND APPEALS.—

''(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

''(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.''.

SA 255. Mr. KIRK submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FEDERAL SPENDING CONTROL.

(a) SHORT TITLE.—This section may be cited as the ''Spending Control Act of 2011''.

(b) ESTABLISHMENT.—There is established an independent commission to be known as the ''Grace Commission II''.

(c) DUTIES OF COMMISSION.—The duties of the Commission shall be—

(1) to conduct reviews in accordance with subsection (g); and

(2) to submit reports in accordance with subsection (h).

(d) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—

(A) IN GENERAL.—The Commission shall be composed of eight members appointed by the President, by and with the advice and consent of the Senate.

(B) NOMINATIONS.—Not later than 180 days after the date of the enactment of this section, the President shall transmit to the Senate nominations for appointment to the Commission.

(C) CONSULTATION.—In selecting individuals for nominations for appointments to the Commission, the President shall consult with—

(i) the Speaker of the House of Representatives concerning the appointment of three members;

(ii) the majority leader of the Senate concerning the appointment of three members;

(iii) the minority leader of the House of Representatives concerning the appointment of one member; and

(iv) the minority leader of the Senate concerning the appointment of one member.

(2) TERMS.—Each member shall be appointed for the life of the Commission.

(3) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(4) CHAIRMAN.—The Chairman of the Commission shall be designated by the President at the time of nomination of members of the Commission.

(5) BASIC PAY.—

(A) RATES OF PAY.—

(i) IN GENERAL.—Except as provided in subparagraph (B), each member, other than the Chairman, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(ii) CHAIRMAN.—The Chairman shall be paid for each day referred to in clause (i) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(iii) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(6) QUORUM.—Five members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(7) MEETINGS.—The Commission shall meet at the call of the Chairman.

(e) DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) STAFF.—

(A) IN GENERAL.—With the approval of the Commission, the Director may appoint and fix the pay of personnel as the Director considers appropriate.

(B) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director may appoint the personnel of the Commission without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay for GS–18 of the General Schedule.

(C) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure by contract temporary and intermittent services under section 3109(b) of title 5, United States Code.

(f) POWERS OF COMMISSION.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of that department or agency shall furnish that information to the Commission.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of the General Services Administration shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(6) CONTRACT AUTHORITY.—The Commission may contract with and compensate Government and private agencies or persons for

products and services necessary for the Commission to carry out its responsibilities under this section.

(g) COST CONTROL REVIEWS.—

(1) IN GENERAL.—In preparation for submitting reports as required under subsection (h), the Commission shall conduct, every two years, a review of cost control in the Federal Government with respect to improving management and reducing costs.

(2) AGENCY STUDIES.—In conducting a review under this subsection, the Commission shall conduct in-depth studies of the operations of the Executive agencies as a basis for evaluating potential improvements in agency operations.

(3) RECOMMENDATIONS.—In conducting a review under this subsection, the Commission shall develop recommendations in the following areas:

(A) Opportunities for increased efficiency and reduced costs in the Federal Government that can be realized by Executive action or legislation.

(B) Areas where managerial accountability can be enhanced and administrative control can be improved.

(C) Opportunities for managerial improvements over both the short- and long-term.

(D) Specific areas where further study can be justified by potential savings.

(E) Ways to reduce governmental expenditures and indebtedness and improve personnel management.

(h) REPORTS.—

(1) INTERIM REPORTS.—Not later than 180 days before the date on which the Commission is required to submit a final report under paragraph (2), the Commission shall submit to Congress and the President an interim report containing the preliminary results of the review being conducted under subsection (g) related to that final report.

(2) FINAL REPORTS.—

(A) IN GENERAL.—Not later than 18 months after the date of the enactment of this section, and every two years thereafter until the date on which the Commission submits its third final report under this subparagraph, the Commission shall submit to Congress and the President a final report containing a detailed statement of the findings and conclusions of the Commission based on the most recent review conducted under subsection (g), together with its recommendations for legislative and administrative actions, and other matters the Commission considers appropriate.

(B) PROPOSED LEGISLATION.—The Commission shall include in a final report submitted under subparagraph (A) proposed legislation in the form of an implementation bill to carry out recommendations developed under subsection (g)(3).

(C) LIMITATION.—The Commission may include in a report submitted under this section proposed legislation under subparagraph (B) only if such proposed legislation is agreed to by not fewer than five of the members of the Commission.

(i) CONGRESSIONAL CONSIDERATION OF PROPOSED LEGISLATION.—

(1) INTRODUCTION; REFERRAL; REPORT OR DISCHARGE.—

(A) INTRODUCTION.—On the first calendar day on which both Houses are in session on or immediately following the date on which a final report is submitted to Congress under subsection (h)(2), the implementation bill included in such report shall be introduced (by request)—

(i) in the Senate by the majority leader of the Senate, for himself and the minority leader of the Senate, or by Members of the Senate designated by the majority leader and minority leader of the Senate; and

(ii) in the House of Representatives by the majority leader of the House of Representatives, for himself and the minority leader of the House of Representatives, or by Members of the House of Representatives designated by the majority leader and minority leader of the House of Representatives.

(B) REFERRAL.—An implementation bill introduced under subparagraph (A) shall be referred to any appropriate committee of jurisdiction in the Senate and any appropriate committee of jurisdiction in the House of Representatives. A committee to which an implementation bill is referred under this paragraph may report such bill to the respective House, but only without amendment.

(C) REPORT OR DISCHARGE.—If a committee to which an implementation bill is referred has not reported such bill by the end of the 15th calendar day after the date of the introduction of such bill, such committee shall be immediately discharged from further consideration of such bill, and upon being reported or discharged from the committee, such bill shall be placed on the appropriate calendar.

(2) FLOOR CONSIDERATION.—

(A) IN GENERAL.—When the committee to which an implementation bill is referred has reported the bill, or has been discharged from further consideration of the bill under paragraph (1)(C), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the implementation bill, and all points of order against the implementation bill (and against consideration of the implementation bill) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the implementation bill is agreed to, the implementation bill shall remain the unfinished business of the respective House until disposed of.

(B) AMENDMENTS.—An implementation bill may not be amended in the Senate or the House of Representatives.

(C) DEBATE.—Debate on the implementation bill, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the implementation bill is not in order. A motion to reconsider the vote by which the implementation bill is agreed to or disagreed to is not in order.

(D) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on an implementation bill, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the implementation bill shall occur.

(E) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to an implementation bill shall be decided without debate.

(3) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of an implementation bill of that House, that House receives from the other House an implementation bill, then the following procedures shall apply:

(A) NONREFERRAL.—The implementation bill of the other House shall not be referred to a committee.

(B) VOTE ON BILL OF OTHER HOUSE.—With respect to an implementation bill of the House receiving the implementation bill—

(i) the procedure in that House shall be the same as if no implementation bill had been received from the other House; but

(ii) the vote on final passage shall be on the implementation bill of the other House.

(4) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of an implementation bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(j) TERMINATION.—The Commission shall terminate on the date that is one day after the date on which it submits its third final report under subsection (h)(2).

(k) DEFINITIONS.—In this section, the following definitions apply:

(1) CALENDAR DAY.—The term ''calendar day'' means a calendar day other than one on which either House is not in session because of an adjournment of more than 3 days to a date certain.

(2) COMMISSION.—The term ''Commission'' means the Grace Commission II established by subsection (b).

(3) IMPLEMENTATION BILL.—The term ''implementation bill'' means only a bill that is introduced as provided under subsection (i)(1), and contains the proposed legislation described in subsection (h)(2)(B), without modification.

(4) MEMBER.—The term ''member'' means a member of the Commission appointed under subsection (d)(1)(A).

SA 256. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. MAXIMUM PURCHASE LIMIT UNDER THE SMALL BUSINESS LENDING FUND PROGRAM.

Section 4103(b)(2) of the Small Business Jobs Act of 2010 (12 U.S.C. 4741 note) is amended by striking ''$30,000,000,000'' and inserting ''$18,000,000,000''.

SA 257. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 504. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 of the Internal Revenue Code of 1986 is amended by striking the period at the end of paragraph (5) and inserting '', and'', by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

''(5) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).''.

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(j) IMPORTED PROPERTY INCOME.—

''(1) IN GENERAL.—For purposes of subsection (a)(5), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

''(A) manufacturing, producing, growing, or extracting imported property;

''(B) the sale, exchange, or other disposition of imported property; or

''(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

''(2) IMPORTED PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

''(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

''(i) such property would be imported into the United States; or

''(ii) such property would be used as a component in other property which would be imported into the United States.

''(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

''(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

''(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

''(D) EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.—The term 'imported property' does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

''(3) DEFINITIONS AND SPECIAL RULES.—

''(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

''(B) UNITED STATES.—For purposes of this subsection, the term 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

''(C) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

''(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income.''.

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) imported property income, and''.

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

''(I) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).''.

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) of such Code is amended by inserting ''or imported property income'' after ''passive category income''.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of the Internal Revenue Code of 1986 is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

''(II) imported property income,''.

(2) The last sentence of paragraph (4) of section 954(b) of such Code is amended by striking ''subsection (a)(5)'' and inserting ''subsection (a)(4)''.

(3) Paragraph (5) of section 954(b) of such Code is amended by striking ''and the foreign base company oil related income'' and inserting ''the foreign base company oil related income, and the imported property income''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, March 31, 2011, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing will be to hear testimony on three items:

S. 629, to improve hydropower, and for other purposes.

S. 630, to promote marine and hydrokinetic renewable energy research and development, and for other purposes.

Title I, subtitle D of the American Clean Energy Leadership Act of 2009 (S. 1462 from 111th Congress).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Meagan_Gins@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224–5479 or Meagan Gins at (202) 224–0883.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MERKLEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 69, 70, 71, and 72, and all nominations placed on the Secretary's desk in the Coast Guard and NOAA; that the nominations be confirmed en bloc, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE COAST GUARD

The below named officer for appointment as Deputy Commandant for Operations of the United States Coast Guard, a position of importance and responsibility in the U.S. Coast Guard, to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Rear Adm. Brian M. Salerno

The following named officer for appointment as Deputy Commandant for Mission Support of the United States Coast Guard, a position of importance and responsibility in the U.S. Coast Guard, and to the grade indicated under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. John P. Currier

The following named officer for appointment in the United States Coast Guard, to the grade indicated while assigned to a position of importance and responsibility under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. Robert C. Parker

The following named officer for appointment in the United States Coast Guard, to the grade indicated while assigned to a position of importance and responsibility under title 14, U.S.C., section 50:

To be vice admiral

Vice Adm. Manson K. Brown

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN244 COAST GUARD nomination of Philip F. Brooking, which was received by the Senate and appeared in the Congressional Record of February 3, 2011.

PN245 COAST GUARD nominations (2) beginning IVAN R. MENESES, and ending WILLIAM A. SCHULZ, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN160 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (14) beginning JOSHUA J. SLATER, and ending Patrick M. Sweeney, III, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN161 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (26) beginning AARON D. MAGGIED, and ending MICHAEL S. SILAGI, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 2011.

PN301 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (14) beginning Brian J. Adornato, and ending Eric G. Younkin, which nominations were received by the Senate and appeared in the Congressional Record of March 2, 2011.

PN338 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nomination of Zachary P. Cress, which was received by the Senate and appeared in the Congressional Record of March 10, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

ORDERS FOR TUESDAY, MARCH 29, 2011

Mr. MERKLEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, March 29; 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 following any leader remarks there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, following morning business, the Senate resume consideration of S. 493, the small business jobs bill; and, finally, I ask unanimous consent that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

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

PROGRAM

Mr. MERKLEY. Mr. President, rollcall votes in relation to amendments to the small business jobs bill are possible tomorrow. Senators will be notified when any votes are scheduled.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. 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 6:35 p.m., adjourned until Tuesday, March 29, 2011, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 28, 2011:

THE JUDICIARY

MAE A. D'AGOSTINO, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK.

IN THE COAST GUARD

THE BELOW NAMED OFFICER FOR APPOINTMENT AS DEPUTY COMMANDANT FOR OPERATIONS OF THE UNITED STATES COAST GUARD, A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD, TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. BRIAN M. SALERNO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS DEPUTY COMMANDANT FOR MISSION SUPPORT OF THE UNITED STATES COAST GUARD, A POSITION OF IMPORTANCE AND RESPONSIBILITY IN THE U.S. COAST GUARD, AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. JOHN P. CURRIER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD, TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. ROBERT C. PARKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD, TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

VICE ADM. MANSON K. BROWN

COAST GUARD NOMINATION OF PHILLIP F. BROOKING, TO BE CAPTAIN.

COAST GUARD NOMINATIONS BEGINNING WITH IVAN R. MENESES AND ENDING WITH WILLIAM A. SCHULZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 3, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH JOSHUA J. SLATER AND ENDING WITH PATRICK M. SWEENEY III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH AARON D. MAGGIED AND ENDING WITH MICHAEL S. SILAGI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 2, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH BRIAN J. ADORNATO AND ENDING WITH ERIC G. YOUNKIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 2, 2011.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATION OF ZACHARY P. CRESS, TO BE LIEUTENANT (JUNIOR GRADE).

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.