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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

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

Eternal Savior, creator of the world, give us this day a sense of Your majesty. Fill our lawmakers with faith in Your power to help them solve the pressing problems of our time. Lord, enable them to meet their responsibilities with courage and optimism, looking always to You as a guardian and guide. When life's pressures overwhelm, give them patience and the joy of experiencing Your peace and love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 23, 2011.

To the Senate:

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

DANIEL K. INOUYE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

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 President, I ask that the order for the quorum call be rescinded.

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

RECOGNITION OF THE MINORITY LEADER

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

KENTUCKY STORMS

Mr. MCCONNELL. Mr. President, people in my hometown of Louisville, KY, are still recovering this morning from a series of storms and possible tornadoes last night that inflicted considerable damage across the city, including at the historic Churchill Downs racetrack, home of the Kentucky Derby.

More than 600 Louisvillians were without power this morning after thousands lost power yesterday. The storms did their worst at Churchill Downs in South Louisville, where there were reports of funnel clouds, and some barns were destroyed, sending many horses running loose. In many parts of the city, there were downed power lines. The storms also did considerable damage near my alma mater, the University of Louisville, and in the Jeffersontown area.

The National Weather Service plans to be in Louisville today to survey the damage and determine if the city was indeed struck by tornadoes. The town is bracing itself for another round of severe weather with severe thunderstorms, high winds, and even hail in the forecast for today.

Luckily, it appears so far that only property was damaged and no lives were lost or people injured. The horses are all OK too, for that matter, which is extremely important to us in Kentucky.

We are thinking of those who have been affected by these storms and will continue to keep a close eye on the city of Louisville and make sure the people have everything they need to clean up and rebuild.

DEBT LIMIT

Mr. President, this morning I would like to address what I view as a worrisome development in connection with the ongoing debt limit talks, but first I think it is important to remind ourselves what the purpose of these talks is.

From the very beginning, the goal has been clear: to come up with a serious and significant plan for reducing the deficit as a condition for any agreement to raise the limit. Without such a plan, we are told, America could very quickly face an economic calamity of historic proportions, at a time when millions of Americans are still trying to recover from the last one.

As one of the major credit agencies recently put it:

The rating outlook [of the U.S.] will depend on the outcome of negotiations on deficit reduction . . . a credible agreement on substantial deficit reduction would support a continued stable outlook; lack of such an agreement would prompt Moody's to change its outlook to negative on the AAA rating.

This is serious stuff, and many of us have been hoping for and working toward a serious bipartisan solution, a plan that would convince the American people, the markets, and the world that America is capable of getting its fiscal house in order. Let's be clear about something else: We all know what such a plan would look like. Everyone, including the President, knows we cannot rein in our debt without a reform of long-term entitlements. It cannot be done. And everyone knows

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

any serious plan would have to be in the trillions to get the job done. That is why even the Democratic chairman of the Budget Committee said this week that he wouldn't even support a plan that proposed to cut less than $4 trillion over the next 10 years. That is also why it is so concerning to many of us that some have begun to suggest a different goal for these talks.

Over the past several days, some have suggested in various news stories that the real goal of these talks is to devise a plan that satisfies one side by reducing the debt and satisfies the other side by raising taxes. The suggestion here is that all this is all just some quid pro quo exercise between the two parties. This is a dangerous trend, and it is wrong. It is important that we dispel it.

The central issue in these talks, as every serious person knows, is our Nation's massive deficit and debt and the disastrous long-term consequences for jobs and the economy that would result if we do absolutely nothing about it. We have this problem for one very understandable reason: The government spends too much. The way to solve it is to spend less.

It is mystifying, really, that at the eleventh hour some would now propose tax hikes as a condition to any agreement. It is mystifying not only because of the absurdity of proposing a tax hike as a way to help the economy and create jobs, it is mystifying above all because we know quite well that a tax hike would never make it through Congress, not because of Republican opposition but because of Republican and Democratic opposition. We have already had the votes to prove it. Six months ago, Democrats couldn't even muster enough votes to pass a tax hike on upper income Americans when they had 59 seats in the Senate, a 40-seat majority in the House, and a Democrat in the White House. They couldn't get that done 6 months ago. Less than 2 weeks later, right after that effort to raise taxes, which they couldn't get done, they voted almost 4 to 1 in favor of keeping the current tax rates in place. That was when the Democrats had a huge majority in the Senate, a huge majority in the House, and a President of the United States. They couldn't raise taxes.

So there is one of two things going on here: Either someone on the other side has forgotten that there is strong bipartisan opposition in Congress to raising taxes or someone involved is acting in bad faith. We have known from the beginning that tax hikes would be a poison pill to any deficit reduction proposal. Those who are proposing them now either know this or they need to realize it very quickly.

That is to say nothing of those who are now proposing more spending as a solution to our debt crisis. This isn't just mystifying, it is absolutely farcical. Most Americans had to wonder if they were dreaming this morning when they saw this headline: ''Democrats Call for New Spending in U.S. Debt Deal.'' It is unbelievable. More spending as a solution to the debt crisis? What planet are they on?

All of which gets at the larger issue in this whole debate, and here I am referring to the continuing silence of the one person who matters most to its outcome.

For weeks, lawmakers have worked around the clock to hammer out a plan that would help us avert a crisis we all know is coming. Do you remember what Admiral Mullen, the Chairman of the Joint Chiefs of Staff, said when asked what our biggest national security threat was? He said: Our debt. Erskine Bowles, Bill Clinton's Chief of Staff, Cochairman of the deficit reduction commission, called it the most predictable crisis in American history. We all know this crisis is coming, knowing at some point the President will have to sign on to some solution. So it is worth asking, where in the world has President Obama been for the last month? Where is he? What does he propose? What is he willing to do to reduce the debt and to avoid this crisis that is building on his watch? He is the one in charge. I think most Americans think it is about time he started acting like it.

It is not enough for the President to step in front of a microphone every once in a while and say a few words that somebody hands him to say about the jobs situation and our economy. Americans want to see that he is actually doing something about it. What they see instead is more bad economic news every day, a gathering crisis that threatens to make current problems even worse, and a President who is either unwilling or unable to recognize that our Nation's economy is in very serious trouble. He is the President. He needs to lead. He needs to show that he recognizes the problem. He needs to do something about it. We are not in the majority. We can't sign anything into law. That is the President's job. That is his job. Yet, until now, he has stood in the background. He has acted as if it is not his problem. Well, it is his problem. This is his problem to solve. America is waiting.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in a period of morning business until 11:30 today, with the majority controlling the first half and the Republicans controlling the final half. Following morning business, the Senate will resume consideration of the Presidential Appointment Efficiency and Streamlining Act, with 30 minutes of debate on the Vitter amendment regarding czars and the DeMint amendment regarding Bureau of Justice Statistics. At approximately 12 p.m. there will be two rollcall votes in relation to the Vitter and DeMint amendments. We are looking at that now.

A number of Senators have a problem with two votes. We may only have one. We don't have that worked out yet, but we will notify all Senators when we do. We are going to very likely have a number of rollcall votes right after the noon hour today, starting around 2 o'clock. Other votes are expected.

THE DEBT

Mr. REID. Mr. President, for the last month or 6 weeks the Vice President of the United States, JOE BIDEN, who served in this body for 36 years, has been assigned by the President of the United States to work with people who have been assigned by me, Senator MCCONNELL, the minority leader in the House, and the Speaker to meet with Senator BIDEN to work out problems that we have facing our country with this huge debt. Senator BIDEN has been working very hard. There have been numerous meetings with this group of people that we assigned. Progress is being made. Whether it is enough progress remains to be seen.

The President of the United States gets up early every morning, gets an intelligence report about what is going on around the world—there are a lot of things going on around the world that he has to keep his eye on, and that is an understatement. We have had many issues come about this last month on which he has had to focus. No one can suggest in any way the President is not engaged in what is going on in the country. He is briefed at least once a day by the Vice President as to these negotiations. Following that, almost every day he meets with his advisers as to what should be the next step.

I think it is unfair to say things such as, ''Where is the President?'' I think it is fair to take a little look at history. When George Bush became President, following that time of 8 years of President Clinton, he was given reports at his desk in the White House that showed there was about a $7 trillion surplus over the next 10 years. We had developed, during the years of President Clinton, a number of procedures. One was the pay-go rules. We made sure if there was a new program that we couldn't pay for, we would take some money from another program, take the money we used for that and use it to take care of the new program. It was a time of economic vibrancy in this country that we have never seen before.

President Bush got rid of the pay-go rules and decided to do something unique. He decided to do everything on credit—two unfunded wars that are now approaching $2 trillion in cost, none of which is paid for, money we borrowed from Saudi Arabia and China

and other countries—and then we gave President Bush's huge tax cuts that have been deemed by most all writers around America and around the country to be unfair.

Warren Buffett, who some believe is the richest man in the world, said it is unfair that he pays less taxes percentage-wise than his secretary. So this $7 trillion surplus we had over 10 years, the Bush administration wiped that out with all these wars unpaid for and all these tax and other actions that were taken.

When President Obama became President, there had been 8 million jobs lost, and he found himself in a big hole. I think one of the things we should do is stop denigrating the economy of our country. Is it vibrant and strong? Of course not, but it is improving. It is getting better—not fast enough, not good enough, but it is improving.

So I say to my friend, my counterpart, the Republican leader, who says the only place we can solve the problems of this country is just to basically cut domestic programs significantly, we know we are going to have to do a better job of balancing the budget because of the cards that were given to President Obama. We are going to be doing our very best to do that. But the one interesting point my friend failed to mention as he talked about the Bowles-Simpson debt reduction program is they said, among other things: Of course, we have to make significant cuts in domestic discretionary spending, in defense, in mandatory programs. They looked at some of the work we needed to do with entitlements. But they also said there had to be something done with revenue. My friend ignores what they said about that.

They also said; that is, Bowles-Simpson, together with the people who were on that Commission—and I made a number of appointments to that Commission—they said: Yes, we need to do some cutting, but these next few years we have to spend some money to create jobs. We hear not a word from my Republican colleagues about creating jobs.

The House of Representatives, all they do is flex their muscles on things they want to eliminate. But the one thing they do not talk about is creating jobs—not a word.

This week my Republican colleagues killed their fourth jobs bill this year. The Economic Development Administration reauthorization was commonsense legislation with a proven track record of spurring innovation and hiring by private companies because for every dollar we spent as a government, $7 came back in return from the private sector. They killed our fourth jobs bill this year. It seems Republicans don't care about putting Americans back to work. They don't even pay lip service to the issue.

Americans have said they care more about creating jobs than anything else. In fact, yesterday the junior Senator from Tennessee, a Republican, said right here on the Senate floor that this effort to create and protect, as we did the last few years, 314,000 jobs was ''nothing of importance.'' That is a direct quote. I am confident the 14 million Americans out of work today, including many from Tennessee and every other State in our country, would disagree with the Senator from Tennessee.

He also went on to say, this junior Senator from Tennessee—I repeat, who is a Republican—he went on to say that this worthy legislation, our fourth jobs bill of this Congress, was nothing more than an attempt to ''kill time.'' He said it is an attempt to kill time. He went on also, I repeat, to say it was unimportant.

Republicans may consider job creation a waste of time, but Democrats disagree and Americans disagree—Democrats, Republicans, and Independents alike. We are not going to stop fighting to get Americans back to work until we get our economy back on track. We cannot solve our problems without jobs creation. Congress has no more important task than creating jobs. There is no better way for us to spend our time, there is no issue more important than job development. This legislation, which, again, would have supported 314,000 jobs, as it did in the last 5 years, is an important part of that effort.

But don't take my word for it. The junior Senator from Tennessee said this about the Economic Development Administration 2 years ago. This is what he said prior to his saying that it was a waste of time, prior to his saying that it was not of importance. Here is what he said. This is a direct quote, less than 2 years ago:

> In the midst of an economic crisis, projects like these are just the kinds of things that will renew confidence and reinvigorate private investment in the area.

That is what he said. He said ''EDA funds protect jobs and support economic growth.'' Why, then, didn't he vote that way? No wonder the junior Republican Senator from Tennessee had such high praise for the program. EDA investments over the last 5 years will support an estimated 7,000 jobs in Tennessee. But in spite of his previous support, he voted to kill this worthy legislation anyway. And he is not the only Republican whose words don't match their actions.

His counterpart, the senior Senator from Tennessee, also a Republican, also supported EDA and those 7,000 jobs once. He did it before. He said an EDA grant would ''bring a much needed boost to the local economy.'' Just a few days ago he voted to kill the program.

Last month, the junior Senator from Texas, also a Republican, said an EDA grant in his State would ''pave the way for the creation of new jobs.'' He said it would ''strengthen the region's economy.'' EDA investments from the last 5 years are expected to support more than 18,000 jobs in Texas. Yet he voted to kill the program.

The senior Republican Senator from Oklahoma said he has ''long been a supporter of EDA programs.'' That is a direct quote. EDA investments from the last 5 years are expected to support more than 5,000 jobs in Oklahoma. He is such a big supporter he was an original cosponsor of the legislation, but he voted to kill it.

These are only 3 of 23 Republican Senators who lauded the importance of this legislation and then voted against it.

Nevada has been hit harder by this terrible recession than any other State. EDA investments from the last 5 years are responsible for creating almost 5,000 jobs in Nevada. The legislation Republicans killed this week could have created hundreds of thousands more jobs all across America. I take it very seriously when a Republican Senator says putting thousands of people to work is a waste of time. The real waste of time is this endless obstructionism by Republican Senators. They waste the Senate's time when they put partisan politics ahead of our economic recovery.

Americans have told us time and time again, putting 14 million people back to work is their No. 1 priority. Democrats share that priority. Obviously, the Republicans do not. Their goal is to change Medicare as we know it, to end it. Believe me, thousands of Nevadans who are working today because of EDA don't think our efforts to create jobs are nothing of importance, as the junior Senator from Tennessee said. In fact, we have heard from out-of-work people in Nevada and every other State in this great country that there is absolutely nothing more important than job creation.

Would the Chair now 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 of morning business until 11:30 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 1262 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

COLLEGE LIFE ACT

Mr. AKAKA. Mr. President, yesterday I introduced the College Literacy in Finance and Economics Act—the College LIFE Act. This bill is a response to the dire need in our country for greater financial literacy among young adults.

To be financially literate is to possess one of the most empowering life skills that an individual can have. Those who have a sound understanding of personal finance and economics are better prepared for the many pivotal moments that they encounter in life where decisions about money must be made. Sound decisionmaking in those instances separate the financially literate from the financially illiterate. Those who effectively evaluate their financial choices, wisely manage their personal finances, and budget and save live more financially stable and secure lives. Those who make poor decisions about money live without financial certainty and become vulnerable to anticonsumer business practices and unscrupulous lenders.

Financial independence begins during or immediately after college for many of us and brings with it new opportunities and challenges. Before we buy a home, put a child through school, or retire, we make choices about purchasing a car, buying with credit in lieu of cash, and balancing our ''wants'' and ''needs'' while struggling to extract rent out of our first few paychecks. From that point on, financial choices increase in cost and magnitude. Financial decisions made and habits developed as young adults dictate whether we go through life on sound financial footing and are prepared for unforeseen financial obstacles.

Given the tremendous importance of early adulthood financial choices and actions, it is extremely troubling how unprepared young adults are for these challenges. Too few students have opportunities to learn about personal finance or economics before they enter college. The Council for Economic Education's most recent Survey of the States found that only 21 States require students to take a class in economics as a requirement for graduation and only 13 require a course in personal finance. Parents, moreover, are often unreliable sources of financial education because many are financially illiterate themselves. For example, the National Foundation for Credit Counseling's fifth annual Financial Literacy Survey found that 76 percent of adults recognized that they could benefit from the advice of a financial professional regarding everyday financial questions.

Even as we acknowledge widespread financial illiteracy among young adults, we allow students in higher education to take on alarming levels of debt during college. Borrowing to pay for school has become the norm. Two out of every three undergraduates receive some type of financial aid. At for-profit colleges, 96 percent of students borrow to pay for school. These trends have led to over $100 billion in Federal educational loans being originated each year. When these borrowers graduate, they do so with significant student loan debt, with the median over $23,000. The Department of Education estimates that over 36 million Americans have outstanding Federal student loan debt that, when combined, totals over $740 billion. And yet, because of the steep upward trend in college tuition, which in the last decade has risen each year by 5.6 percent beyond inflation, students commonly rely on credit cards on top of their student loans to pay their way through college. Even as far back as 7 years ago, 56 percent of dependent students had a credit card in their own name.

The consequences of this culture of borrowing in higher education are clear and concerning. The most recent cohort default rate, CDR, on Federal student loans was 7 percent, indicating that large numbers of young adults are failing to effectively manage their debt. The average CDR for proprietary colleges alone is 22.3 percent. Meanwhile, the average student credit card balance rose from around $1,400 in 2002 to $2,000 today. Given what we know about student financial literacy and capability, this is not surprising. For example, a Charles Schwab study in 2007 found that only 45 percent of teens know how to use a credit card and even fewer—just 26 percent—understand credit card fees and the concept of interest.

The increase in Federal educational lending and student debt can be interpreted positively. I am happy to see young people continuing on to college in numbers that I would never have imagined when I graduated from the University of Hawaii in 1952. For our best and brightest, college continues to be a stepping stone on their paths to becoming future leaders. For millions of others today, however, college simply and rightfully represents an opportunity for better lives for themselves and their families. But, the ever-rising cost of education is a reality that we must address. We are allowing—and even encouraging—students to become borrowers and consumers. It is our responsibility, therefore, to ensure that these young adults have the knowledge, skills, and capability to manage the consequences that come with their financial decisions. Unfortunately, we are not doing enough.

The College LIFE Act begins to address this clear and urgent void in early adulthood financial literacy and economic education. It would provide financial literacy counseling to all university-level students who take out federal educational loans when they begin and leave school. First receipt of a student loan and departure from school are two prime teachable moments in the lives of young adults. In addition, they are two opportunities for individuals to learn the importance of responsible financial behavior without those lessons coming at their own expense.

Financial literacy counseling under the College LIFE Act would teach the financial education core competencies—earning, spending, saving, borrowing, and protection—developed by the Financial Literacy and Education Commission. Existing loan counseling already provides student borrowers with valuable information about the terms, features, and common pitfalls of educational loans. This financial literacy counseling would complement existing activities, and the College LIFE Act specifies that financial literacy loan counseling may be provided in conjunction with current counseling requirements.

I thank my colleague in the House of Representatives, Congresswoman SHEILA JACKSON LEE of Texas, for joining me as the House sponsor of this bill. I also thank my colleague from Iowa, Senator HARKIN, who chairs the Committee on Health, Education, Labor, and Pensions, for lending his expertise to this bill in the areas of financial literacy and student debt in higher education, including at for-profit colleges.

I will continue to work with my colleagues to enact the College LIFE Act. I call on them to join me in support of this legislation and other efforts to improve financial literacy in America.

Thank you, Mr. President.

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

THE BUDGET

Mr. BENNET. Mr. President, I rise today to implore my colleagues and to implore the negotiators who are working on this budget issue to come to a comprehensive solution that meaningfully addresses our deficit and our debt.

If all you knew about our politics was what you see on the television at night, you would think we were committed to an endless stream of invective, of name-calling, of division, that we had absolutely no interest or desire to solve the Nation's problems or solve the Nation's challenges, and you would be right to sort of give up all hope we could actually honor the heritage of our parents and our grandparents and make sure we are not the first generation of Americans to leave less opportunity, not more, to our kids and our grandkids. That is what you might think if all you knew about our country was what you saw on the TV at night.

Fortunately, I have had the privilege, as has everybody in this body, to travel my State and to learn that actually the American people are nowhere near as divided as Washington, DC, or as what you see on television at night. In fact, we share an awful lot in common in my State of Colorado whether we are Republicans, Democrats, or Independents, and part of that is because we are coming out of the worst recession since the Great Depression.

By the end of the discussion I was having during the campaign over the last couple of years, there were about four things people thought might be good ideas. They thought it would be good to have an economy in this country where median family income was rising instead of falling, that we were creating jobs in the United States rather than shipping them overseas. They thought it would be a good idea if our energy would not require us to send billions of dollars a week to the Persian Gulf to buy oil. They thought it would be a good idea—and as a former school superintendent, I agree with them—to educate our kids for the 21st century. They thought it would be a good idea if we were actually willing to make hard choices to deal with our debt and our deficit.

There is a lot of disagreement around here that I do not really understand, but in Colorado, the way they would like us to do that is to see a comprehensive plan that materially addresses the problem. They know we cannot solve it overnight, but they would like to see us materially address the problem. They want to know we are all in it together. They are not interested in the Washington game of whose ox is going to get gored; they want to know we are all in this together, that all of us have something to contribute to solving this problem. They emphatically want it to be bipartisan, which is good because we have a divided Congress now, and it needs to be bipartisan to get this work done. The reason is that they do not trust either party's go-it-alone strategy. I think they are right to believe we are better off compromising on a set of comprehensive proposals than continuing to fight.

I would add a corollary to it, which is that whatever we do, we better satisfy the capital markets that their paper is worth what they paid for it. If they are not satisfied, we are going to be in an interest rate environment that is going to make all of the discussions we have had about cuts seem trivial in terms of the effect on the deficit and debt.

Then I come here, and we have these phony conversations about solving the problem. We had a discussion, you will remember, about whether we ought to shut the government down. And I did the math on the bid ask spread that divided the two parties over whether we are going to shut the government down, and that math equalled about 4 cents on the $20 meal at Applebee's. It would be like you and me, Mr. President, fighting over that 4 cents because we couldn't figure out how to pay the bill. It would be like the city of Alamosa in my State, in the San Luis Valley, where my predecessor, Ken Salazar, came from—it would be like the mayor saying: We can't agree on $27,000, so we are going to shut the government down, we are not going to pick up your trash, we are not going to educate your kids. The American people should know that is what that debate was about. Now we come to the debt ceiling debate where people are saying: We are not going to vote to raise the debt ceiling.

Somebody in a townhall meeting said to me: MICHAEL, don't you know my neighbor and I are having to figure out how to pay as we go? We have to figure out how to pull in our purse strings to make sure we can afford to do what we need to do? I said: I absolutely agree with you. He said: Why aren't you guys showing the same restraint? And I said: We need to show the same restraint, but that is not about the debt ceiling. The debt ceiling is about bills we have already incurred; it is not about cutting up your credit card. It would be great if it were. That is not what it is about. It is about saying: I have a cable bill this month, and I am just not going to pay it. I got my mortgage this month, but I am just not going to pay it.

That is not fiscally responsible. In fact, do you know what happens to people who do that? Their interest rates go up because lenders say to you: You are not a good risk because you didn't pay your mortgage on time. You are not a good risk because you didn't pay your cable bill on time. That is what our lenders are going to say to the Federal Government of the United States if we are willing to jeopardize the full faith and credit of the United States. It is fiscally and politically irresponsible for us to do that.

In this context, we are having a debate about dealing with the fact that we now have a $1.5 trillion deficit and a $15 trillion debt.

By the way, I would say on the debt ceiling that at least this Senator would settle for raising it just the amount the Ryan plan would increase our debt. I would be happy with the Ryan plan, which is the House Republican plan, to raise the debt by about $5.4 trillion. Everybody over there voted for it. A lot of people here voted for it implicitly; therefore, they are suggesting the debt ceiling ought to be raised by at least that amount, and I would be happy to support that and cosponsor that. But what I want us to do is come together in a comprehensive way.

Mr. President, MIKE JOHANNS from Nebraska and I circulated a letter on March 15. I ask unanimous consent that letter be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, March 15, 2011.

President BARACK OBAMA,
The White House,
Washington, DC.

DEAR PRESIDENT OBAMA: As the Administration continues to work with Congressional leadership regarding our current budget situation, we write to inform you that we believe comprehensive deficit reduction measures are imperative and to ask you to support a broad approach to solving the problem.

As you know, a bipartisan group of Senators has been working to craft a comprehensive deficit reduction package based upon the recommendations of the Fiscal Commission. While we may not agree with every aspect of the Commission's recommendations, we believe that its work represents an important foundation to achieve meaningful progress on our debt. The Commission's work also underscored the scope and breadth of our nation's long-term fiscal challenges.

Beyond FY2011 funding decisions, we urge you to engage in a broader discussion about a comprehensive deficit reduction package. Specifically, we hope that the discussion will include discretionary spending cuts, entitlement changes and tax reform.

By approaching these negotiations comprehensively, with a strong signal of support from you, we believe that we can achieve consensus on these important fiscal issues. This would send a powerful message to Americans that Washington can work together to tackle this critical issue.

Thank you for your attention to this matter.

Sincerely,

MICHAEL F. BENNET.
MIKE JOHANNS.

Mr. BENNET. We sent it around to people, and it was a letter to the President that in part said:

Specifically, we hope that the discussion will include discretionary spending cuts, entitlement changes and tax reform.

A comprehensive plan. Sixty-four Senators signed that letter—more than a majority of the Senate. It is more than the 60-vote threshold necessary to pass legislation around here—a majority of Republicans and a majority of Democrats recognizing what is blindingly obvious to the American people, which is that we need a comprehensive plan because the math does not work otherwise. And we need people of good will to come together and say: We understand we are not going to be able to solve this problem if we continue to fight with each other. We are not going to be able to solve this problem if we continue to pretend there are some magical mathematics out there that allows us to solve the debt crisis based on political ideology rather than our working together.

People ask me sometimes what they can do to help with this discussion. What I say to them is they ought to be holding the people in this body to the same standard they hold our local officials back in Colorado—that mayor in Alamosa or a superintendent in Denver—who never in their wildest dreams would think they were going to phony up the math and go back to people and say: Sorry, we could not make it work, so we are going to shut down or, sorry, we could not make it work, so we are going to destroy our credit rating, so you end up spending more money on interest instead of on the services you care about.

Our job is to fix this problem. It is not going to be easy. It is going to take people on both sides of the aisle to think differently about what is possible. My own view is the Deficit and Debt Commission gave us a roadmap here. It was a bipartisan group. The final result got the vote of DICK DURBIN, one of the most liberal members of

the Democratic Party, and one of the most conservative members of the Republican Party, TOM COBURN, who signed onto a plan that said: Let's take a quarter of it from discretionary spending, let's take a quarter of it from entitlements, let's take a quarter of it from interest savings, and let's get a quarter from tax reform. That sounds about right to me.

If we could produce a plan here that satisfied the test I mentioned earlier, I could go back to the townhalls in Colorado, and I guarantee you what people would say is: Thank you for finally working together. Thank you for producing something that is credible. Let's now move on to the other business in this country to make sure we can compete and win in the 21st century.

I would say I hope, to the extent anybody is listening to the floor today, they would think again about the importance of using this moment to try to create a comprehensive plan, to try to figure out what the compromises are. I for one am happy to work with anybody on either side of the aisle to make sure we get this done.

I see the chairman of our Budget Committee is in the Chamber. I thank him for his efforts on the Deficit Commission, and also for the work he has been doing with the Gang of Six—the Gang of Five, trying, month after month after month, for the last 18 months, to produce a comprehensive plan that actually addresses the problems.

With that, I yield the floor.

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

Mr. CONRAD. Mr. President, I thank the Senator from Colorado for his remarks and for his leadership. He has been right on point with respect to what has to be done in this country to get the debt threat under control.

Make no mistake, we do face a debt threat of ominous proportions.

Yesterday, the Congressional Budget Office again warned us: ''Debt crisis looms absent major policy changes.''

You go to the end of this article that was from the Associated Press, by Mr. Andrew Taylor, a respected writer, and it says:

> CBO says the debt increases the probability of a fiscal crisis in which investors lose faith in U.S. bonds and force policymakers to make drastic spending cuts or tax hikes.

That is where we are headed if we do not respond. And it is going to require a bipartisan response with Republicans and Democrats, because Republicans control the House of Representatives, Democrats control the Senate, and there is a Democratic White House.

So when Republicans—as I just heard on this floor—blame it all on the President, that is not going to work. That is not going to work, because Republicans can block anything in this Chamber, and Republicans control the House of Representatives. So guess what. They are going to have to join Democrats and be responsible. And being responsible means doing some things that are tough.

Republicans and Democrats are going to have to do some things that are tough. Why? Because we are borrowing 40 cents of every dollar we spend. That cannot be continued much longer.

If you look at the historic relationship between spending and revenue, here it is, as shown on this chart, going back to 1950. The red line is the spending line. The green line is the revenue line. What you see is spending as a share of national income is the highest it has been in 60 years. Revenue is the lowest it has been in 60 years.

When I hear my Republican friends say this is just a spending problem, they have it half right. It is in part a spending problem. Spending is the highest it has been in 60 years—or very close to it. But revenue is the lowest it has been in 60 years. So let's get real. Let's get honest. This is a spending problem and a revenue problem. It is the difference between the two that leads to record deficits and a debt that is spiraling out of control.

Here is what the head of our Armed Forces—Admiral Mike Mullen, the Chairman of the Joint Chiefs of Staff—said last year at about this time:

> Our national debt is our biggest national security threat.

Colleagues, are you listening? Are you listening? We are moving at warp speed toward a fiscal crisis. Nobody can tell us when it will happen. What everyone is telling us is that it will happen.

Here is where we are, as shown on this chart. This is the gross debt of the United States. We are now, at the end of this year, going to be over 100 percent of our gross domestic product. That is going to be the gross debt of the United States—all the bills we owe. The black line shown on the chart is the 90-percent threshold line. Why does that matter? Because we have just had the definitive economic study done on deficits and debt and economic growth. It was done by Professor Carmen Reinhart at the University of Maryland—she is no longer there; she was at the University of Maryland—and Professor Ken Rogoff at Harvard. Here is what they concluded:

> We examine the experience of 44 countries spanning up to two centuries of data on central government debt, inflation and growth. Our main finding is that across both advanced countries and emerging markets, high debt/GDP levels (90 percent and above) are associated with notably lower growth outcomes [for the future].

This is not just about numbers on a page. This is about the future economic prospects of our Nation. A failure to act will consign us to a more limited future. Fewer jobs, less economic growth, less economic activity, a weaker position for the United States in the world—that is where we are headed.

We have been warned repeatedly. Quoting from the Wall Street Journal: ''S&P''—the major rating agency—''Signals Top Credit Rating Is in Danger, Stoking Political Battle on Deficit.'' ''U.S. Warned on Debt Load.'' So nobody in this Chamber, nobody across the Capitol in the House of Representatives, can claim they did not know what was coming. We have been warned, and we have been warned repeatedly.

What happens if we do not act and there is a reaction in the interest rate environment for the U.S. debt? I would remind my colleagues, a 1-percentage point increase in interest rates will add $1.3 trillion to the debt over the next 10 years. A 1-percentage point change in interest rates will add $1.3 trillion to the debt over the next 10 years.

People say: Well, we are not going to extend the debt, we are not going to extend the debt limit of the United States. Do you know what happens? The creditors say: Oh, really? Well, we are not going to lend you more money then. Do you know what happens then? Interest rates go up in order to attract other lenders. And what happens? Every 1-percentage point increase in the interest rates adds $1.3 trillion to the debt in just 10 years.

Here are the remarks of 10 of the previous chairs of the President's Council of Economic Advisers. Headline: ''Unsustainable Budget Threatens Nation.'' This is their conclusion, the top economic advisers to former Presidents, Democrats and Republicans. The previous 10 unanimously said this:

> There are many issues on which we don't agree. Yet we find ourselves in remarkable unanimity about the long-run federal budget deficit: It is a severe threat that calls for serious and prompt attention. . . . We all strongly support prompt consideration of the Fiscal Commission's proposals. The unsustainable long-run budget outlook is a growing threat to our well-being. Further stalemate and inaction would be irresponsible.

I served on that commission. There were 18 of us. Eleven of us agreed to the recommendations—five Democrats, five Republicans, and one Independent. That proposal would reduce the debt from what it would otherwise be by $4 trillion. Mr. President, 5 Democrats, 5 Republicans, and 1 Independent—11 of the 18 agreed to support the recommendations. We cut spending. We cut domestic nondefense spending. We cut defense spending. We took on the entitlements. And, yes, we raised revenue by $1 trillion over the next 10 years—not by raising tax rates. In fact, we cut tax rates. But we still got more revenue because we expanded the tax base by reducing tax expenditures that are now running $1.1 trillion a year.

Over the next 10 years, the tax expenditures of this country are going to be $15 trillion. Let me repeat that. The tax expenditures in this country over the next 10 years—special loopholes, deductions, exclusions, all the gimmicks that are in the Code—$15 trillion.

Not only did the Fiscal Commission come up with a recommendation of

about $4 trillion, almost every other group that has made a recommendation has called for debt reduction of about $4 trillion over the next 10 years from what it would otherwise be: the Fiscal Commission, the Bipartisan Policy Center, the American Enterprise Institute, the Center for American Progress, the Heritage Foundation, the Roosevelt Institute—all of them saying we need to get this debt down.

Here is where we are headed, according to the Congressional Budget Office. This is not the gross debt. This is the publicly held debt. It is headed for 233 percent of the gross domestic product of the country if we fail to act. If, instead, we would adopt the commission proposal, you can see, as shown on this chart, we would actually work the debt down, the publicly held debt, to 30 percent of GDP.

Every part of the budget has to be scrutinized and has to generate savings. Here is what has happened to defense spending since 1997. It has gone straight up, from $254 billion a year to $688 billion a year.

Secretary of Defense Gates said this:

[T]he budget of the Pentagon almost doubled during the last decade. But our capabilities didn't particularly expand. A lot of that money went into infrastructure and overhead and, frankly, I think a culture that had an open checkbook.

I think he got it right. When we look at this growing debt, where did it come from? The Washington Post had this report on May 1:

The biggest culprit, by far, has been an erosion of tax revenue triggered largely by two recessions and multiple rounds of tax cuts. Together, the economy and the tax bills enacted under former president George W. Bush, and to a lesser extent by President Obama, wiped out $6.3 trillion in anticipated revenue. That's nearly half of the $12.7 trillion swing from projected surpluses to real debt.

If we look back on the five times we have balanced the budget in the last 40 years, revenue has been close to 20 percent of GDP: 19.7 in 1969; 19.9 in 1998; 19.8 in 1999; 20.6 in 2000; 19.5 in 2001. Where is revenue today? It is 14.8 percent of GDP. And our friends across the aisle say it is only a spending problem. Let's get real. It is a spending problem and it is a revenue problem. Let's be honest with the American people.

Martin Feldstein, the distinguished conservative economist, said this:

Cutting tax expenditures is really the best way to reduce government spending . . . [E]liminating tax expenditures does not increase marginal tax rates or reduce the reward for saving, investment or risk-taking. It would also increase overall economic efficiency by removing incentives that distort private spending decisions. And eliminating or consolidating the large number of overlapping tax-based subsidies would also greatly simplify tax filing. In short, cutting tax expenditures is not at all like other ways of raising revenue.

Mr. Bernanke, the Chairman of the Federal Reserve, has said this, and I will conclude on this point:

Acting now to develop a credible program to reduce future deficits would not only enhance economic growth and stability in the long run, but could also yield substantial near-term benefits in terms of lower long-term interest rates and increased consumer and business confidence.

This is a defining moment for our country. We can either continue to run head-long toward a debt crisis, or we can join together, Republicans and Democrats, in a comprehensive plan to get our debt under control. That will require a comprehensive plan, one that addresses spending—spending must be reduced. But it needs to be reduced when this economy is stronger. That is what every one of the bipartisan commissions has concluded. Yes, spending has to be cut, but not right this minute. It has to be part of a plan that assures it will be cut, and it has to be every part of spending: domestic discretionary spending, defense spending—yes, the entitlements have to be right-sized and we have to have the additional revenue given the fact, the simple fact, that revenue is the lowest it has been in 60 years as a share of our GDP, far lower than it has been in every one of the 5 years we have balanced the budget out of the last 40.

I urge my colleagues on both sides, now is the time for principled compromise. Now is the time to come together to put in place a plan that deals with this debt threat, fundamentally and assuredly. We have that opportunity. We should not let this opportunity slip by.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent to enter into a colloquy with my Republican colleagues for up to 20 minutes.

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

Mr. THUNE. Mr. President, as we all know, the most important issues that are facing our country today are the economy, job creation, the national debt, and excessive government spending. One of the things that is having a huge effect on job creation and the economy right now is regulation.

The administration continues to overreach and overstep in the implementation of dozens of new regulations, be it the EPA regulating greenhouse gases, or the DOT's recent proposal that would require commercial drivers' licenses for farmers who drive tractors.

These oversteps have real consequences in the form of jobs. Take, for instance, Mr. Thomas Clements from Youngsville, LA, who is testifying today in front of the Senate Health, Education, Labor and Pensions Committee. Mr. Clements is a small business owner since 2008. He owns Oilfield CMC Machining with his wife. They produce metal parts and systems for offshore oil rigs.

His run-in with our overreaching administration started after the tragic 2010 BP oilspill with the President's decision in May of 2010 to enact a 6-month moratorium on new oil drilling in the gulf. His business continues to struggle today because of the Department of the Interior's decision to slow walk new drilling permits. Before these actions, he had a thriving small business that not only provided for his family but also for his employees.

Today, they are barely staying afloat, and will likely close unless the administration changes course and actually begins taking steps toward recovery instead of continued rhetoric.

Another big drag on the economy is the amount of spending and debt. Yesterday the Congressional Budget Office released their long-term budget outlook. This was certainly sobering reading. They pointed out that under the alternative fiscal scenario, in 2024, interest costs, Social Security, and major health spending would exceed all of the revenue coming into the government.

The need for action is clear. The Congressional Budget Office states that these levels of debt will cause incomes to be between 7 percent and 18 percent lower in 2035 than they would be otherwise.

Another study by economists Reinhart and Rogoff found that countries with a debt-to-GDP level that is greater than 90 percent—I would emphasize that we are currently at 95 percent—but that countries with a debt-to-GDP level greater than 90 percent grow at 1 percentage point less than they would otherwise. In other words, when you are carrying this kind of a debt load, 90 percent debt to GDP, for a sustained period of time, you are bleeding about 1 percent of economic growth every single year.

As we know from the President's own economic advisers, a 1-percent reduction—1-percent drop in growth—translates into about 1 million lost jobs. One of the places we see that has been hard hit in our country by the downturn is the State of Ohio. My colleague from Ohio Senator PORTMAN is here. I would be interested perhaps in hearing from him on whether he has seen the evidence of the recovery that was promised by the administration or does his economy in Ohio still reflect an economy that is held back by excessive regulation, debt and spending. I would be interested in the perspective of the Senator from Ohio on that particular subject.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. PORTMAN. First of all, I thank my colleague from South Dakota for coming to the floor today to talk about the economy and jobs. It is clearly a top issue on the minds of folks in Ohio. And, no, the Ohio economy is still hurting. We are not creating the jobs we hoped to create.

If you look at it nationally, there are now 14 million Americans who are out of work, and more than 1 million want to work but have given up looking for work. So when you look at what is

going on out there, you add the 8.5 million Americans who are getting by with part-time jobs—even though they would like to work full time—that is about 23 million Americans suffering from a lack of the full-time job they want. This unemployment issue continues to be the No. 1 issue in Ohio and nationally. We have got to address it.

You talked a little bit today about some of the ways that we need to approach it, including the regulatory overreach and its impact on jobs and small businesses. But let me talk about even a deeper concern in Ohio. That is the length of time people have been out of work. The average unemployment now is 40 weeks. That is about 9 months. It is 9 months of stress, 9 months of uncertainty, 9 months of wondering how to make ends meet. This is, I am told, the worst statistic in terms of length of being unemployed that we have had since the records were kept. So it is not just about these terrible unemployment numbers, it is the fact that when have you been out that long, you lose some of your job skills, you have a gap in your resume, and it is harder to get a job. This is not what was promised, by the way.

If you look at what the President and his economists promised when the stimulus was passed, they said that unemployment today would be about 6.7 percent. Instead, it is over 9 percent—9.1 percent. So it has not worked. The President has called it a bump in the road. Unfortunately, I think it is a lot more than that.

The Chairman of the Federal Reserve talked about this yesterday, that he was very concerned now about some of the economic projections. He thinks we are not in as good a shape as even the projections—which were not very optimistic—show. There was 1.8 percent growth in the first quarter. At this point in the last deep recession we had, the growth was 7 percent.

This chart is interesting because it shows Federal spending as a percent of the economy, which as we all know has gone up significantly, and part of that is because of the stimulus package and then the unemployment rate. Unfortunately, when you look at this, there has not been an increase in spending and a decrease in unemployment. There has been an increase in spending and an increase in unemployment. So this simple notion that you cannot spend your way to prosperity, which is a commonsense notion that most Americans agree with, has been proven to be true.

Unfortunately, the stimulus package did not lead to the kind of progress the President and his team predicted. We are all paying the price for it. So, instead, we need to approach it in a different way.

Again, as Senator THUNE mentioned earlier, part of the answer to this is dealing with the regulations, dealing with our tax system, dealing with these high energy costs, dealing with the high health care costs, which do impact employment, getting the economy back on track through smart progrowth policies.

I know the Senator from South Dakota has done a lot of thinking about how do we get out of this mess we are in, instead of the spending. But I do not know if the Senator has any thoughts about what the debt and the spending is doing to our economy. He mentioned the Rogoff and Reinhart study showing that our economy would be growing much faster than it is now but for this big overhang of spending and deficit and debt.

I wonder if the Senator has additional thoughts.

Mr. THUNE. I appreciate my colleague's observations regarding his State, which is a pivotal State when it comes to whether we are going to see the economy recover. It is a State that feels the impact right away when you have a down economy and job losses and all of the negative things that go with that. So I appreciate his perspective on it. Obviously, I wish I could say this administration's policies have made the situation better. Unfortunately, the evidence overwhelmingly points to the President and his policies making this situation worse—much worse. For example, the Senator mentioned nondefense discretionary spending, which is the part of spending that the President has to sign into law every year. It went up 4.1 percent. That is astounding when you consider inflation was about 2 percent over that time. Government spending was growing 10 times the rate of inflation.

What is even more amazing, this doesn't include the increases in discretionary spending attributed to stimulus. That was supposed to have brought the unemployment rate down to 6.7 percent. Clearly, we are over 9 percent today.

There is no correlation between additional spending and job creation. We have clearly demonstrated that. That spending level doesn't include spending on the ''Cash for Clunkers'' program, which was supposed to create jobs. It doesn't include ''un-offset'' increases in spending on mandatory programs that are signed into law, such as additional unemployment insurance, Medicaid, or trade adjustment assistance. It doesn't include the spending increases the President fought for but has been unsuccessful in passing.

Because of this exorbitant spending, we are at a point where 40 cents out of every dollar the Federal Government spends is borrowed. While most people would look at this situation and say it is time to do something about it to improve the situation, the President clearly punted over the medium and long term, and his proposed budget makes the situation even worse. In fact, his proposed fiscal 2012 budget would spend $46 trillion over a 10-year time period, add $9.47 trillion to the debt, and raise taxes by $1.6 trillion. So their prescription continues to be more spending, more borrowing, and higher taxes.

The question is, is this helping or hurting our economy? If you look at a recent Bloomberg poll, it found 65 percent of Americans think the debt is a major reason why our unemployment rate is so high. The answer from the American people is clear.

I guess what I say to my colleague from Ohio—and he and I have worked together on ideas on how to get the economy going again and create an environment conducive to job growth—is that, clearly, getting spending under control here is a huge factor. As he pointed out, there is lots of research out there that demonstrates connectivity between spending and debt and the economy. I simply add that ratings agencies, such as Standard & Poor's and Moody's, all gave a negative assessment to our credit rating; and if that led to a downgrade in our credit rating, it would reflect much higher interest rates for another negative impact.

Spending and debt have a profound negative impact on our ability to grow the economy and create jobs. The Senator from Ohio has been a great leader getting out there in talking about solutions that would lead to job creation. I am interested in hearing about some of what we might be able to do that is clearly not being done today and, frankly, what I hope is contrary to the policies put forward by this administration, which are costing jobs.

Mr. PORTMAN. That is right. There are a number of things that can be done. There is no reason it can't be done on a bipartisan basis.

I left a hearing in the Government Affairs Committee, where we talked about regulations and their impact on the economy. Today, the cost of regulations to the economy—in particular, small businesses—is about $1.75 trillion. That is more than the IRS collects in income taxes. There were both Democrats and Republicans talking about proposals and who are concerned about the administration's continued regulations. The President said some of the right things, but there are more regulations that have a bigger impact.

In Washington, it is tough to get this under control without changing the law, in my view. We need to have a better process in the agencies to force them to look at cost-benefit analyses and force them to use the least-cost burdensome alternatives. I talked about legislation in that area today, as did Democrats and Republicans alike. There are things we have to do. Regarding the Senator's point about the impact of the debt and deficit on the job front, the Senator is right. The poll he talked about indicated that 65 percent of Americans think the debt and deficit is a major factor in high unemployment. They are right. The study the Senator talked about said if the debt gets past 90 percent, it will cost our economy about a million jobs. We are now at about 100 percent, and it will be 105 percent in 2012—next year.

This is what is happening. We are going into that period where our debt

is bigger than our whole economy. This study, by the way, is based on looking at countries all around the world, which will have gone through this experience, including countries in Europe that are going through it now, and seeing what the impact is on jobs.

There are solutions. We talked about regulations. That is one of them. My hope is that this Senate can vote on sensible regulatory reform—and soon. The story the Senator told earlier about the oil and gas industry, we should display that all over. The recent proposed regulations from the EPA on emissions from powerplants in terms of mercury—all of us want clean air. We know you have to have regulations, but the question is, how do you regulate? These are very onerous and will have a big impact on my State. There is a study out saying it is going to result in thousands of jobs being lost, and a few powerplants being shut down, and electricity costs increasing 10, 15 percent in our State. We cannot afford that.

But there is more than that. There is the Tax Code. We should, again, as a body, and the House and the administration should reform our Tax Code to make it simpler and more progrowth. It can be done. Economists across the spectrum say this current code is a mess. It doesn't work because you are encouraging businesses to make investments and allocate resources based on Tax Code-motivated interests rather than business reasons. Getting rid of these preferences and clearing out the Code, as happened in 1986, you could get more economic growth through the Tax Code reform.

I think the time is here, and the President's fiscal commission recommended this when they said, how do you look at the next 20, 30 years and come up with a way to deal with the deficit and debt? Economic growth needs to be part of it. And part of it was tax reform, and making our workforce more competitive.

Today, we do spend money at the Federal level on workforce development. Yet it is not spent very efficiently. There are some organizations that do it better than others. We should take their best practices and apply them generally. There are nine different agencies and departments engaged in looking at how to improve our workforce through the 21st century. It is a Federal program that, when connected with businesses, works; when it is not, it doesn't work well. There are opportunities to reform that program. It should be bipartisan.

I hear from communities and businesses what is working and what is not working. Flexibility is the key. There is a lot of redtape and bureaucracy. We need to enforce our trade agreements and the international rules. Enforcement is critical. But we need to open markets to our products. Every country is engaged in opening markets for their products, workers, and service providers. We need to be more aggressive in forcing other countries to open our markets to them. If we don't, we don't have access to 95 percent of the consumers in the world. The President has said that if you were to pass these three trade agreements out there, you would create over 250,000 new jobs. Think about that. That is something we ought to do. Again it is bipartisan.

Somehow we cannot seem to get these three relatively small trade agreements that we have already done through the process. We need to do that right now, because of this economic crisis we face of unemployment and long-term unemployment. This would help, in combination with a more competitive workforce.

On energy, another part of our seven-point plan—and this is a jobs plan to get us back—we have to use our own resources. There is natural gas in places such as Ohio, and South Dakota and North Dakota have a lot of natural gas. We have the technology. Let's use it. We may have the greatest resources of natural gas in the world, based on geological finds. We need to use that now, and we can help us get less dependent on foreign oil.

Finally, health care costs. We talked about this earlier. There are some commonsense things we can do now to get health care costs down, including stopping frivolous lawsuits, which we all pay for, through sensible medical malpractice reform. Some States do it well. It should be done on a national level to get the costs down. We should allow people to buy insurance across State lines. Several insurance companies could compete for the business. This would help get spending under control. We should reform the Tax Code, have regulatory relief, a more competitive workforce, increase jobs through exports, enforce the trade agreements, power America's economy with our own energy, and have sensible solutions to getting costs of health care down, which will help create jobs. All of these things are proposals the Senator has been working on, and I appreciate that.

I ask the Senator a question. If the Senator is focused on getting at this issue, does he think we have a problem on the debt and deficit because of the lack of revenue through taxation or is it through overspending? Does he have any thoughts or suggestions as to how we deal with that?

Mr. THUNE. I appreciate that. That was a great description by the Senator. The Senator from Ohio hit upon all the relevant issues, if we are going to get the economy going, creating jobs again—talking about getting trade deals done, and energy policy that relies upon American energy production, keeping taxes and regulations low, common sense when it comes to energy regulations, and getting spending and debt under control. Those are all part of a solution that will grow the economy.

What I say to my colleague with regard to the issue of taxing and spending is that a lot of people believe somehow we can get additional revenues and raise taxes and solve these problems. Clearly, that would be very counter to growing the economy and creating jobs. I think it would be harmful, if anything. If we look at taxes as a way to deal with the deficit and debt issue, frankly, I think most Americans believe—and I believe they are right—this is overwhelmingly a spending issue.

If you look at our 40-year average spending, up until 2008 it was 20.6 percent of our GDP. The budget would have to spend about 24.3 percent of GDP. If you look at what we need to focus on, I say to my colleague from Ohio, it is clearly in the area of spending and debt control and dealing with that issue as opposed to the issue of revenue. I look forward to working with him on these issues. I hope we can put policies into place that will grow the economy and get people in this country back to work.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, how much time remains?

The PRESIDING OFFICER. There is 2½ minutes.

Mr. ISAKSON. Mr. President, I ask unanimous consent that that be extended by 3 minutes.

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

ACTIONS, NOT WORDS

Mr. ISAKSON. Mr. President, I come to the floor to talk about jobs, and also to talk about an admonition I got from my father when I was growing up: Judge a man by his actions, not his words.

I intend to apply that, as well. We should all be judged by our actions, not just our words. I am very disappointed in what this administration is doing now. On the one hand, they are talking about jobs being the most important thing America needs. Yet every single action of the agencies is a job killer. Here is an example: The most recent nominee to be the new Commerce Secretary of the United States is a former director of the Boeing Aircraft Company. That aircraft corporation is now under a suit from the interim general counsel of the NLRB to stop them from opening a new plant that will employ 1,000 people in the State of South Carolina, alleging they built the plant there to strike back at the unions in Washington State, when in fact the Dreamliner, their main airliner, which they have tremendous orders for, is being built in Washington, but they had to expand another plant to meet the demand for orders. They decided, in the interest of the company, to have one on the east coast and one on the west coast. They weren't retaliating. They were trying to create jobs for a great American product. The NLRB wants to stop 1,000 jobs from being created on an allegation that it is some type of retribution. That is dead wrong.

The NLRB this week came out with a new admonition. That is, they are going to change election rules so new elections, instead of being required to take 38 to 42 days, can have quickie union elections in 10 to 12 days, making it much more difficult for management to react to a union vote or a union movement.

All these things are job creators. I am not here to demagogue unions or to demagogue this President for that matter. I just think fair is fair. If you say you want to create jobs, don't stop job creation. If you say you want the economy to recover, do those things necessary to empower business.

Let me take another example; that is, the National Mediation Board. The National Mediation Board is the agency that regulates employment from the standpoint of airlines and railroads and transportation entities. The NMB is 75 years old. For 75 years, their rule on a union election in a covered company is that 51 percent of the number of people employed who would be unionized had to vote in order for a union to become established.

Summarily, 11 days after their appointment under the new administration, that 75-year-old rule was struck to become only a simple majority of the number of people who vote, regardless of how many people are going to be covered in employment. Now, that was specifically targeted at Delta Airlines—an Atlanta company that became the largest airline in the world after buying Northwest and merging the two.

Northwest had union flight attendants, Delta did not. Delta's flight attendants had twice in the last decade rejected unionization in a vote of 50 percent plus 1 of all employees covered. The change in this rule was specifically targeted to try to force Delta to go from a nonunion shop in their flight attendants to a union shop. But even after an aggressive change in law and by the unions, the flight attendants still voted—under the new rule, which is much easier—not to unionize.

Still not satisfied, the National Mediation Board has now filed an action against Delta alleging improper activities. I find this very ironic since in the FAA conference committee, which I am a part of today, we are trying to get a chance for airlines and those covered to be able to have a legal action against a ruling of the NMB if they suspect the NMB ruled unfairly. The NMB has rejected that entirely, the leadership of this body has rejected it entirely, and that conference report languishes—all over an issue that would create jobs, but instead they want to retard jobs.

My message in coming to the floor is very simple. Actions count, words don't matter, simply talking about creating jobs don't mean a thing if we are taking actions that stymie business or punish people from making investments that bring about employment.

It is time for this President, it is time for each of us in the Senate, it is time for this administration, and it is time for the Congress to do what the American people have done: put our shoulder to the grindstone and do those things that bring American business back, our economy back, and bring jobs back to the greatest country on the face of this Earth—the United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PRESIDENTIAL APPOINTMENT EFFICIENCY AND STREAMLINING ACT OF 2011

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 679, which the clerk will report.

The bill clerk read as follows:

A bill (S. 679) to reduce the number of executive positions subject to Senate confirmation.

Pending:

DeMint amendment No. 501, to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, and rescind related appropriated amounts;

DeMint amendment No. 510, to strike the provision relating to the Director, Bureau of Justice Statistics;

DeMint amendment No. 511, to enhance accountability and transparency among various Executive agencies;

Vitter amendment No. 499, to end the appointments of Presidential czars who have not been subject to the advice and consent of the Senate and to prohibit funds for any salaries and expenses for appointed czars;

Coburn amendment No. 500, to prevent the creation of duplicative and overlapping Federal programs;

Portman amendment No. 509, to provide that the provisions relating to the Assistant Secretary (Comptroller) of the Navy, the Assistant Secretary (Comptroller) of the Army, and the Assistant Secretary (Comptroller) of the Air Force, the chief financial officer positions, and the Controller of the Office of Management and Budget shall not take effect;

Cornyn amendment No. 504, to strike the provisions relating to the Comptroller of the Army, the Comptroller of the Navy, and the Comptroller of the Air Force.

The PRESIDING OFFICER. Under the previous order, there will be up to 30 minutes of debate, with the Senator from Louisiana, the Senator from South Carolina, the Senator from Nevada, or his designee, and the Senator from Kentucky, or his designee, each controlling 7½ minutes.

The Senator from Louisiana is recognized.

AMENDMENT NO. 499

Mr. VITTER. Mr. President, I would like to close on my czar amendment and encourage strong bipartisan support.

Mr. President, we have a bill before us about the Senate advice and consent process—the Senate confirmation process—and I think it would be a tragedy to consider any bill on that subject and not, in fact, address the biggest issue, the biggest problem with that process that exists now—certainly also in the eyes of the American people—and that is the abuse by the Executive, over several administrations but culminating in this administration, of appointing so-called czars as an end run around the U.S. Constitution, as an end run around the powers of the Senate and the balance of power of advice and consent and confirmation.

My amendment would fix that. It would defund czars and their offices. It is carefully crafted, it is carefully defined, and it would say we are not going to allow these czars to operate when they are essentially taking the place and the function of what should be a Senate-confirmed position. Again, the language is careful. It is carefully thought out, it is carefully crafted, and there are exceptions in the language which are important, so I commend all my colleagues to look at that. But the main point is simple and clear and important: We shouldn't allow any Executive, any administration, to end-run the U.S. Constitution, to end-run the Senate's important and appropriate role of confirmation, or advice and consent.

So I encourage all of my colleagues to support this amendment.

In closing, I thank several Members who have cosponsored the amendment—Senators PAUL and HELLER and GRASSLEY—and I also thank very much Senator COLLINS, who has been a leader on this effort and has freestanding legislation on the topic which I support. We have and will continue to consult on this issue until we properly get the job done.

Mr. President, I reserve the remainder of my time.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be equally allocated to both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. Mr. President I ask that the quorum call be suspended.

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

The Senator from South Carolina.

Mr. DEMINT. I would like to speak on my amendment which will be voted on in a few minutes.

AMENDMENT NO. 510

This amendment would strike the Director of the Bureau of Justice Statistics from the list of the Senate-confirmed positions that would be removed from the confirmation process. I wish to explain why this is important because this seems to be something that maybe would not be important to pull out from this long list of nominees who no longer need be confirmed. It is very important that this particular position, this nominee for this position, be vetted and confirmed by the Senate.

It is often said statistics don't lie; people do. Particularly in this business, we have seen one set of statistics be interpreted and publicized in totally different ways, and that is why this position is so important. The role they have is critical. In a democracy and in a free country, one of the most important aspects to protect against is that risk of the government becoming a propaganda machine.

I wish to read what this particular position does: The Bureau of Justice Statistics collects, analyzes, publishes, and disseminates information on crime, criminal offenders, crime victims, and criminal justice operations.

It is very important. This information is acted on by local, State, and Federal officials. Lots of our laws are shaped and based on this information. Statistics are only as valuable as the reputation of the statistician, and that is what this position is.

Every Member of this body knows how to write a question so you get the answer you want. If we are going to have a Bureau of Justice Statistics, don't we want the public to have some level of trust in the data they publish? If we just put some political hack in this position—as, unfortunately, has happened over administrations of both parties, not necessarily for this position but we know in some positions—it would totally discredit what this person does. So do we want the public to think they are cooking the books to promote policy ends on issues such as gun control, hate crimes, racial profiling, immigration, drug policy, and so forth? If we cannot absolutely trust the impartiality of the management of the Bureau, we should abolish it and give the money back to the taxpayers.

We know we are $14 trillion in debt. Our Nation is on the brink of financial collapse. My constituents have no interest in borrowing money from the Chinese to fund the Bureau to compile crime statistics if we can't trust the numbers. If there is even a hint of bias of a political agenda or of the head of this Bureau being friendly to the perspective of whatever party is in the White House, then we should abolish the agency.

In the past, those on the right have been suspicious that the Bureau of Justice Statistics has had a bias against gun rights and against the first amendment. Whether that is true, who knows. BJS statistics are used to form policy decisions. If the agency becomes a tool of the party in power, that will no longer be the case.

When James Lynch, the nominee for the Director of the Bureau of Justice Statistics, was asked in his confirmation hearing what the biggest challenge for the Bureau of Justice Statistics moving forward was, he responded: ''I think the biggest challenges of the Bureau of Justice Statistics moving forward are the perennial challenges to a statistical agency; that is to say, to maintain its credibility as an independent Federal statistical agency.''

It is important we hear that. It is important Americans hear that, and we will not have that opportunity if this position is no longer confirmed.

It is not often that you hear a nominee suggest that the No. 1 challenge he faces in assuming a position is to maintain the credibility and independence of the agency he is about to run. But, as Dr. Lynch said, that is the nature of a statistical agency, and it is precisely the reason why we should not remove this position from the confirmation process.

The questions at the live hearing and the submitted written questions appropriately focused almost exclusively on this issue of credibility, independence, and accountability.

How do we protect the Director from political influence and tampering by the executive? There was discussion about ways to restructure the office to make it more independent and further reinforce its independent roll. There was discussion of moving the director to a 6-year term to further reinforce his independence, a proposal that the nominee supports. Of course, a 6-year term would imply Senate confirmation.

In every way possible, the committee and nominee discussed ways to solidify the independence of the position and protect it from political influence. In the context of these discussions, it was once suggested that we remove the position from the confirmation process.

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

Mr. DEMINT. Mr. President, I ask unanimous consent for 2 more minutes.

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

Mr. DEMINT. With all the nominees who are confirmed in the Senate with no debate or vote, it would seem the confirmation process is serving a purpose.

First, there are things that happen behind the scenes to vet and review these nominees and their backgrounds. Unfortunately, as we have seen, the President, in some cases, with what we call czars in other positions and recess appointments, has sidestepped that. That has reduced the credibility in these positions, but let me just focus again on this one position.

We never want the American Government to be accused of being a propaganda machine, as we see from governments all over the world. This one area of statistics, where they are disseminating information all over the country that so many respond to, needs to be credible and independent. I encourage my colleagues to keep this one position in the confirmation process so we will have an opportunity to make sure that, regardless of which party is in power, we have a credible, independent voice dealing with these statistics.

I thank the President for yielding me a little more time. I yield back.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 499

Mr. VITTER. Mr. President, I ask unanimous consent that Senator BARRASSO be added as a cosponsor.

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

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I just wish to indicate my support for the amendment offered by the Senator from Louisiana.

Although it is drafted a little differently than I would have done it, it does address a real problem; that is, when the President—this President or any President—creates a new position within the White House that is duplicative of a Cabinet member's responsibilities, the result is we lose our ability to exercise accountability for the policies that individual comes up with. Let me give you a specific example.

EPA is a Senate-Presidential appointee, Senate-confirmed position, the Administrator of the EPA. Yet President Obama created a position within the White House where there is essentially an environmental czar, and this individual—Carol Browner, who has since left, actually negotiated a deal with the automobile industry having to do with emissions. Well, the problem with that is, it is circumventing Congress's ability to hold accountable the person who is involved in making and coordinating that policy.

What the Senator from Louisiana is trying to get at is the creation of these unaccountable czars within the White House who are doing the job that is supposed to be done by a Cabinet official, by a Presidentially appointed, Senate-confirmed official.

So I support the amendment.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New York is recognized.

Mr. SCHUMER. Mr. President, before I get into the substance of my remarks, I ask unanimous consent that notwithstanding the previous order, the vote in relation to the Vitter amendment No. 499 occur at 12:30 and the vote in relation to the DeMint amendment No. 510 occur at 2 p.m, with the remaining provisions of the previous order remaining in effect.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Mr. President, I want to make sure this has been cleared with the Senator from South Carolina?

Mr. SCHUMER. It has.

Ms. COLLINS. I have no objection.

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

Mr. SCHUMER. Mr. President, it is our intention to work on setting up additional votes this afternoon following the vote on the DeMint amendment No. 510.

Mr. President, I rise in strong opposition to the amendment offered by my colleague from Louisiana, Senator VITTER. As you know, the underlying bill is the product of a bipartisan gentlemen's agreement reached earlier this year that seeks to streamline and otherwise improve the efficiency of the Senate's confirmation process. The Senator from Maine, the Senator from Tennessee, the Senator from Connecticut, and myself, as well as the leaders, Leader REID and Leader MCCONNELL, have been heavily involved in this process.

The amendment offered by Mr. VITTER runs counter to the spirit of comity behind this important bill. It is a poison pill designed to handcuff the President's ability to assemble a team of topflight advisers and aides. The amendment is nothing new. It has been introduced several times in several iterations.

Now is the time to move forward. It is one of those moments when we can bridge the partisan divide and make the Senate a more efficient body. It is not the time or place to relitigate old and, frankly, silly political battles about so-called czars.

It is our constitutionally mandated duty as Senators to ensure that the most important positions in government are confirmed in a timely manner. With the underlying bill, we finally begin to break the logjam that holds up senior positions by taking midlevel, nonpolicy positions off the docket.

I oppose the amendment and urge my colleagues to vote against it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 510

Mr. SCHUMER. Mr. President, I also rise now because of the change in the time schedule to speak against the amendment offered by Mr. DEMINT. Like the Vitter amendment, this amendment is opposed to the great spirit of comity behind the underlying bill.

I would like to remind my colleague from South Carolina that the bipartisan working group labored over every decision we made. Far from lifting our index fingers to the wind, we carefully debated the nuances of the changes that were ultimately proposed.

The change the Senator from South Carolina finds fault with involves the Bureau of Justice Statistics. Let me tell you about this position. The Director of the Bureau of Justice Statistics reports to the Senate-confirmed Assistant Attorney General for the Office of Justice Programs, who then reports to the Senate-confirmed Associate Attorney General, who then reports to the Senate-confirmed Deputy Attorney General, who—you guessed it—reports to the Attorney General, also confirmed. How much more oversight do we need for one man? Is four levels of congressional oversight not enough?

It is clear to me that this amendment is really designed to hamper our goal of improving the way the Senate functions. After all, there are four similar positions at the Department of Justice with parallel lines of reporting that we plan to remove from Senate confirmation, but the Senator from South Carolina does not take aim at those. Simply put, this is a prime example of the type of amendment that slows the Senate down, the type of amendment that is really aimed at preventing the passage of this bill.

The number of Senate-confirmed positions has increased by hundreds over the last few decades. As you know, this proliferation has slowed the confirmation process to a near standstill. What used to be a flowing, functioning faucet now trickles.

This position is one of those midlevel positions that should be removed to free up our process so we can focus our time on the positions that are more senior, that do not report to so many other levels of Senate-confirmed positions. Removing Senate confirmation for this position does not in any way weaken our constitutional advice and consent power or give any extra power to the President. This power was given to us to be used to confirm the most senior policymaking positions, and the President has power to appoint his midlevel and lower level appointees.

I oppose this amendment, which will be voted on after our respective lunches, and urge my colleagues to join me in voting against it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN of Ohio. I ask unanimous consent to speak in morning business for no more than 10 minutes.

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

CURRENCY MANIPULATION

Mr. BROWN of Ohio. Mr. President, last week Minority Leader PELOSI and some of her colleagues signaled their intention to introduce a discharge resolution for a vote on H.R. 639, the Currency Reform for Fair Trade Act. I applaud those in this body and in the House of Representatives who want to push on currency reform and encourage the Speaker and House leadership to support this position.

Similar legislation to this passed overwhelmingly with strong bipartisanship in the last Congress. Senator SNOWE from Maine and I introduced that legislation in the Senate. It would strengthen countervailing duty laws to consider undervalued currency as an unfair subsidy in determining duty rates.

What does that mean? What that means is that in essence we have lost jobs in this country because too often the playing field in our trade relationship with the People's Republic of China is simply not level. We know that China in far too many cases subsidizes energy. We know they subsidize land. We know they subsidize capital. We know they subsidize production in various ways. We also know in terms of currency that China does not play fairly.

When an industry such as the coated-paper industry in Hamilton, OH, in southwest Ohio, north of Cincinnati, or the aluminum industry in western Ohio, in Sidney, or the steel industry in Lorain, OH—when an industry petitions the International Trade Commission for relief against unfair subsidies, currency manipulation would be part of that investigation. That bill would make sure that happens. It is simple, it is straightforward, and it is achievable. It sends a signal to our trading partners that we will not accept unfair advantage over American workers and American businesses. I can't count the number of times—I know that in North Carolina the Presiding Officer has seen the same situation in textiles and other industries—where, simply put, American workers have trouble competing and American businesses have trouble selling their products because of unfair trade advantages that countries and companies in those countries have inflicted on the United States.

Don't forget the stakes. We are all concerned about the budget deficit, to be sure, and we heard Senator CONRAD earlier talking about that in a convincing and persuasive way. Cut the budget. Set it up long term, medium term. Don't do it right now, as Chairman Bernanke, a Republican appointee, says. That will cost us jobs. But build in deficit reductions. Think about the budget deficit, but don't forget the trade deficit.

Over the last 10 years, particularly since most favored nation with China and NAFTA and the Bush administration's trade agenda on CAFTA and the other trade agreements and lack of enforcement on those trade agreements, we have seen job losses because of those trade agreements.

President Bush once said that $1 billion in trade surplus or trade deficit

translates into 13,000 jobs. Why is that? If you have a budget surplus of $1 billion, you have 13,000 more jobs in your country. If you have a trade deficit of $1 billion, you have 13,000 fewer. The reason is clear: If you have a $1 billion trade deficit, it means you are buying $1 billion worth of goods more from country X—China, let's say—than you are selling to China. That means $1 billion worth of more production is taking place in China than in the United States. That is OK, but when the numbers are hundreds of billions of dollars—our trade deficit is fluctuating between $400 and $750 billion, between $1 billion a day and $2 billion a day—that is real jobs. Multiply those job numbers—13,000 for $1 billion—and you see the kind of job losses we have in the United States of America, especially in manufacturing, hitting those communities such as Lorain or Mansfield or Springfield or Dayton or Youngstown or Cleveland or cities in western New York, in Syracuse or Rochester or cities in North Carolina. You can see what it has done in small towns and urban areas alike to our job growth.

In April 2011, our total trade deficit in that month alone was $54 billion. Our trade deficit with China in that month alone was $21 billion.

Paul Krugman, a columnist with the New York Times, said:

> If you want a trade policy that helps employment, it has to be a policy that induces other countries to run bigger deficits or smaller surpluses. A countervailing duty on Chinese exports would be job creating; a deal with South Korea, not.

I am not here today to argue or debate or even be critical of the free-trade agreement with South Korea. I think it is a bad idea. I hear the promises of administration after administration. This administration at least has not overpromised, as the Bush and Clinton administrations did, on the creation of jobs and trade, but we know that every time there is a trade agreement, the trade deficit goes up and job loss accelerates, especially in manufacturing.

The point is that one major thing we can do about this is what the House of Representatives is trying to do; that is, pass the Currency Reform for Fair Trade Act. It will simply mean that China and the United States are on a more even, more level playing field, a more even relationship. It will save and help to increase manufacturing jobs. We know manufacturing jobs are a ticket to the middle class.

In Germany, 20 percent of its workforce is in manufacturing. Only 10 percent of our workforce is in manufacturing. Germany has higher unionization rates, higher wages, and a trade surplus.

The United States has, as I pointed out, almost a $1 billion-a-day trade deficit with China—somewhat less than that; not much—and up to a $2 billion-a-day trade deficit with the world as a whole. Clearly our trade policy is not working. Currency reform is one major step in fixing that. It is something that I hope this Senate takes up sooner rather than later and that the House of Representatives does the same.

I yield the floor.

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

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

Under the previous order, the question occurs on agreeing to amendment No. 499, offered by the Senator from Louisiana, Mr. VITTER.

Ms. COLLINS. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—47

Alexander	Graham	McConnell
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Nelson (NE)
Blunt	Heller	Paul
Brown (MA)	Hoeven	Portman
Burr	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Collins	Kirk	Snowe
Corker	Kyl	Thune
Cornyn	Lee	Toomey
Crapo	Lugar	Vitter
DeMint	Manchin	Wicker
Enzi	McCain	

NAYS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson (SD)	Reid
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—2

Boozman	Moran

The PRESIDING OFFICER. On this vote the yeas are 47, the nays are 51. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is not agreed to.

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

The Senator from Pennsylvania.

AMENDMENT NO. 514

Mr. TOOMEY. Madam President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Pennsylvania [Mr. TOOMEY] proposes an amendment numbered 514.

Mr. TOOMEY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

> (Purpose: To strike the provision relating to the Governors and alternate governors of the International Monetary Fund and the International Bank for Reconstruction and Development)
>
> On page 63, strike lines 3 through 18.

Mr. TOOMEY. Madam President, I ask unanimous consent to add Senator VITTER as a cosponsor of this amendment.

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

Mr. TOOMEY. I rise to offer an amendment to retain the Senate confirmation process for two positions: the position of Governor and Alternate Governor of the IMF and the International Bank for Reconstruction and Development.

The Board of Governors at the IMF is the highest level of governance of the IMF. Currently, the Governor and the Alternative Governor are both subject to Senate confirmation. This bill would change that. This bill would remove them from the Senate confirmation process.

I think I understand the rationale behind that thinking. It is probably because, by custom, the United States has appointed the Secretary of the Treasury as the Governor designate to the IMF and the Chairman of the Federal Reserve as the Alternate Governor. So since those folks have already been through a Senate confirmation process, no doubt the thought was that we did not need to have a separate one.

Here is the reason for my amendment; that is, the decision to appoint these two individuals to these two posts has been by custom, and there is nothing in statute or otherwise that requires the President to appoint these two individuals. The President—any future President—could choose to nominate anyone he or she may like. I think it is very important in that event the Senate would continue to have the oversight that comes with the advice and consent that my amendment would retain.

The truth is, the United States is the largest lender to the IMF, and right now the IMF is in the process of using U.S. taxpayer dollars to bail out Greece and perhaps other countries. At a time when Greece and Europe are virtually drowning in debt, I do not think the Senate should be conceding its confirmation authority and potentially

thereby reducing its oversight over the key IMF officials responsible for overseeing tens of billions of U.S. taxpayer dollars.

I think we all know, the United States does not even have its own fiscal house in order.

Yet here we are giving over $100 billion to the IMF for them to, in turn, lend money to insolvent governments. That doesn't make sense to me. We are running a $1.5 trillion deficit, nearly 10 percent of our entire economy. Our debt is at 69 percent of our GDP and rising rapidly. It seems to me that American taxpayers should not be asked to bail out European governments that clearly haven't been able to get their act together. But recently, we actually expanded the liability U.S. taxpayers have to the IMF.

Let me comment for a minute specifically on this idea of bailing out Greece because I think it is a very bad idea. Greek debt exceeds 150 percent of their total economy now. The Brookings Institute estimates that bribery and corruption alone amount to 8 percent of GDP annually. The Greek workforce has a very low productivity rate. There is a very low percentage of their population engaged in the workforce. By any measure, this is an economy that is in a downward spiral.

Despite that and despite a $160 billion bailout last May, in 2011, the Greek Government decided to increase its total expenditures. While running this staggering and unsustainable government, their government's decision was to increase spending. The fact is, unfortunately, no loan, no matter how large, no matter from where it comes, is going to solve Greece's problems. It is not that Greece has a problem with liquidity; their problem is solvency. Greece is insolvent. It cannot, and therefore will not, repay all its debt.

The danger is going down this road and having the IMF and other multinationals lending money to Greece now, and we are effectively replacing the existing loans made by private banks—essentially European banks—with taxpayer dollars provided by these big institutions.

Essentially, the Greek Government is going to default on the debt. The only question is, Upon whose debt? Will it be that of the private banks that lent them the money, as I believe it ought to be—those are the people who made the imprudent decision when they extended money to a fundamentally insolvent government—or will it be taxpayer-funded institutions because those institutions have taken out the debt of the private banks?

I am afraid that is where we are heading, and that will include U.S. taxpayer dollars. I think it is a big mistake. It is also an unusual transaction for IMF, primarily for two reasons. It is unusual to lend money to developed economies. Usually, this kind of program goes to developing nations. But it is even more unusual in the magnitude, the sheer scale of this.

In 2010, the IMF bailout of Greece was more than 3,000 percent of Greece's IMF quota. Typically, the size of loans such as this is no more than 200 to 600 percent of a nation's quota. This was 3,000 percent.

One of the biggest problems with going down this road of having multinational institutions bailing out insolvent countries is the moral hazard. There are a number of countries around Europe that are in substantial trouble, with varying degrees of fiscal problems, and some are teetering on the edge of insolvency. What is the message we are sending to those governments if multinationals come in and bail out Greece? The message is: Don't make the tough decisions now and impose the kinds of austerity you need because someday somebody will come along and bail you out of this problem. That is a very bad policy.

Most of all, we ought not to be putting U.S. taxpayers in this position of taking on this liability, which I am afraid is not going to be repaid. The reality is, Congress has very limited oversight over IMF, by design—very limited authority. One of the few checks we do have is the ability to provide or to withhold our consent with respect to those who are nominated to that powerful governing board. I don't think, at a time when the IMF is going out putting tens of billions of U.S. taxpayer dollars at risk, bailing out irresponsible and insolvent foreign countries—at a time such as this, I don't think we should be doing anything to relinquish that authority we have, to diminish the opportunity we would have to provide that advice and consent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be recognized for the purpose of speaking as in morning business.

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

LIBYA AND AFGHANISTAN

Mr. MCCAIN. Mr. President, I speak today on a day that appears to be positioned between two very consequential decisions.

Yesterday, the President announced his plan to draw down U.S. forces in Afghanistan, pledging to pull out 10,000 troops this year and the remaining 23,000 surge forces by September of 2012.

Tomorrow, the House of Representatives will likely vote on a measure to limit the use of U.S. funding for U.S. military operations in Libya to only ''nonkinetic activities''—in other words, noncombat activities—meaning no limited strike missions to suppress air defenses or predator strikes against Qadhafi forces, which we are doing very little of already. The only military actions for which the Commander in Chief could commit our Armed Forces would be supporting missions from search and rescue to aerial refueling to intelligence.

Those are the provisions in what is very likely to be voted on and passed by the House of Representatives tomorrow.

Some may not see a connection between these decisions, but the connection is profound. We are having a profound debate in this country right now that I suspect will continue for some time. Critical questions are being asked and discussed: How should we in the United States define our national interests? What is the proper role for America in the world? How do we balance our commitments abroad and the global demands for U.S. leadership with an American public that is justifiably war weary after a decade of conflict and that is rightly concerned with our unsustainable levels of government spending and national debt?

These are vital questions. They will determine the future of our Nation and, indeed, the future of the world. Reasonable Americans can disagree over what the right answers are. Although our disagreements may be heated and passionate, we should always remember that we are all Americans, that we are all patriotic, and that we all want to do what is best for the Nation we love.

The discussions we are now having over Libya and Afghanistan go right to the heart of this broader debate, and this is where we see the real practical impact of the decisions all of us in public life must make and be accountable for. We are all trying to define America's interests and role in the world, to separate that which we can and must do from that which is beyond our capacity and our benefit to try to accomplish. We are all striving for a balanced approach to America's interests abroad, and it is for that reason I am very concerned about both the President's decision on Afghanistan and the House's pending vote on Libya.

I agree with the President that, thanks especially to the sacrifice and courage of our fighting men and women, we are making amazing progress in Afghanistan. This progress is real and it is remarkable. But as our commanders on the ground all point out, it is also fragile and reversible. Our commanders also say what will be decisive is the fighting season next year—the warmer spring and summer months—when the insurgency historically picks up its operations after resting and regrouping a bit during the colder months. This will be our opportunity to consolidate our gains in southern Afghanistan and begin transitioning more and more of that fight to our Afghan friends, while increasing numbers of U.S. forces shift

their main effort to eastern Afghanistan where the Haqqani network, al-Qaida, and other regional militant groups are still present and operating actively.

The reason our commanders had to take this sequential approach is because they did not get all the forces they requested in 2009—40,000 troops as opposed to the 33,000 the President gave them. What this means in practice is that our commanders in Afghanistan still need next year's fighting season to deal the same crushing blow to al-Qaida and the Taliban in the east as our forces have dealt them in the south. However, under the President's plan, which calls for having all of our surge units out of Afghanistan by September, those troops will begin flowing out of Afghanistan right at the time the Taliban, al-Qaida, and their allies begin stepping up their operations, especially in eastern Afghanistan.

This is the irony of it all. The President's decision in December 2009 had the effect of making this war longer and costlier by forcing our commanders to tackle our enemies in southern and eastern Afghanistan sequentially over 2 years rather than simultaneously in one decisive action over 1 year. Now, just at the moment when our troops could finish our main objective and begin ending our combat operations in a responsible way, just when they are 1 year away from turning over a battered and broken enemy in both southern and eastern Afghanistan to our Afghan partners, the President has now decided to deny them the forces our commanders believe they need to accomplish their objective.

I hope I am wrong, I hope the President is right, that this decision will not endanger the hard-won gains our troops have made with the decisive progress they still need to make next year. I hope that proves correct. But I am very concerned the President's decision poses an unnecessary risk to the progress we have made thus far to our mission and to our men and women in uniform.

Our troops are not exhausted. They are excited that after 10 years we finally have a winning strategy that is turning this war around. Anyone who says that our troops are exhausted should go out and talk to them. They want to stay at this until the job is done. We have sacrificed too much. America has a vital national interest in succeeding in Afghanistan. After all that we have given to this mission, the money we have committed to it, the decade we have devoted to it, and the precious lives we have lost throughout it, why would we do anything now that puts our mission at greater risk of failure?

I would offer the same counsel to my Republican friends in the House with regard to our mission in Libya. I know my colleagues in Congress are angry with the administration and its Libya policy, and they have every right to be. From the disrespect and disregard the administration has shown Congress, to their bizarre assertion we are not really engaged in the hostilities in Libya, to the lack of resolve with which they have prosecuted this fight and made the public case for it, the administration has done an unfortunate amount to earn the ire of Congress. But we can't forget the main point: In the midst of the most ground-breaking geopolitical event in two decades, at least, as peaceful protests for democracy were sweeping the Middle East, with Qadhafi's forces to strike at the gates of Benghazi, and with Arabs and Muslims in Libya and across the region pleading for the U.S. military to stop the bloodshed, the United States and our allies took action and prevented the massacre that Qadhafi had promised to commit in a city of 700,000 people.

By doing so, they began creating conditions that are increasing the pressure on Qadhafi to give up power. Yes, the progress toward this goal has been slower than many had hoped, and the administration is doing less to achieve it than I and others would like. But here are the facts: We are succeeding in Libya. Qadhafi is going to fall. It is just a matter of time.

So I would ask my colleagues: Is this the time for Congress to turn against this policy? Is this the time to ride to the rescue of an anti-American tyrant, when the writing is on the wall that he is collapsing?

Is this the time for Congress to declare to the world and to Qadhafi and his inner circle, to Qadhafi's opponents who are fighting for their freedom, and to our NATO allies who are carrying a far heavier burden in this conflict than we are, is this the time for America to tell all of these people that our heart is not in this and that we won't see this mission through; that we will abandon our best friends and allies on a whim?

This all comes back to how we, as Americans, define our national interests and act on them. We can all agree that none of us are averse to doing what is necessary to defend America and our allies when we face a clear threat in the world.

In that way, we are like any other nation in history. But what sets us apart from those other nations, what makes us exceptional, what makes us the United States of America is that we define our interests more broadly than that. Our interests also encompass the fact that we are the leader of the free world; that the circle of nations that want us to play that role is growing, not diminishing; and that this position of leadership also confers responsibilities that are greater than our own immediate and material self-interests. It is the responsibility we have to the universal ideals of freedom and justice and human rights, of which our Nation is both the greatest embodiment and the greatest champion in human history.

That is not to say we can or should be involved everywhere. That is not to say we must act wherever and whenever our ideals are threatened. This is not to say military action is always the right answer, nor is this a recipe for endless conflict and commitment. America is powerful, but we are not omnipotent. We must make hard choices about where to spend our blood and treasure.

There will be more occasions than not when we will choose not to intervene, either because our interests do not warrant it or because we don't have the capacity to do so or because greater American involvement will not improve the situation. When we choose not to intervene forcefully in places where the cause of justice is calling out to us, be it Sudan or the Congo or Syria or countless other places where I and others have argued against intervention, we will be assailed as hypocritical and inconsistent. That is unfair, but it is nothing new for America.

What we can never forget is that our Nation's interests are forever colored by our values. America has always believed that the success of freedom and democracy in other lands does not just make our world more just; it makes it a safer, more secure, and better place for Americans and our children.

We can never afford to define our interests so narrowly that we would have sat back as an anti-American tyrant slaughtered his own people, thereby destroying one of the most historic attempts by millions of Arabs and Muslims to build better and more stable governments. That would have served neither our moral nor our strategic interests. Similarly, once we are engaged in a fight, as we are now in Libya and Afghanistan, and when we still have a clear path to succeed, as we do in both countries, it is in our moral and strategic interests to finish the job even if it is difficult and costly and unpopular. Failure is the only cost we truly cannot afford.

America cannot make the world perfect, but we can make it better, freer, more just, more prosperous. That is what has always made us an exceptional nation. That is what has always been the greatest source of our national security. That is what has always made us America. And that is how we must remain.

Mr. President, I ask unanimous consent that the following articles be printed in the RECORD: the Wall Street Journal article from this morning entitled ''Libya and Republicans,'' the Washington Post editorial from this morning entitled ''End of a Surge,'' and the Wall Street Journal article entitled ''Unplugging the Afghan Surge.''

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

[From the Washington Post, June 23, 2011]

END OF A SURGE

THE MISMATCH BETWEEN PRESIDENT OBAMA'S STRATEGY AND HIS TROOP WITHDRAWAL TIMETABLE

President Obama failed to offer a convincing military or strategic rationale for

the troop withdrawals from Afghanistan that he announced Wednesday night. In several ways, they are at odds with the strategy adopted by NATO, which aims to turn over the war to the Afghan army by the end of 2014. For that plan to succeed, military commanders believe that U.S. and allied forces must hold the areas in southern Afghanistan that have been cleared of the Taliban through this summer's fighting season as well as that of 2012. They also must sweep eastern provinces that have not yet been reached by the counterinsurgency campaign.

By withdrawing 5,000 U.S. troops this summer and another 5,000 by the end of the year, Mr. Obama will make those tasks harder. By setting September 2012 as a deadline for withdrawing all of the 33,000 reinforcements he ordered in late 2009, the President risks undermining not only the war on the ground but also the effort to draw elements of the Taliban into a political settlement; the militants may prefer to wait out a retreating enemy. It also may be harder to gain cooperation from Pakistan, whose willingness to break with the Taliban is linked to its perception of U.S. determination to remain engaged in the region. U.S. allies, which have committed 40,000 troops to the 2014 plan, may revise their own exit strategies.

An accelerated withdrawal of American forces would make more sense if Mr. Obama had decided to abandon the modified counterinsurgency plan he adopted at the end of 2009, which was later expanded and endorsed by NATO. Vice President Biden, among others, has pressed for a more limited counterterrorism strategy focused on combating al-Qaeda. But Mr. Obama offered no indication in Wednesday's speech that he has altered his objectives. Instead, he argued that the reduction is possible because ''we are achieving our goals. . . . We are starting this drawdown from a position of strength.''

Mr. Obama correctly pointed out that the killing of Osama bin Laden and operations in Pakistan have weakened al-Qaeda and limited its ability to attack the United States. But a Taliban resurgence in Afghanistan, which Mr. Obama's withdrawals risk, would be deeply destabilizing for a region that includes nuclear-armed Pakistan and India. If the Afghan government or army crumbles, there would be a considerable chance that the United States would lose the bases it now uses for drone attacks against al-Qaeda.

Perhaps the best justification for Mr. Obama's decision is U.S. domestic opinion. As senior administration officials have pointed out, Americans have grown weary of the war; polls show that a majority support a rapid withdrawal of U.S. forces, and that view is increasingly reflected in Congress and even among Republican presidential candidates. Many in Congress cite the cost of the war—though the few billion dollars saved through a faster withdrawal will have little impact on a deficit measured in trillions.

By announcing these pullouts, Mr. Obama may ease some of the political pressure while still allowing his commanders enough forces to complete the 2014 transition plan. The president's supporters point out that at the end of 2012, there will still be twice as many U.S. troops in Afghanistan—68,000—as when Mr. Obama took office. We hope those prove sufficient. But Mr. Obama's withdrawal decision, with no clear basis in strategy, increases the risk of failure.

[From the Wall Street Journal, June 23, 2011]

LIBYA AND REPUBLICANS

CUTTING OFF FUNDS IS WHAT DEMOCRATS DO TO GOP PRESIDENTS

Back in the day—this would be March 7, 2011—Newt Gingrich offered a compelling case for intervening militarily in Libya:

''Exercise a no-fly zone this evening,'' he told Fox News Channel. ''Communicate to the Libyan military that Gadhafi is gone. . . . Provide help to the rebels to replace him. I mean, the idea that we're confused about a man who has been an anti-American dictator since 1969 just tells you how inept this Administration is. . . . We don't need to have the United Nations. All we have to say is that we think slaughtering your own citizens is unacceptable.''

Mr. Gingrich has since, er, clarified his position, so that today the former Speaker is one of several prominent Republicans, along with fellow Presidential candidates Michele Bachmann and Jon Huntsman, opposing President Obama for doing most of what he advised a few months ago. Add the House vote expected Friday seeking to limit funding for the Libya effort, and we are witnessing at the very least some unsightly political opportunism, if not yet the rebirth of pre-Eisenhower GOP isolationism.

We understand the argument—we've made it often ourselves—that Mr. Obama has prosecuted the Libya campaign half-heartedly. The major part of the U.S. combat mission lasted days and has been over for months. The U.S. is supplying logistical help to NATO, but the alliance hasn't been able to dislodge Moammar Gadhafi. U.S. aid to the Libyan rebels has been of the ''non-lethal'' variant—mainly MRE rations—when what they most need are guns and munitions.

About a dozen countries, most recently Germany, have formally recognized the Benghazi-based Transitional National Council as Libya's legitimate government. But the U.S. hasn't done so, and only now is Congress advancing the legislation that would allow Gadhafi's frozen assets to be sent to Libya's people in the form of humanitarian aid. The evidence we've seen does not suggest, beyond isolated examples, that the rebels are linked to al Qaeda, while Gadhafi's record in promoting terrorism is clear.

But all of this is an argument for prodding Mr. Obama to win the wars he starts, not to cut off funding and guarantee defeat. It is also an opportunity for Republicans to point out that Gadhafi has the blood of hundreds of Americans on his hands, and that to allow him to remain in power would give the vindictive tyrant a chance to strike back. It would also likely mean the collapse of NATO as a credible military alliance. These are the kind of U.S. security interests that Republicans have defended as a core party principle for decades.

Instead on Libya, Republicans are wrapping themselves in the 1973 War Powers Resolution, a Watergate-era law the constitutionality of which no President has recognized, and which Mr. Gingrich rightly attempted to have repealed in the 1990s, saying at the time that ''I want to strengthen the current Democratic President because he is the President of the United States.''

Trying to defund U.S. military operations has been the habit of Democrats in Congress going back to the Vietnam era, to no good end. In 1975, they slashed support for our allies in South Vietnam, signaling to the North that it was open season to invade. Saigon fell, and a generation of detention and murder descended on Southeast Asia.

In the 1980s, Democrats cut off funds for the contra rebels in Nicaragua, delaying their liberation from Communist Sandinista rule. And most recently, they tried to shut down the war in Iraq, emboldening the terrorist insurgents until the GOP-backed surge defeated them. Is this the kind of example that Republicans want to follow?

It's true that the Senate probably won't join any fund cut-off, and Mr. Obama can veto the bill. In that sense the House vote is purely symbolic—and even more politically cynical. But such nuances will be missed in Tripoli, where the Gadhafi family will take it as a sign to hold out longer. There's a reason the dictator sent a thank-you missive to Speaker John Boehner after the House Libya vote three weeks ago.

For half a century, and especially since Vietnam, the Republican Party has stood for a strong national defense and the projection of military power to defend U.S. interests and to spread freedom around the world. Running to the left of Nancy Pelosi and John Kerry is not the way to win elections, much less to enhance America's security.

[From the Wall Street Journal, June 23, 2011]

UNPLUGGING THE AFGHAN SURGE

PRESIDENT OBAMA DECLARES VICTORY BEFORE IT'S BEEN ACHIEVED

President Obama delivered a remarkable speech last night, essentially unplugging the Afghanistan troop surge he proposed only 18 months ago and doing so before its goals have been achieved. We half expected to see a ''mission accomplished'' banner somewhere in the background.

Not long ago, Secretary of Defense Robert Gates spoke about only a token drawdown this year, but he's now on his way out of the Pentagon. This time Mr. Obama overruled his military advisers and sided instead with Vice President Joe Biden and his political generals who have their eye on the mission of re-election. His real generals, the ones in the field, will now have to scramble to fulfill their counterinsurgency mission, if that is still possible.

Mr. Obama said the U.S. will start to remove troops next month, returning 10,000, or three or four brigades, by the end of the year. The entire 33,000-soldier Obama surge will be gone by next summer, and withdrawals will continue ''at a steady pace'' after that. So the full surge force will have been in Afghanistan for only a single fighting season, and even the remaining 68,000 troops are heading out. Mr. Obama reiterated NATO's previously agreed on date of 2014 for the full transfer of combat operations to Afghan forces, but that date now seems notional.

The President rightly pointed to the coalition progress against the Taliban in Helmand and Kandahar provinces in the south, in building up an Afghan army and eliminating terrorist sanctuaries in Pakistan. But the military knows these gains are tentative, and it pressed the White House to keep all the fighting brigades in Afghanistan to press the advantage. We don't envy the task of Lt. General John Allen, who is taking over the Afghan command this summer from General David Petraeus. He'll now have to take the battle to the remaining Taliban strongholds in the east, while protecting the gains made in the south and elsewhere, even as he also manages the withdrawals. The expanding Afghan forces will be able to fill in only some of the gaps, and the U.S. troops who remain will be exposed to greater risks. The burden of long deployments is hard on the troops, but those we talk to would rather finish the job than leave too soon and risk having their sacrifice washed away in a Taliban resurgence.

In justifying the withdrawal, Mr. Obama repeatedly stressed the damage we've done to al Qaeda. Yet most of those successes have been mounted from Afghanistan, including the killing of Osama bin Laden. Mr. Obama stressed that he'll continue to press Pakistan to cooperate in attacking terrorist havens, but his accelerated withdrawal schedule will make that persuasion harder. The Pakistan military will now almost surely not act against the Afghan Taliban. The Pakistanis will press instead for a ''reconciliation'' between the Afghan government

and Taliban leaders, who will be the most relieved by last night's speech.

The President wanted to accentuate the progress of the surge last night to explain his decision to short-circuit it. But the real message was political and could not have been clearer: ''America,'' he said, ''it is time to focus on nation building here at home.'' And ''the tide of war is receding.''

Mr. Obama was laying out his re-election theme as a Commander in Chief who ended George W. Bush's wars and brought the troops home from Iraq and Afghanistan. He could bring the troops home from Iraq because Mr. Bush had already won the surge before Mr. Obama took office. Let's hope America's generals can still conjure a similar success from Afghanistan, despite a preempted surge and a Presidential march to the exits.

Mr. McCAIN. I note my friend from South Carolina here today. The Senator from South Carolina, as many of us know, is a reserve colonel—a terrible mistake by the promotion boards—in the U.S. Air Force JAG Corps. He has spent more time in Afghanistan than any Member of Congress, including more than most Members of Congress combined. He has observed closely in Afghanistan the surge, its success, its impediments. I ask unanimous consent to engage in colloquy with the Senator from South Carolina.

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

Mr. McCAIN. I wonder if my friend saw General Keene, the architect of the surge in Iraq, on one of the networks this morning describing his views on the President's decision concerning drawing down our troops from Afghanistan.

Mr. GRAHAM. I did. And if I could respond to my colleague about his statement on the floor, I would like to associate myself with it. I thought it was a very well articulated statement about the times in which we live.

For about 18 months, we have had additional military capacity that was never known to Afghanistan, all because of President Obama's decision to send 33,000 troops at General Petraeus' request. Now, the request was for 40,000, but at the time, I said: I do appreciate President Obama giving the commander the resources that could do the job, but you have to do it differently.

General Keene is the architect of counterinsurgency. He is a mentor of General Petraeus. He and General Petraeus and others came up with the strategy that succeeded in Iraq. Here is what has happened, from my point of view.

I go about every 3 months. About 2 years ago, I was very afraid we were going to lose.

How could the Taliban come back with about 100,000 NATO forces in Afghanistan? The truth was that the rules of engagement for NATO really were law enforcement rules. The NATO forces could not engage the enemy in an effective way.

We were looking at this from the eyes of a law enforcement activity, and the number of American forces was about 30,000. That wasn't enough to help build the Afghan Army, train and equip the Afghan Army, control the population, provide safety, and give governance a chance to flourish through better security. That is why we needed more troops.

To all the commanders before General Petraeus, you were holding Afghanistan together, in many ways with duct tape.

I believe Iraq is a pivotal moment in the war on terror, but it is a fair observation to make that because of the war in Iraq, resources were taken away from Afghanistan. The truth is that even though we have been there almost 10 years, we really have only been there with the capacity to bring about change for the last 18 months.

So what has happened in the last 18 months? The 30,000 surge forces were sent to the southern part of Afghanistan. This really is a Pashtun civil war. It is a fight between the Taliban, a radical element of the Pashtun community, and a majority of Pashtuns and other Afghans who want a different way.

Kandahar is in the south. It is the spiritual home of Mullah Omar. That is the place he lived, and there is an American operating base within a mile of his compound. You can get up on the roof of a prison there, and you can see Mullah Omar's compound. So the argument is, if we can win in the south, we can win anywhere. So we took 30,000 troops into the southern part of Afghanistan, and we broke the enemy's back. We have allowed the Afghan Army and security forces to develop.

In September 2009, there were 800 people a month joining the Afghan Army and 2,000 a month leaving. I am not very good at math, but that is not a way to build an army. From December 2009 to the present, we have been recruiting 6,000 a month in the army, 3,000 in the police. What happened? Better pay and a sense that we were going to win. So in 17 months, we have built up the Afghan security forces by 90,000. We will have 305,000 by the end of this year.

What is the problem with the President's drawdown of forces? Why can't you do it with the numbers we have? Counterinsurgency is a very labor-intensive operation. Its goal is to provide population security and focus on training by fighting with a unit. Instead of training them during the day and hoping they do well at night, you literally go out and live with the police and the army. It is a very labor-intensive activity, but it is the best way to provide training and build capacity.

Here is the problem. The surge forces under President Obama's withdrawal plan are now going to compromise next summer. Drawing 10,000 down this year is going to make it hard to finish out the fighting season we are engaged in now.

But here is General Allen's dilemma. Because we had 30, not 40, we couldn't go to RC-East, where the Haqqani Network exists, and fight the Taliban in the south at the same time. So we took our full force of the surge and put it against the Taliban in the south. We broke their back. We have been holding RC-East, and the game plan was to take those surge forces out of the south and go to RC-East next summer and deliver a decisive blow to the Haqqani Network. That way, the two forces undermining Afghanistan would be put at bay.

Because of the President's decision and the rejection of General Petraeus' advice, come next summer the surge forces will be all gone by September, and General Allen is in a box. How does he hang on to the security gains in RC-South? Because the enemy's will has been broken, they have been put on their knees, but they are not yet defeated because they can go across the border to Pakistan. So next summer, the surge forces we were going to have available for General Allen are going to be gone, and RC-East cannot be engaged in the same fashion as RC-South.

What does that all matter? That means one of the enemies of the Afghan people is getting a reprieve and the ability to develop security forces all over the country so that when we leave, they can fight and win has been compromised. Counterinsurgency requires math. You need a certain amount of soldiers against the enemy.

I was asked last night: There are only 50 al-Qaida. Why do you need so many troops? One Navy SEAL could defeat 50 al-Qaida.

Those who suggest that simplistic formula don't understand what we are trying to do. We are trying to take a country that has been beaten down and involved in civil war for 30 years and provide better governance through better security.

The way you beat the Taliban is you go and take them on with an overwhelming show of force. You inspire the local population to come your way and get off the sidelines because they don't want the Taliban to win, but they are afraid that at the end of the day we are going to leave and the Taliban will take over. Because of this surge, the people in the south jumped our way. And this is what is so heartbreaking. We are on the verge of being able in two summers to deliver decisive blows to two enemies of ours and the Afghan people—the radical element of the Taliban and the Haqqani Network in the east. But because of this adjustment in strategy, I think we now have lost capability, and General Allen is going to have a much more difficult job.

Things to watch.

Mr. McCAIN. According to the Washington Post this morning, the editorial ''End Of A Surge. The mismatch between President Obama's strategy and his troop withdrawal timetable'':

Mr. Obama's withdrawal decision, with no clear basis in strategy, increases the risk of failure.

The only other issue—and I think the Senator from South Carolina is very well qualified to describe it—I hear over and over, especially from those who are opposed to our involvement in this conflict, the troops are exhausted, the troops are exhausted. Yet General Keene, this morning on one of the news channels, said: They are not exhausted. They are exhilarated because they are winning. They know they have sacrificed so many of their comrades, killed and wounded. They are not exhausted. But they certainly, certainly don't want to come home in defeat, something that I saw a long time ago.

Mr. GRAHAM. That is a very good question. Who are these people and what makes them tick? Why would people who could leave by just not reenlisting keep going back to Iraq and Afghanistan? My view of our forces is that they see the face of the enemy, they believe they have a strategy that is working, and they don't want their kids to go back. So when you use the troops as a reason to shortcut this war, I don't think you are really listening to what they say and what they do. If they were exhausted and hopeless, they would change careers.

I have never seen Afghanistan change as much as I have in the last year, and my fear is that the successes we have achieved are going to be compromised for no good reason. Both of us believe that you could, at the end of 2012, if you do this right, remove all of the surge forces. But what we have been trying to argue to the President and anyone else who will listen is that this fighting season and the next fighting season are the best chance we will have in our lifetime to bring about permanent, sustainable change. And I think General Petraeus has been trying to tell the country and the President: Give General Allen the ability to take the fight to the east like we did to the south.

From the troops' point of view, the reason they go to Afghanistan and Iraq over and over is they understand this enemy better than you and I. They see what the enemy is capable of doing. They saw it in Anbar, where children were killed in front of their parents by al-Qaida. They see what happens when the Taliban hangs a 9-year-old boy because they believe he is providing information to the coalition forces.

I think our troops understand the danger America faces, to the point that they are willing to leave their families time and time again to protect all of us back here at home.

If you do not believe Afghanistan matters, then I think you are going to be in for a rude awakening. If it goes bad in Afghanistan, if the Taliban can survive and wait us out and they begin to reemerge, a lot of people who helped us, I say to Senator MCCAIN, are going to get killed. And when America goes off to some future conflict to help the oppressed, we are going to be seen as an unreliable ally and our enemies are going to be stronger.

One final thought. This is a consequential week. The negotiations dealing with our national debt have broken down. My colleagues in the House, whom I respect, are about to vote to cut off funding, which will send a signal to Muammar Qadafi that I think is unhealthy. At the end of the day, the decisions we make here in Congress are going to affect our Nation long after you and I leave this body. Qadafi is on the ropes. NATO has limited capacity, but if the American Congress tells Qadafi we are out of the fight, I am afraid that is going to give him a sense of hope he does not have today.

What does it matter if he stays? I think logically you can expect, if he outlasts NATO, the Arab spring is over. We can't go into Syria, but he will take it out on his people. I think it will affect the price of oil. That will be the end of NATO, because with NATO taking on Qadafi and losing, it is going to be very hard for that organization to go off to another war and be taken seriously.

I hope we can survive this week, that cooler heads will prevail. I am going to tell Mike Mullen, when you come to get confirmed for this job, please let us know if you are having to make hard decisions because of a lack of resources. Give the President that information and let Congress know so we can adjust the strategy. I hope the President is right and that we are both wrong. But General Keene and General Petreaus have come up with a strategy that I think, given time and patience, will work. This new strategy is something that is untested, that is unnecessarily risky.

The way to keep America safe, Ronald Reagan said, the way to prevent a war—he said: When people who love freedom are strong, not weak, that is the best way to prevent war.

Mr. MCCAIN. Can I say in summary—and I thank the Senator from Connecticut for his forbearance—I agree with the Senator from South Carolina, obviously. I say to my friends on the other side of the Capitol, although it may fall on deaf ears at this moment, I hope they know that we understand their frustration about the President's failure to recognize the War Powers Act exists, and the failure of the administration to consult and brief Members of Congress on the situation in Libya, about many aspects of the way this conflict has been conducted where America is ''leading from behind.''

But I want to repeat what the Senator from South Carolina said: This could mean the end of NATO. If NATO cannot defeat a third-rate military power, then NATO is probably going to go out of business. If we do not succeed in Libya and oust Qadafi, as is the President's policy, you will see a center for terrorist activities, you will see a return of al-Qaida to Libya—certainly a dramatically increased influence. And, frankly, it will send a message to the world that even though we say about a dictator and a brutal killer and murderer such as Qadafi that it is our policy that he be removed from power, we are either unwilling or unable to do so.

I again caution my colleagues on the other side of the aisle, I hope they would not do anything that would enhance the ability of this brutal dictator to remain in power and continue to perpetrate the murders and crimes for which he is so well known.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

GASOLINE PRICES

Mr. BLUMENTHAL. Mr. President, I am honored to follow that very articulate colloquy between my colleagues from Arizona and South Carolina and certainly draw inspiration from what they have outlined in that colloquy, the consequences internationally and at home in this very important week. I rise to call attention to developments in an area that is among those consequences—the price of gasoline, the supply of fuel internationally and at home.

I rise to commend the President of the United States for releasing today some 30 million barrels of oil over the next 30 days, which already has brought down the price of oil by about $5 per barrel on the New York Mercantile Exchange. This consequence certainly cannot be the end of the campaign that we must continue to wage. I commend the President for heeding the calls from myself and my colleagues to address the pain felt across Connecticut and the country as prices remain too high, at close to $4 a gallon. The drop we have seen today should be followed by additional reductions. That can happen only if the administration and this body continue to campaign to achieve those lower prices.

This development follows the decision by the Federal Trade Commission to conduct an investigation, again heeding calls from me and my colleagues, that a searching, penetrating, comprehensive investigation is necessary to forestall and prevent manipulation and speculation on the markets. We have seen over these months that supply and demand is not the cause of increases in the price of oil internationally or here at home. It is directly and substantially a consequence of speculation by traders and the hedge funds, as well as potentially illegal manipulation.

The FTC investigation is in response to those calls we have made, based on what we have seen in those markets. Clearly the FTC is reacting, for example, to the fact that U.S. refiners' margins have increased more than 90 percent since the beginning of 2011. Over that same period of time the amount of capacity has been reduced by 7 percent. It is 81.7 percent over this same period of time, a 7-percent reduction from the same period in 2010. Those indicia of potential forces in the market that

have nothing to do with supply and demand are certainly more than sufficient basis for the FTC investigation. Combined with the release of product from the Strategic Petroleum Reserve, they have helped to bring down prices.

But the campaign must continue. We must deter speculation and illegal manipulation. We must send a message to those speculators and manipulators who are on the wrong side of these markets, who are on the wrong side of history: You will lose and you will lose big time This kind of message is what is necessary to protect Connecticut and national consumers. We have seen in Connecticut that the price is still above $4 on average in many places.

This issue is not just one that affects consumers, it is an economic issue with broad and far-reaching ramifications. It affects small business people who have to drive their cars to get to work, to deliver product, to arrive at places where they are working and spending time. It has ripple effects throughout our economy. It is crushing to families and small businesses.

The rise in prices in this country for fuel and gasoline has been crushing families and small businesses. It had ramifications throughout the economy that these two steps, release of product through the Strategic Petroleum Reserve and the FTC investigation, will help to counter.

More is necessary—stronger enforcement and regulatory steps to stop and prevent abusive speculation and manipulation. I will be announcing a number of proposals for my part that I hope will be followed in the next days and weeks.

These two steps are important, but they must be followed by others, they must be the beginning, not the end, of a comprehensive strategy to bring down the price of fuel—not just gasoline but soon heating oil—for Connecticut families as well as consumers across the country. This pattern must continue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

VOTE ON AMENDMENT NO. 510

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 510.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. MORAN).

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

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS — 41

Ayotte	Graham	McConnell
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Brown (MA)	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Sessions
Coburn	Isakson	Shelby
Cochran	Johanns	Snowe
Corker	Johnson (WI)	Thune
Cornyn	Kirk	Toomey
Crapo	Lee	Vitter
DeMint	Lugar	Wicker
Enzi	McCain	

NAYS — 57

Akaka	Gillibrand	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Begich	Inouye	Nelson (FL)
Bennet	Johnson (SD)	Pryor
Bingaman	Kerry	Reed
Blumenthal	Klobuchar	Reid
Boxer	Kohl	Rockefeller
Brown (OH)	Kyl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING — 2

Boozman	Moran

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 57. The amendment is rejected.

The Senator from Delaware.

AMENDMENT NO. 517

Mr. CARPER. Mr. President, I would like to take a few minutes, if I could, just to speak on——

Mr. REID. Would the Senator from Delaware yield?

Mr. CARPER. I would be happy to yield.

Mr. REID. Mr. President, we are trying to arrive at an end to this legislation. We are not there yet. We hope there will be no more votes today. We feel positive there will not be, but we are not ready to make that decision right now. We should within the next hour.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I would like to begin my remarks this afternoon by congratulating several of our colleagues who have worked long and hard on this legislation, and their staffs who have worked equally long and hard: Senator SCHUMER and Senator ALEXANDER; I see Senator COLLINS is on the floor; Senator LIEBERMAN; our leaders, Democrat and Republican leaders, Senator REID and Senator MCCONNELL.

Anyone watching this debate from across America on C–SPAN might be wondering why is this important? Why are they doing this? Why are we spending several days, literally, in session in the Senate to focus on a nominations bill? Why? For those folks who might be wondering why, let me just offer these thoughts.

This administration has been in office for roughly 2½ years now. If we look throughout the Federal Government, the executive branch of the government, most of the positions that require Presidential nominations and Senate confirmation have now been filled. But a number, including a number that are in highly important, highly critical positions, have not been. Until fairly recently this administration looked like what I describe as ''executive branch Swiss cheese.''

People sometimes wonder why the Federal Government in Washington does not work better and maybe why does it not work as well as our States. I want to take a moment, if I can, to compare the approach we used in Delaware. I know Senator ALEXANDER is a former Governor. It is probably the approach they use in Tennessee, to fill key leadership positions in the executive branch of those State governments.

In my State, for example, the Governor nominates people to serve as cabinet secretaries in a dozen or so different departments. Those nominations have to be confirmed before the senate. They hold hearings and generally report those nominations favorably. In fact, in my 8 years as Governor, we never had the senate fail to report and to vote for one of our nominees for an executive branch department—for example, secretary of transportation, secretary of education, those kinds of appointments. Within those various departments of State government, the division directors are appointed by the Governor without confirmation by the senate. The rest of our line departments within State government in Delaware are not appointed by the Governor; they are literally chosen through the merit system and report up the chain of command through the director of the division to the secretary of the department. That is the way it works.

I remember when I was about to be sworn in as Governor. I met with the senate—it was a Democrat majority at the time—and they were interested in knowing who I was going to nominate to different positions. I explained who we had in mind. They said: We do not know some of those people. Some of them are from other States. We are not sure that we ought to be confirming them.

I asked them: Look, why don't we make a deal. Give me the team I feel that as Governor I am entitled to have, make sure they are honorable people, smart people, that sort of thing. But at the end of the day, let me have my team and go forward and try to govern in partnership with the legislative branch, and judge us in the end on how we perform.

To their credit, that is what the State senate decided to do. That is the way we operated for 8 years. They were 9 very good years. I was fortunate to be Governor at the same time that Bill Clinton was President, and we managed

to balance our budget for 8 years in a row. We actually cut taxes 7 years in a row. We got ourselves a AAA credit rating for the first time in State history and still have it. That is the way we operated.

It does not look that way or operate that way here, and there are a number of reasons this administration, the last administration, and I suspect the one before that, a year or 2 years even into those administrations, the executive branch—if we look through the senior ranks of the leadership of the various departments—looked too much like executive branch Swiss cheese.

Senator ALEXANDER and Senator SCHUMER, to their credit, are trying to change that. I commend them for their efforts. I think it is enormously important.

If you are trying to be the President and lead this country, you need your team. It is important that they be capable people, honorable people. But at the end of the day, a President of either party needs a good team, a strong team, filled sooner rather than later.

There are a number of reasons it is so difficult to get many of these vacancies filled. One of them is a reluctance on the part of some people to go through the process, the confirmation process. It takes forever in some cases. These nominees are asked to bare, not their souls but largely bare their lives to go through a process where they can be maybe not crucified but certainly exposed to anything they have ever done wrong in their lives. None of us is perfect.

I think that in itself deters people from wanting to go through this process. I was once nominated when I was Governor to serve on the Amtrak board by President Clinton. I remember how long it took just to fill out the paperwork—one set of paperwork for the executive branch, a totally different set of paperwork for the legislative branch.

I remember saying to my wife, after spending a weekend just to fill out the paperwork: I am not sure it is really worth doing all of this. I am really not sure it is worth it. I am sure for other folks who go through this process they probably reach the same conclusion at least once during the time they go through the paperwork.

We need to have not separate questionnaires, we need to synchronize, homogenize at least the paperwork, and hopefully put it in an electronic form so we can do it electronically—those nominees can do it electronically one time and be done with it and send it off to the right folks to look at.

One of the reasons we go slowly is—I will share with you—I was riding in Afghanistan or Pakistan, one of those countries a couple of months ago, riding around with a codel on a bus going from place to place. One of the folks on the bus said they were looking for somebody to put a hold on a nomination in order to get some leverage on something that Senator was trying to get from the administration—that is with a Democratic President and a Republican Senator. But I want to tell you, that conversation could have happened 4 years ago with a Democratic Senator and a Republican President. A lot of folks have used for years the ability to put a hold, to stop a nomination from moving forward, in order to gain some kind of political advantage, which has nothing to do maybe with the nominee or the nominee's ability to serve.

The other point I want to make—I shared this with some of our colleagues in our caucus, the Senate Democratic caucus, the other day. I talked to my colleagues about the work of the Government Accountability Office, GAO. Every year they publish, as most of us know, something called a High Risk List. And a high risk is just a whole lot of initiatives or problems that exist throughout the Federal Government that either are costing us a lot of money or are going to cost us a lot of money unless we do something different.

One of the top items on the GAO's High Risk List for years now has been major weapons systems cost overruns. In 2000, GAO determined that major weapons systems cost overruns—Department of Defense—was $42 billion. That is a lot of money.

They update that list every year. They updated it for 2010 not long ago, and they concluded that major weapons systems cost overruns in 2010 had gone from $42 billion—10 years ago—to $402 billion in 2010.

I chair a subcommittee called Federal Financial Management, part of Homeland Security Government Affairs. We have held a number of hearings in recent years to try to figure out how we can get better results for less money—how we get better results for taxpayers for less money or better results for maybe not much more money.

As we drilled down on major weapons systems cost overruns, here is one of the things we found out. Through testimony offered by a fellow from—one of the top three people in acquisition in the Department of Defense, a fellow named Jim Finley, who reported to John Young, the top acquisition guy in the last administration, who reported to Bob Gates, the Secretary.

We brought in Jim Finley for testimony on major weapons systems cost overruns. Again, this is Secretary Gates, John Young, top acquisition guy at the Pentagon, and then Jim Finley. We asked Mr. Finley—I asked him a question: How long have you been in your job?

He told me how many months he had served in his job.

I asked him what kind of turnover he got from his predecessor.

He said: My predecessor left 18 months before I was confirmed for this position.

So I said: You mean, for like 18 months, there was no confirmed person in your position for acquisition to oversee the major weapons systems?

I said: How many direct reports did you have once you got into your job—how many folks were directly reporting to you?

He said: There are six direct reports to me in that job but only two of them were filled.

Just think about that. Here we are, the Department of Defense, hundreds of billions of dollars of weapons systems to oversee in acquisitions, and arguably the No. 2 person in acquisitions in the Department of Defense, that position was vacant for 18 months—18 months.

When he finally got confirmed, of the six direct reports, only two were filled. No wonder we have these huge weapons systems cost overruns—and it is not just an isolated incident. We brought in Jim Finley's counterpart today in this administration, a fellow named Frank Kendall. Good man. He testified earlier this year. Again, it is Bob Gates, the Secretary. Now it is Ashton Carter who is the top acquisition person in DOD. Then we have Frank Kendall.

I said to Mr. Kendall: How long have you been in the job?

He told me how many months.

I said: What kind of turnover did you get from your predecessor?

He said: My predecessor left 15 months before I got here.

My friends, I do not know how good we all are at connecting the dots, but when we have one of the top two people at the Department of Defense responsible for riding herd on the defense industry, all our contractors, and these contracts are for very expensive weapons systems—when we have a vacancy for 18 months in one administration, the next administration, pretty much like a vacancy for 15 months—that is no good. That is an invitation for disaster.

When we see the major weapons systems cost overruns go from $42 billion in 2000 to $400 billion 10 years later, I would suggest one of the reasons is because of this confirmation process, the vetting process. Really, the biggest problem of all is the administration. The administration takes forever to identify people to go in these positions, to vet these positions and actually give us a name.

There are no silver bullets in terms of solving this problem. We need a lot of silver BBs. One of the good things about the legislation before us is it provides a number of very helpful tools to expedite the consideration of nominees, to better ensure that the next administration, or even this administration a year or two from now if the President is reelected, that we do not end up with more and more executive branch Swiss cheese, which really translates to the taxpayers an enormous cost, costs we cannot afford with the budget deficit of over $1 trillion.

The last thing I want to say, if I may, I know people are offering amendments. I am going to call up an amendment to this bill in just a moment. It

is an amendment that involves again our friends at GAO, the Government Accountability Office. Our amendment is pretty straightforward. It would require GAO to investigate and conduct a survey on the number of Presidentially appointed positions that are not Senate confirmed in each agency, a category of jobs that also routinely go unfilled for extended periods of time.

The study would provide recommendations as to whether eliminating or converting certain appointees to career positions would be more efficient. In addition, the survey should evaluate whether it is beneficial to reduce and convert specialized categories of appointees, such as inspector generals, chief financial officers, or acquisition officers to career status, not as politically appointed.

The purpose of the amendment is that the proposal, we believe, would provide an analysis of what is an efficient amount of Presidentially appointed positions governmentwide. It also would provide recommendations on how to further reduce or convert these positions.

As far as I can tell, it is not a controversial proposal. GAO does a lot of good work for us to help figure out how to operate more efficiently, also to use some common sense. My hope is that my colleagues will see fit to support it.

That having been said, I ask unanimous consent to call up amendment No. 517, which I filed earlier today.

The PRESIDING OFFICER (Mrs. MCCASKILL). Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Delaware [Mr. CARPER] proposes an amendment numbered 517.

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

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

The amendment is as follows:

(Purpose: To provide that the Government Accountability Office shall conduct a study and submit a report on presidentially appointed positions to Congress and the President)

At the appropriate place, insert the following:

SEC. _____. REPORT ON PRESIDENTIALLY APPOINTED POSITIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means an Executive agency defined under section 105 of title 5, United States Code; and

(2) the term ''covered position'' means a position in an agency that requires appointment by the President without the advice and consent of the Senate.

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall conduct a study and submit a report on covered positions to Congress and the President.

(c) CONTENTS.—The report submitted under this section shall include—

(1) a determination of the number of covered positions in each agency;

(2) an evaluation of whether maintaining the total number of covered positions is necessary;

(3) an evaluation of the benefits and disadvantages of—

(A) eliminating certain covered positions;

(B) converting certain covered positions to career positions or positions in the Senior Executive Service that are not career reserved positions; and

(C) converting any categories of covered positions to career positions;

(4) the identification of—

(A) covered positions described under paragraph (3)(A) and (B); and

(B) categories of covered positions described under paragraph (3)(C); and

(5) any other recommendations relating to covered positions.

Mr. CARPER. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

U.S. CREDIT SCORE

Mr. DURBIN. Madam President, most Americans have a credit score. We don't know much about it until we start to borrow money. Then you find out what your score is, and that will determine whether you are going to get a loan and, if you get one, how much interest you will pay for it.

Several years ago, I got a phone call from a bill collection agency to my home in Springfield, saying: DURBIN, we finally caught up with you; I don't know how you thought you could get away from us, but the charges that you have run up here at Home Depot in Denver, CO, haven't been paid for months. I said I had never been to the Home Depot in Denver, CO.

Well, I was a victim of identity theft. Somebody got enough information about me to apply for an account there and run up some charges. They said: Prove it. So I sent them some information and they came back and said: We are satisfied you weren't the person who ran up the charges, and you better check with your credit agencies to see what your credit score is now because everybody has been reporting this default on payment on the Home Depot in Denver, CO. I checked and, sure enough, my credit scores, which I never pay any attention to because I don't borrow a lot of money, were terrible. I went through about 3 months of reconstructing what happened and clearing my record, and at the end they said everything is fine. It can be done.

Why do I bring up this example? The credit score of the United States is now in question. On August 2, the Secretary of the Treasury tells us that if we don't extend the debt ceiling of the United States, we are going to be in a terrible financial situation.

What is the debt ceiling? The debt ceiling is America's mortgage—the amount of money we borrow as a government, as a nation, to sustain ourselves. We borrow a lot of money—40 cents for every $1 we spend, whether it is on a missile or a food stamp. The creditors—our creditors around the world—of course, get paid interest for loaning us money to cover our debt. The level of interest they are paid reflects their confidence that we will ultimately make payments and be good for the debt.

Right now, you can pick up the newspaper and read what is going on in Greece. The Popoulias government barely survived this week because they have had to initiate austerity measures, cutbacks in spending that aren't politically popular. If they didn't, they were going to watch the Greek credit rating fall further and the cost of borrowing money go up even higher.

So when the time comes on August 2, our deadline on our basic debt ceiling, our creditors around the world will look and see what happens. What happens, without fail, in the history of the United States, is we do the right thing and extend the debt ceiling. They say: Fine, so the full faith and credit of the United States can be relied on confidently. They can say they made another payment as they said they would, and we can go forward with our business.

Now there is a hue and cry, primarily from the other party, that we should not pay any attention to this debt ceiling. We should ignore it. Many of them have made arguments which, frankly, are stunning.

Just to give you a couple of examples, a colleague from the State of Pennsylvania, Senator PAT TOOMEY, said today that ''failure to raise the debt limit upon the deadline submitted by the Treasury Secretary does not equate to a default on our debt at all.''

I will remind him what Ronald Reagan said:

The full consequences of a default—or even the serious prospect of default—by the United States are impossible to predict and awesome to contemplate. . . . The Nation can ill afford to allow such a result.

Senator DEMINT of South Carolina, a Republican, said:

Republicans must do everything they can to block an increase in the debt limit.

Here is what the Chairman of the Federal Reserve, Ben Bernanke, said:

Failing to raise the debt ceiling in a timely way will be self-defeating if the objective is to chart a course for the better fiscal situation for our Nation.

Congressman PAUL RYAN, chairman of the House Republican Budget Committee, said that holders of U.S. Government debt would be willing to miss payments ''for a day or two or three or four.''

Tim Geithner, the Treasury Secretary, said this:

Even a very short-term or limited default would have catastrophic economic consequences that would last for decades.

Mr. President, I am not sure you follow the stock market, but if you did, today you know it is off. It is off because news about employment is not encouraging. Too many Americans are out of work. So there is a question mark about this economy and where it is headed. We are doing our best to turn it around, and I think we have done some good, but we need to do more. We can talk more about that.

If we, for some reason, do not extend the debt limit of the United States, the credit rating of the United States

would go down in the eyes of people who loan us money. What would happen next? As predictable as I stand here, interest rates would go up. People loaning money to the United States would say: If they are not going to extend the debt ceiling when they are supposed to, then we want to cover our bets and have a higher interest rate. What happens when the interest rate paid by the United States of America on its debt goes up? All interest rates go up. Interest rates would go up on people buying homes and cars and on businesses that want to expand or buy more inventory.

Can you think of a worse thing at this moment in our economic history? Where the Federal Reserve has announced this week that they are going to try to keep interest rates down so we can get out of this recession, Congress, if it fails to meet its responsibility on the debt ceiling, would end up raising interest rates—exactly the opposite of what the Federal Reserve says we need to get the economy back on its feet and get America back to work.

This is the introduction to a point I wish to make that has a lot to do with a speech made on the floor today. Senator MCCONNELL, the Republican leader, came to the floor this morning to explain he has decided the Republicans will walk away from the budget negotiations with Vice President BIDEN. Congressman CANTOR, a leader in the House of Representatives, and today Senator KYL, one of our leaders in the Senate, have said that after weeks of sitting in the room with the Vice President trying to work out some kind of agreement on the budget deficit, they were walking out, and they did. The two Republican leaders in the room walked away from it.

Senator MCCONNELL said this this morning in explaining it:

> We're not in the majority. We can't sign anything into law. That's the President's job. That's his job. He has acted as if it is not his problem. This is his problem to solve.

As if that wasn't bad enough, the House majority leader announced soon after that he will no longer participate in the bipartisan negotiations.

Congressman CANTOR said:

> It is up to the President to come in and talk to the Speaker. We've reached the end of this phase.

How does this break down? How does the Republican walkout on budget negotiations and the extension of the debt ceiling come together? We can't extend the debt ceiling without the support of the House Republican majority and without the support of Republicans in the Senate. They have said they will not vote for it unless we have an agreement on the budget.

Well, the clock is ticking. At this point, we know August 2 is looming, and we know if we fail to extend the debt ceiling, it will be the worst thing we can do for the American economy at this moment in time. If there were ever a time when both political parties ought to stop making some of these speeches and come together and work it out, this is it. What it means is that both sides—our side, the Democrats, and their side, the Republicans—have to come together and put everything on the table. It means that some of the things we hold dearest, such as Medicare and Social Security and entitlement programs, we need to talk about their future in honest terms. It means that the Republican side has to come forward and accept the reality that we will need some new revenue to deal with our budget deficit situation. That is the reality.

I only know this a little better than some because I spent the last year and a half working on it—on the President's deficit commission and with a group of four or five other Senators from both parties trying to come up with some kind of agreement. That is where we are today.

This breakdown of the discussions on the Biden budget negotiations, because of the walkout of Congressman CANTOR and Senator KYL, is not promising. Next week, the Senate will be back in session, the House will not. It is one of their recess weeks. The following week, after the Fourth of July, we are out of session, and the House is back in. So for 2 weeks now, we are not going to have both Houses in Washington. That will make it more difficult to reach an agreement, but we have to do it.

As bad as things are with this economy, if we send a signal that we are unable to responsibly lead on a bipartisan basis, I am afraid we are going to have very negative consequences. I implore the Republican leaders to reconsider their position. Walking away from their congressional responsibility to negotiate for a good budget agreement and to extend the debt ceiling is the height of economic irresponsibility. It would create a disaster that would touch innocent people across the United States and around the world. What we need to do—and it is so hard in this town—is to try to put this partisanship aside. At one point early in the session, the Republican leader said the most important thing we can achieve during the course of this session—I will quote him:

> The single most important thing we want to achieve is for President Obama to be a one-term President.

That was a quote Senator MCCONNELL made several months ago. We are all partisan to some extent, but that isn't the most important thing Senator MCCONNELL or Senator DURBIN can achieve. The most important thing to do is to deal with our debt responsibly and get the economy moving forward in a bipartisan way. Running up filibusters on bill after bill on the floor of the Senate may give somebody a quick temporary victory, but it doesn't solve the problems we face. We need to work together to create jobs and pass legislation, get a budget agreement together, and extend the debt ceiling.

I urge my colleagues on the other side of the aisle to reconsider this walkout from the budget negotiation. We need to work in good faith to solve the problems of this country. After all, that is why we were elected.

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.

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

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

Mr. REID. Madam President, I ask unanimous consent that all first-degree amendments to S. 679, with the exception of the managers' amendment, must be offered prior to the close of business today.

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

Mr. REID. Madam President, there will be no further rollcall votes today. The next vote will be Tuesday before the caucus. There will be no votes on Monday or tomorrow.

I ask unanimous consent that the pending Coburn amendment No. 500 be withdrawn; that when the Senate considers S. Res. 116, it be in order for Senator COBURN to offer his duplication amendment to the resolution; that there be up to 1 hour of debate on the amendment, equally divided between Senator COBURN and the majority leader or their designees; that the amendment be subject to a two-thirds threshold; that the amendment not be divisible; that no amendments, motions or points of order be in order prior to any vote in relation to the Coburn amendment other than budget points of order and the applicable motions to waive; and that all other provisions of the previous order with respect to the resolution remain in effect.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

THE BUDGET

Mr. CORKER. Madam President, this is very much out of character, what I am getting ready to do, but this morning I was in a Foreign Relations hearing on Afghanistan and Pakistan and my staff tells me the majority leader came down and happened to castigate me for speaking about the fact we had not taken up some of the Nation's most important business this year; that we have spent a lot of time on bills that

were not as important as our Nation's debt crisis and other kinds of things.

I can't imagine there is anybody in this body who feels, as a Senator, and it being June 23, that we have taken up very serious business this year. I can't imagine there is anybody who is proud of what we have been able to accomplish this year as it relates to addressing our country's most pressing problems. And that was the point of the speech I made yesterday on the floor which, I might add, a number of Democrats have since come up to me and said they could not agree with me more.

The point is we need to deal with our Nation's No. 1 crisis today, which is spending. I talked a little bit about what is happening with the Blair House negotiations and the fact that, basically, the goal the Blair House negotiators have attempted to achieve—their aspirational goal—probably is not strong enough for most people on either side of the aisle to support, and so we need to be far more serious about our country's spending problems.

However, I know we are not busy, and when we are not busy, sometimes we say things we don't mean and we get ourselves in trouble. It is my understanding, again, that the majority leader came to the floor and found a quote I had made 2 years ago about EDA to try to, if you will, castigate me for the comments I made yesterday, which he said were out of line.

I know we haven't taken up a budget in 785 days in the Senate. We have not taken up a budget. Two years ago a budget was passed out of committee, but there was an unwillingness to take up that budget on the floor. This year, the Budget Committee didn't even pass a budget out of committee. So here we have a country that is spending $1.5 trillion a year that we don't have—and borrowing 40 cents of every dollar we spend—but here in the Senate we are basically hoping others will solve this problem for us. Candidly, I hope that happens. I do hope we come to a conclusion sometime soon.

I understand how the majority leader would be defensive. He is the majority leader of the Senate—the greatest deliberative body in the world, some say—and we haven't even taken up a budget to account for the $3.7 trillion we spend of our country's money each year. So I know he is embarrassed; I know he is defensive; and I understand that. But I would say that my words—the essence of what I said yesterday—still stand. This body has not done the serious work the Senate should do. We have a looming crisis coming before us, with a debt ceiling vote coming up on August 2 and, to my knowledge, there has been no public debate about solutions toward that.

The Presiding Officer and myself have offered a bill called the CAP Act to try to deal with that. It is the only bipartisan, bicameral act that has been introduced in both bodies. It certainly is not the total solution to our problem, but that, coupled with other fixes—some Medicare fixes, coupled with a 302(a) top line for a couple of years—to me is the essence of something that might solve our country's problems.

I have tried to offer some constructive solutions to our problem. I know the Presiding Officer has tried to offer some constructive solutions. To me, those are the kinds of things we here in the Senate should be dealing with today. The markets, rightfully so—and very soon, as they should—will become very volatile. It is my opinion we are close to a potential trainwreck. I know people have pulled away from the Blair House negotiations, and my sense is the two sides are very much in disarray at this point. There have been numbers of public comments that have been put forth. Again, I come back to the Senate, where we have gone 785 days without even taking up a budget.

So again, I know the majority leader is defensive and embarrassed, and I understand why he would be, but I stand by my comments yesterday.

With that, Madam President, I yield the floor, and 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. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

(The remarks of Mr. WHITEHOUSE pertaining to the introduction of S. 1271 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 493

Mr. KIRK. On behalf of Senator MCCAIN, I call up amendment No. 493.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. KIRK], for Mr. MCCAIN, proposes an amendment numbered 493.

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

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

The amendment is as follows:

(Purpose: To preserve congressional oversight into the budget overruns of the Office of Navajo and Hopi Relocation)

Strike section 2(w).

Mr. KIRK. I ask to be recognized for 10 minutes as in morning business.

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

AFGHANISTAN

Mr. KIRK. Madam President, under General Petraeus, the deployment of a local army is critical to winning a war. In Iraq he used extra U.S. troops to sustain military momentum against an enemy until a well-trained local Army was trained and ready for action. Petraeus had the time he needed to stand up a 500,000-man local Army and then won the war. This has also been his model for Afghanistan. While Iraq and Afghanistan differ, the military challenge was the same: to train and deploy a local army that could sustain a fight until victory.

Starting with nothing, the United States and our NATO allies set a goal of building an Afghan Army and police force to eventually number 400,000. By reaching this goal, the combat mission of the U.S. and other NATO forces would disappear. We would remain helpful with supplies, repair and intelligence, but not frontline combat.

I agreed with President Obama's decision to surge to Afghanistan, and I was in the audience to show my support when he delivered a historic address at West Point. By following the recommendations of General Petraeus, Secretary Gates and others, President Obama gave the United States and our NATO allies the time needed to vastly expand the Afghan police and army.

Unfortunately, the President has changed course from establishing a sufficient Afghan security force before scaling down our military presence. To date, the Afghan police and army are short of their 400,000-man goal. As of April, there were 284,000 in both services, well over 100,000 people short.

Overall, the Afghan Army loses 32 percent of its personnel a year, while its police lose 23 percent. To expand the security forces, losses must be held to 24 percent annually. Therefore, according to our National Military Training Mission in Afghanistan, the commander of that training effort, General Caldwell, must train 23 Afghans for every 10 to be deployed. We find key shortfalls in the officer corps and among noncommissioned officers. To date, 82 percent of Afghan officer billets are not filled, along with 85 percent of noncommissioned sergeants and corporals. The Afghan Army is also short of recruits from the communities where the fighting is most difficult. Only 3 percent of the Afghan Army was born in the southern Pashtun regions where Afghan leaders traditionally originate.

The Afghan Army is also lacking in literacy. In 2008, only 14 percent of Afghan military personnel could read or write. Now, thanks to General Caldwell, that number has grown to 85 percent in both the police and Army. One of the critical factors in training an Afghan Army that can win this war is the number of NATO trainers. To date the training command lacks over 700 trainers due to personnel shortfalls among our NATO allies. Each of these facts paints a clear picture of a work in progress but one that is about to be strained by the President's decision to leave Afghanistan 2 years too early. Under the original Petraeus plan, the United States and NATO would have deployed an Afghan police and military

numbering 400,000 by 2014. Having trained together for 1 year or more, these Afghan units would likely endure the stress of combat and deliver victory in 2015 or 2016.

Unfortunately, the President has rejected his general's recommendations and decided to leave early—withdrawing one U.S. brigade combat team right away. Our NATO allies express quiet concern about this departure. U.S. and local commanders will have about 12 percent of their combat power taken off the battlefield right away. The President will then remove two more brigade combat teams by the election day in 2012, leaving U.S. and local commanders with only 66 percent of the current combat power.

These actions will severely strain the Afghan police and Army, just as Afghanistan prepares for a new Presidential election. It also provides some hope for the Taliban, whose strategy may be a 12-month rest and refit of their operations to then reenter the battlefield against a much weaker enemy in 2013.

We learned a painful lesson when we ignored Afghanistan in 1992. Without any domestic oil or a coastline, the United States paid no attention to the rise of the Taliban and al-Qaida, and we paid an awful price for that policy on September 11, 2001. In my view, the lesson of that day should move us to realize that the Petraeus plan should have been fully implemented and not ended early.

Separately, I would like to take a moment to applaud our Treasury Department and especially our Acting Under Secretary, David Cohen, for moving decisively today to designate Iran Air and a major Iranian port operator, Tidewater, responsible for facilitating Iran's transfer of weapons and other proliferation activities.

Both of these Treasury designations will significantly restrict shipping to and from Iran and will put even more pressure on the Iranian economy. Under Secretary Cohen has proven himself to be a worthy successor to former Under Secretary Levey, and he has my confidence.

In the weeks ahead, I urge the administration to move forward with our allies in Europe and Asia to implement a comprehensive strategy to collapse the Central Bank of Iran. The Central Bank of Iran facilitates the operations of the Iranian Revolutionary Guard Corps and the Ministry of Intelligence Services and lies at the center of Iran's strategy to circumvent international sanctions. It is time for the United States and our allies to decapitate the Central Bank of Iran and to place unprecedented stress on the Iranian economy.

With that, I yield back.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Vermont.

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

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

DEFICIT CRISIS

Mr. SANDERS. Mr. President, I think many Americans understand we are at a pivotal moment in American history, and decisions that will be made in the Senate, decisions that will be made in the House, decisions that will be made in the White House regarding the budget and how we deal with the debt ceiling will impact virtually every American—our children, working families, seniors—virtually every American for decades to come. The stakes are huge. The debate is not just about a budget but the question of which direction America goes forward in.

Today, the Republican leaders—ERIC CANTOR in the House, JON KYL in the Senate—withdrew from the bipartisan budget talks that have been led by Vice President BIDEN. Senator MITCH MCCONNELL, the Republican leader in the Senate, and Senator KYL said:

> The White House and Democrats are insisting on job-killing tax hikes and new spending.
>
> President Obama needs to decide between his goal of higher taxes or a bipartisan plan to address our deficit. He can't have both. But we need to hear from him.

We need to hear from the President.

I agree with Senator KYL and Senator MCCONNELL that we need—the American people need, the Senate needs—to hear from President Obama on this enormously important issue. But I believe we need to hear from the President in a very different way than what Senator KYL and Senator MCCONNELL and Congressman CANTOR want to hear.

Here is where we are in America today, and this is what the debate is about: Virtually every American understands that, to a very significant degree, the middle class in this country is disappearing. Median family income has gone down by $2,500 in the last 10 years. Many millions of workers today are earning lower wages than they used to earn. They are moving in the wrong direction.

In a recent 25-year period, ending in 2005, 80 percent of all new income did not go to the middle class. It went to the people on top. So the overall dynamic of America now: The middle class is collapsing, poverty is increasing, young people are finding it very difficult to get decent-paying jobs. While all that is going on, the people on top have never had it so good. Almost all new income is going to the top 1 percent.

There was an interesting piece in the Washington Post this Sunday talking about the growing gap between the very rich and everybody else. Wall Street, whose thievery and illegal behavior and recklessness caused this recession, is now making more money for their executives than they did before the recession they helped cause.

The top 1 percent is earning more income than the bottom 50 percent. The top 1 percent alone is earning 22 percent of all income in America. The top 400 individuals in this country own more wealth than the bottom 150 million.

I know the Presiding Officer has made the point about the gross inequities and unfairness in our tax system, that while the middle class is sinking, the people on top have been able to enjoy effective tax rates that are the lowest in recorded history, that janitors, cops, nurses—working people today—are paying an effective tax rate that is higher than millionaires and billionaires.

That is the reality economically this country faces today, and then that is the reality we have to deal with as we move toward a budget.

Every single poll I have seen says what is obvious: that if we are going to address the deficit crisis, it must be done in a way that is fair, that everybody participates in.

Our Republican friends have a very unusual idea about how to solve the deficit crisis. Yes, they say the rich are getting richer. Yes, they say corporations are doing phenomenally well. Some are making billions of dollars in profits, not paying a nickel in taxes. Yes, they understand the gap between the very rich and everybody else is growing wider, and their quaint and interesting idea, in the midst of that context, is that while the rich get richer, they should not be asked to contribute one nickel—not one penny—for deficit reduction.

Quite the contrary, under the Republican budget passed in the House, the so-called Ryan budget, while the rich get richer and corporations enjoy recordbreaking profits, their budget proposes $1 trillion more in tax breaks for the rich and large corporations.

Meanwhile, while the middle class disappears and poverty increases, their idea for deficit reduction is to make savage cuts in programs the middle class and working families depend upon to survive—to survive.

Under the Republican budget, they would end Medicare as we know it in a 10-year period. They propose to give a senior citizen an $8,000 check, a voucher, and have that senior go out and get an insurance plan with a private insurance company.

Tell me what kind of plan a 70-year-old person dealing with cancer or another illness is going to get with an $8,000 voucher? Are they living in the real world? Do they know what hospital care costs today? You eat up $8,000 in the first day. Yet that is what a senior is supposed to live on for health care for 1 year.

But it is not only ending Medicare as we know it in order to give tax breaks to billionaires; it is savage cuts in Medicaid. Half the people on Medicaid are children. We are the only country today in the industrialized world that does not guarantee health care to all

its people. Fifty million people are uninsured. If you cut Medicaid by $700 billion over a 10-year period, tens of millions more, including a lot of kids, will have no health insurance. They get sick. Working-class parents, where are they going to get the care? How do they get the care? I guess we have to do that in order to give a tax break to a large corporation that already is not paying anything in taxes.

Let me mention, for a moment, what is a fair way—a fair way—to move toward deficit reduction in a way the American people overwhelmingly support. You go out and you ask the American people: Do you think it makes sense, in terms of addressing the serious problem with deficit reduction, to give $1 trillion in tax breaks to the richest people and make savage cuts in programs that working people need in health care, education, nutrition, environmental protection? The overwhelming majority of the American people say that is nuts; it does not make any sense; we must not go in that direction.

So when my Republican friends in the leadership say: There is a lot of responsibility now on the President, the President has to decide which direction he wants this country to go, they are right. My hope is the President of the United States listens to the American people and demands that deficit reduction consist of shared sacrifice, that we move toward deficit reduction not just on the backs of the elderly and the children and the sick and the poor but that everybody—I know even people who make large campaign contributions—I know that is heresy to say on the floor of the Senate—but maybe even large corporations that buy and sell politicians, maybe they should be asked to contribute toward deficit reduction. Maybe billionaires, who have more money than they are going to spend in 100 lifetimes, might be asked to pay somewhat more in taxes before we throw children off our health insurance or deny nutrition to low-income seniors.

There are many ways to go forward in addressing the deficit crisis that is fair, that does not decimate programs working families depend on, especially in the middle of a severe recession.

Let me mention very few. We should not extend the tax breaks President Bush gave the wealthiest people in this country. That is it. We have a $1.5 trillion deficit, a $14 trillion-plus national debt. Sorry, we cannot afford it. These guys have already received huge tax breaks. No more. We cannot afford it.

We have to take a hard look at our defense budget. We have to begin bringing the troops home from Iraq and Afghanistan a lot faster than the President has indicated. The defense budget has tripled since 1997. It has tripled. It is time to make cuts in the defense budget. We can do that while maintaining our strong defense capabilities.

There are studies which indicate that large corporations and wealthy individuals are stashing huge amounts of money in tax havens such as the Cayman Islands and Bermuda, and collectively they are avoiding paying $100 billion in taxes to the U.S. Treasury. I think that is absurd. We have to end those loopholes. They have to pay their fair share of taxes.

I can go on and on in terms of loopholes that exist for corporate America which have to be closed, the absurdity of the richest people in this country having an effective, a real tax rate lower than middle-class people.

But here is the issue if the Republicans walk away from those negotiations. The President of the United States has to accept that challenge. He has to go out to the American people. He has to rally the American people around a deficit reduction program which calls for shared sacrifice. That is what the call of the moment is. I hope the President does that.

AMENDMENT NO. 512

Mr. SANDERS. Mr. President, on behalf of Senator AKAKA, I call up amendment No. 512.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for Mr. AKAKA, proposes an amendment numbered 512.

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

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

The amendment is as follows:

(Purpose: To preserve Senate confirmation of the Commissioner of the Administration for Native Americans)

On page 48, strike lines 4 through 9.

The PRESIDING OFFICER. The Senator from Texas.

ANOTHER STIMULUS

Mr. CORNYN. Mr. President, I am reading in press reports that some of my colleagues across the aisle are advocating another stimulus package, sometimes called government investment, otherwise called spending taxpayers' money that we do not have and borrowing it from our children and most immediately from the Chinese, who own $1 trillion of our national debt. It is astonishing to me that after the last stimulus package early in 2009 failed to meet the President's own stated target of keeping unemployment to 8 percent or lower, some of our colleagues are trying to double down on a bad deal by advocating more stimulus, when 43 cents out of every dollar that is being spent in America today is borrowed money.

I mention that the President in his speech on Afghanistan last night said the Federal Government needs to invest more. Well, I do not think anybody should be fooled by what he really means when he says the Federal Government must invest. The only money the Federal Government has is the money that comes from your wallet, from taxpayers. When there is not enough money coming in to keep up with the reckless spending habits of Washington, DC, then they simply borrow the money or print money we do not have, and that is what ''investment'' means when the President talks about needing to invest more Federal Government money.

On the same day the President spoke, the Congressional Budget Office released a report that shows the Federal Government spending spree is not sustainable, and the Nation's fiscal position is getting worse. I do not think that is breaking news. I think most Americans could tell you that was the case, at least intuitively already.

Over the last 2 years, the Nation's debt has dramatically worsened. Gross Federal debt is expected to equal 100 percent of our entire economy in just 3 months—well past the 90-percent threshold where many economists believe the debt will seriously undermine economic growth. Some studies show that this increased debt, which crowds out private investment and borrowing, may result in the loss of at least 1 million jobs a year.

But getting back to my initial point about this stimulus notion in the negotiations with Vice President BIDEN over raising the debt ceiling, it seems that many have forgotten the trillion-dollar stimulus package passed back in 2009, that the ''green shoots'' predicted never materialized, that the ''recovery summer'' never happened, and, as I say, it failed to keep unemployment below the targeted rate of 8 percent. Indeed, now it hovers nationwide at a rate of 9.1 percent. It is much worse in many regions of the country. Only in Washington, DC, would someone advocate a repetition of a program that we know has failed to meet its stated goals and was, I believe, a total flop. First of all, it was borrowed money, so it wasn't even spending money that we had, it was exacerbating an already dangerously high debt. The first stimulus failed for one reason—because of our massive deficits in jobs and our budget.

We know the American people believe, as the Gallup organization tells us, a large majority of Americans believe that spending too much money on unneeded and wasteful government programs is to blame for Federal budget deficits. And if you ask any business owner—anyone, really, outside of the beltway—the reason why jobs are just not coming back, it is in large part because of the uncertainty of what is coming out of Washington, not only legislatively but as a regulatory matter, whether it is the Environmental Protection Agency, the Department of Labor—all the alphabet soup of Federal agencies that exist here in Washington, DC.

Instead of passing another unpaid-for stimulus plan or issuing more job-killing regulations, our focus should remain on ways to reduce and reform government spending and thereby help get the economy moving again. In fact,

I think we need to force the Congress and the Federal Government to live within its means by passing a balanced budget amendment to the Constitution and this should be the focus of our efforts here over the next couple of months as we tackle not only this unsustainable debt and these huge annual deficits but as we look for ways to put a straitjacket on the Federal Government to make sure it doesn't keep spending money it does not have. No families, no business—as a matter of fact, 49 States have balanced budget requirements. Only the Federal Government and only Congress can continue to spend money we don't have.

A balanced budget amendment to the U.S. Constitution would permanently change Washington's behavior. So far, 47 Senators in the Senate on this side of the aisle have endorsed and cosponsored a balanced budget amendment. We would invite our colleagues across the aisle to join us in this effort.

In summary, we need to unburden the economy from regulatory uncertainty or in some cases the certainty that the bureaucracy will overreach and make it harder, not easier, to create jobs. We need to pass free-trade agreements that should be pending before the Senate to help create more jobs here at home by producing things here that we can then sell abroad. Then we need to develop our domestic energy production with the great gifts we have been given in this country. I know the Presiding Officer, coming from an energy-producing State—Alaska—agrees with me that we need to produce more domestic energy, which will also have the added benefit of creating jobs right here in America rather than continuing the bad habit and the dangerous habit of importing about 60 percent of our energy from abroad, from some dangerous parts of the world.

I wish to close with a couple of other thoughts.

Listening to my colleague from Vermont calling for shared sacrifice in meeting some of the deficit reduction plans, I would just suggest to the distinguished Senator that 9.1-percent unemployment reflects a lot of sacrifice among a lot of people who can't find jobs in this bad economy. That is shared sacrifice, but that is a sacrifice which I know they and we would prefer they did not have to share. When you don't have a job, it is pretty hard to make your mortgage payments, and when you can't make your mortgage payments or you can't move because your mortgage is more expensive than the value of your home—your home is underwater—you are simply stuck. A lot of people are finding themselves defaulting on their mortgages and losing their homes, which is usually the largest single investment any of us will make.

I want to close on this thought. I want to ask my colleagues across the aisle who have been so critical of the proposals that have been made by the House of Representatives and others, where is your plan? Where is your budget? It has been 2 years since the Congress has passed a budget, since it has been in control of our Democratic friends. Where is your plan to save Medicare, which the Medicare trustees have said will go insolvent—that means there is more money going out than coming in—by the year 2024? How do we keep the promise to our most vulnerable seniors that Medicare will be there for them if we don't do something to shore up this insolvent program?

Unfortunately, I believe the President is listening too closely to his political advisers rather than listening to those who are telling him: Mr. President, we have a problem we need to solve. The first place he ought to look for a proposed solution is his own bipartisan fiscal commission that reported back in December in a report, 66 pages long. It is scary but important reading. The title of that is ''The Moment of Truth.''

We have reached a crossroads in this country where we simply cannot kick the can down the road, where we cannot keep spending money we don't have, where we cannot keep relying upon Communist China to buy our debt and to bail us out. We simply cannot continue to pass these responsibilities on to our children and grandchildren. We have important promises to keep to our seniors, to make sure that safety net of Medicare and Social Security is going to be there for them, but we can't do it unless we have willing partners join us across the aisle.

Right now, the only one in this country who is in a position to make this happen is the President of the United States, but so far the President has been AWOL on this issue. After his bipartisan fiscal commission issued the report I referred to a moment ago in December of 2010, in his State of the Union speech, the President barely mentioned, if at all, this mounting debt crisis and the problems with the pending insolvency of Medicare and Social Security.

The budget that the President proposed was never acted on by the majority leader or the Budget Committee on which I sit. And being in the minority, we can't force this issue; it can only happen if the chairman of the Budget Committee marks up a budget and if the majority leader, Senator HARRY REID across the aisle, will put it on the floor of the Senate where we can debate it and offer amendments. But they chose not to do so, relying instead on their political consultants who said: You know, if you offer a constructive proposal, there may be some across the aisle who will criticize it, and, you know what, you may just have to take some hard votes.

Well, anybody who has come to the Senate who isn't willing to vote their convictions, whatever those convictions are, and be held accountable by their constituents back home doesn't deserve to be in the Congress. We are here to take hard votes and to make hard decisions because it is not about us and our political career, and it is not about the next election; it is about addressing these problems we have been sent here to try to fix the best we can under the circumstances.

It is beyond unbelievable when I hear some of our colleagues across the aisle—the senior Senator from New York, among others—talking about another stimulus spending as part of this debt reduction deal.

Beyond that, we have the chairman of the Senate Finance Committee making clear that an insistence on tax increases was a central element of any deal on raising the debt limit. The Vice President himself was quoted as saying, in the Politico publication:

> The piece that is most important to us Democrats—revenue.

The word ''revenue'' is Washington-speak for tax increases. The President and Republicans and Democrats got together after the last election and agreed to extend expiring tax provisions because all of us agreed, on a bipartisan basis, that the worst thing we could do for a fragile, recovering economy was to raise taxes on small businesses, which are the engine of job creation, and on individuals who would be able to then invest that money into starting a business or growing an existing business.

There is a reason the private sector is afraid of Washington, DC. They see these mounting debts and deficits, and they realize one of the things we might be tempted to do is raise their taxes. Do you know what. The business model for their small business may not be able to withstand that tax increase or the regulatory overreach of some Federal Washington bureaucrat. So they are scared, and they are sitting on the sidelines.

The two things we need to do the most are to bring down that spending curve by reducing Federal Government spending and begin to attack that debt and make sure we don't have to keep raising the credit limit on the Nation's credit card but, rather, we can bring it down, and within sustainable limits. Second, we need to take our boot off the neck of the private sector, the free enterprise system in America, so it can create jobs, grow businesses, and pay taxes. We can begin to close the gap between what the Federal Government is spending and what it brings in in terms of revenue.

In 2007, when our Democratic friends took control of the House and Senate, President Bush was still President of the United States, and our annual deficit was roughly 1.2 percent of our GDP, our entire economy. Today, it is roughly 10 percent. The reason it was 1.2 percent is not because we weren't spending a significant amount of money; we were. It was because the economy was booming and revenue to the Federal Treasury was at an all-time high. That should tell us that we need to do two things: cut spending,

not just raise taxes so Washington can spend some more and throw a wet blanket on the economy and the job creators, we need to cut spending and fix these entitlement programs so we can keep our promise to our seniors who are relying on these programs. We also need to get the economy moving again by growing jobs in the private sector and by adopting a national energy policy that says we prefer domestic, or American, energy sources rather than those from abroad.

Mr. President, we need to do it soon. I am saddened to see that as a result of the insistence on the part of the Vice President and our friends across the aisle that tax increases must be a part of any package of debt reduction; that the majority leader in the House of Representatives and the assistant minority leader in the Senate, Senator KYL, have reached an impasse and said they don't see any point in continuing the negotiations at this point.

I hope the Vice President, or indeed the President of the United States himself, who is the only Democrat who can get this deal done, will reconsider their approach and work with Republicans to live within our means, reduce spending, and try to get our economy moving again so we can alleviate our children from the debt burden they are inheriting from us.

Every child born in America today will come into this world with $46,000, roughly, in debt. That is because of what we have not been doing, which is living within our means. It is time to do that, and we need to work together to solve the problem.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE BUDGET

Mr. SESSIONS. Mr. President, we heard an announcement today that the so-called ''Biden talks'' have broken down. It is not something that surprises me terribly. I have always said that I didn't think this was the right approach—to negotiate in secret some of the most important decisions this Nation has to make.

In truth, we have never been in a more severe financial condition than we are today. Many remember the government shutdown in the 1990s and the fact the Nation ended up, out of that difficult contentious time, balancing the budget in 3 years. Well, I serve on the Budget Committee—the Presiding Officer is an able member of the Budget Committee—and we know it is not going to be easy. It is going to be very difficult to get this country on the right financial course. So I think the decision of the House majority leader and Senator KYL to withdraw from the negotiations over the debt ceiling underscores the inherent problems with this kind of nonpublic meetings, designed to come up with some global, comprehensive settlement of apparently all our financial difficulties. It is just not easy.

I think it underscores additionally a very important fact: that a President cannot lead from behind in dealing with the most pressing crisis our Nation faces—our exploding debt and the increasing damage that the debt is doing to the American economy right now. It is taking too long for a proposal to be presented to the Congress, and it is clear now that optimistic statements about progress have been too generous. It will be unacceptable for the White House talks, or any talks, to produce a controversial agreement at the eleventh hour and to then come before Congress in a panic and say: You have to enact this solution we came up with in secret, or the country will have a serious debt crisis.

That is the path we are heading down, just as we did with the CR—the continuing resolution—that was passed. That is not what the American people want; that is not what they deserve. They want regular order. They want Congress to have the opportunity to debate and vote. If it takes weeks—and it should take weeks for us to work through a challenge as serious as this one—then so be it. It just takes weeks. If it takes hundreds of votes, with people going on record and being criticized back home by one group or another for the vote they cast, so be it. That is what we are paid to do, and we are not guaranteed reelection. That seems basic to me.

Congress and the American people deserve an opportunity to fully review and consider any debt limit deal that is struck behind closed doors.

It has also been reported—in one publication at least—that in order to make the numbers look better, we are going to resort to certain budget gimmicks. In other words, let's say we eliminate a $100 million program. Well, we have been talking about how much that would save over 10 years, whether it would save $100 million over 10 years. That would be $1 billion. One of the gimmicks that was floated around, and was in fact used in the President's debt plan, was to say that we are going to do it over 12 years instead of 10 years as the deficit commission recommended. So we haven't actually cut any more; we have just added a couple of years to the timeframe that we are considering to make it seem like we reached the goal.

We have had gimmicks in which a big military payment to soldiers or a Social Security payment falling near the end of the month is pushed over to the next fiscal year—so it is due on September 30, and they make it payable October 1—and the numbers look better. We don't show the expenditure, but it is still there. The money is still going to be spent. Nothing has been changed except the date when the money is paid. These so gimmicks are unacceptable. Any plan that is presented on this floor, however it comes forward, must be free of gimmicks and accounting tricks. It must be an honest, fact-based budget. Additionally, raising the debt ceiling should not be accomplished by tax hikes. A punishing tax increase would not only threaten the growth we have to have in our economy, but it would also give a free pass to the egregious overspending of Washington. It would bail out the big spending excesses that have been put in place here. This overspending behavior is morally and economically culpable for our current crisis.

Federal Government spending already controls nearly 25 percent of our economy. It amounts to that much—the highest we have ever had. Some of that is because the economy is down. Some of it is because spending is up. But 25 percent of the economy is now driven by the Federal Government, with tax money and borrowed money. Sixty percent of what they spend is tax money; 40 percent-plus is borrowed. We take in $2.2 trillion, and we spend $3.7 trillion. That is why all the experts tell us this is unsustainable—and we know it is true. That is why we cannot do business as usual. That is why we have to do something. And that is why the House of Representatives produced a budget that cut spending. Some people didn't like it, but unless we have massive tax increases—tax increase that will damage the economy—we have to reduce spending; right? Certainly this is correct. So that is where we are.

The difficulty is the spending and the resulting debt that is projected by the Congressional Budget Office—at least as they have analyzed the budget presented by the President. The current spending path, if it is just continued, is very dangerous. They are setting us on an even worse path.

Now, the President did submit a budget to the Congress. I offered it, and it was voted down 97 to 0. It made the already unacceptable debt path we were on much worse. Indeed, it would have doubled the country's debt, from $13 trillion to $27 trillion in 10 years. That is the path they projected, and the debt in the out years would be increasing, not decreasing; an unsustainable path.

So, ultimately, the numbers we have been hearing—like $2 trillion in cuts—are not sufficient. It is only a part of what we would have to do to get our country on a sound fiscal path. We hear this figure—that we need $2 trillion in cuts. A lot of people don't realize that the House budget reduces spending by $6 trillion over the next 12 years. By the way, over the next 12 years we are projected to add $13 trillion to the national debt, doubling it. So cutting $6 trillion is pretty significant. It requires us to take firm action.

This makes some people uneasy. They think we can't cut that much. But many of our States and cities and

counties have been cutting more than that on a percentage basis, and they are going to survive. They know they have to live within their means, but Washington has not gotten that message.

It is rumored that an unseen draft of the Senate Democratic budget proposes only $1.5 trillion in cuts. This is according to reports. They have tried to make the number bigger by counting interest savings, including those from tax hikes. This is a gimmick, because $1 in spending cuts is not equivalent to $1 in tax hikes. It just simply is not.

Cutting spending restores economic confidence and makes room for private sector growth. Studies show that this approach results in more significant deficit reduction. Cutting spending allows us to pursue a more competitive Tax Code. Hiking taxes is a less successful way to trim the deficit. That is the reality. Hiking taxes punishes families for the waste of Washington, and it enables a bloated government that needs to be trimmed and whipped into shape.

Raising taxes to pay for excessive government spending is a refusal to recognize there are limits to how much we can spend and how much we can tax. There is a limit to how much we can spend and how much we can tax if we want to be a government of democratic ideals, freedom, and free markets; and limited government is what our Founders intended.

A plan to reduce the deficit by $4 trillion and only cut $2 trillion in actual spending contains only a fraction of the savings we can and must achieve. That is my firm view, and I think we have many people in Washington, including, I have to say, our President, who are in denial about the challenges and difficulties we face.

This is not a situation in which a few little cuts here and there can put us on the path to fiscal solvency and get us off the path to fiscal destruction. It is going to take stronger steps, the kind of steps they are taking in New York State, the kind of steps Governor Christie is taking in New Jersey. We are not even reaching the level of cuts Governor Brown has achieved in California or what the English are doing in the U.K. We have to wise up. We cannot continue down this path.

Let me share a few other thoughts about debt because debt is a dangerous thing. It hurts us right now. Most of us have gotten into the habit of saying we are worried about our children and our grandchildren, and certainly we are worried about their future because of the debt burden we are placing on their shoulders. But the truth is, the debt threatens us right now. It is a danger to our economy. It is a danger and it is a drag on the economy. Let me explain how debt destroys jobs and why this Senate should pass a budget.

The House of Representatives has passed a budget; they have made it public and they have defended it and explained it. Let's see what the Senate Democratic majority will do about a budget.

Higher debt leads to slower economic growth. Empirical studies show that high levels of government debt inhibit economic growth by creating uncertainty, displacing needed private investment and placing upward pressure on interest rates and raising burden on the government itself through interest payments on the debt.

For example, the very well-respected and much commented-on study by Reinhart and Rogoff, Harvard and University of Maryland economists, found that in advanced economies with gross government debt above 90 percent of GDP—in other words, a total debt equal to 90 percent or above the size of the American economy—median economic growth tends to be between 1 and 2 percent lower, depending on the time period analyzed, when compared to countries with lower debt-to-GDP ratios.

What do we mean by 1 percent to 2 percent lower? In the first quarter of this year, we were expecting almost 3 percent growth. In reality, it was shockingly lower. It adversely impacted the stock market. What did it come in at? 1.8 percent. The second quarter may not be so good either. We are already above 90 percent of debt to GDP; so presumably, if this study is accurate, we should have been at 2.8 percent growth. In a sense, it is not a 1-percent reduction; it is 36 percent less than the growth we need to have.

Another study has shown that 1 percent growth in the gross domestic product, 1 percent growth in our economy, creates 1 million jobs.

When asked about this Reinhart-Rogoff study, President Obama's Secretary of the Treasury, Timothy Geithner, told the Budget Committee he considered it an excellent study—not only that, he told us in the committee he thought it underestimated the problem. Because when you get debt the size of 90 to 100 percent of GDP—and we are projected to reach 100 percent of GDP as our debt by the end of this year—he said it creates the danger of an economic crisis, some sort of spasm like we had when we had the financial crisis or even something similar to Greece. Something that could put us into another recession, which would be the worst thing that could happen to our economy.

That is why this is serious business. We are feeling the impact of this debt right now. It is pulling down economic growth. It is costing us jobs. It is creating uncertainty and fear in the marketplace. We have to get off of it.

President Obama appointed the fiscal commission, cochaired by Alan Simpson, a former Senator, and Erskine Bowles, former chief of staff to President Clinton. Erskine Bowles and Senator Simpson told the Budget Committee we are facing the most predictable debt crisis in this Nation's history—the most predictable economic crisis in our Nation's history.

In other words, they explained that the debt trajectory we are on guarantees an economic crisis. The question is when.

So that is why we have to change. We don't want to have to cut any spending. The last thing politicians want to do is cut spending. The reason we are talking about this is because we have to. I do believe President Obama deserves severe criticism for not being out front leading on this, not telling the American people what his own experts are telling him. This was his expert, Mr. Bowles, and his Treasury Secretary, Mr. Geithner, telling us we have to change the debt path we are on. He needs to help explain to the American people why this is necessary, while it will be painful in the short run, but it can put us on the road to prosperity and not on the road to decline.

Other studies, including Caner, Grennes, and Koehler-Geib's 2010 study of 99 countries between 1980 and 2008, reached a similar conclusion about debt.

Successful debt-reduction measures relying on spending cuts, not tax increases, have consistently resulted in stronger economic growth. Research from Harvard economist Alberto Alesina, as well as a Goldman Sachs report, found that fiscal consolidations—reductions in spending—that focused on cutting government spending, including on subsidies, transfer payments, and government worker pensions, were successful in cutting fiscal imbalances, typically boosted economic growth, and were followed by improved equity—that is the stock market—and bond market performance. That is what their study found, an empirical study by Goldman Sachs and a professor from Harvard, economist Alberto Alesina—not JEFF SESSIONS. These are independent analyses.

Examples of successful spending reductions include Canada, which is in some ways doing far better than we are. We are at 9.1 percent unemployment and our unemployment numbers still seem to be going up; whereas, Canada is at about 7.1 percent and going down.

New Zealand had a dramatic turnaround in the early 1990s. They went from 22 consecutive years of deficit spending to now 16 years of surpluses. It was a deliberate, systematic decision by the people of New Zealand through their government to change what they were doing. They reduced spending. They created ways to make sure the government was productive and saved money. They privatized a lot of activities the government had taken over that didn't need to be government functions, and the country has been progressing solidly ever since.

Financial markets have issued dire warnings about the consequences of our inaction. Against the backdrop of a spreading euro zone debt crisis, the International Monetary Fund—certainly not a rightwing organization—the International Monetary Fund recently urged the United States to act

swiftly to address its soaring budget deficits saying: ''You cannot afford to have a world economy where these important decisions are postponed.''

The credit rating agencies Moody's and S&P have warned that they may place the U.S. Government's AAA bond rating under review for a possible downgrade within months.

Bill Gross, the head of PIMCO, the largest bond fund in the world, with hundreds of billions of dollars invested, has ceased buying U.S. Government Treasurys. None of that is in his portfolio. He said recently that what we are doing with our economy through the Fed, with this quantitative easing, and the government with its worthless stimulus package, is what he called a sugar high, not real, a temporary surge that has not changed the circumstances we are in. He is a man who deals every day with investments, and he has ceased to invest in U.S. Treasurys.

Yet the Nation has operated without a budget now for 785 days. The Democratically led Senate, even when they had a huge majority last year, perhaps the biggest majority in my lifetime—I can't remember a party having 60 votes in the Senate, when that last occurred—didn't pass a budget. You can pass a budget with just 50 votes. It was given priority. We know we need a budget. So we set up a Budget Act that allows even a bare majority of Senators to pass a budget, and set a plan for our Congress.

The Senate has not even allowed the Budget Committee to meet this year to mark up a budget resolution. The Budget Act calls for the Budget Committee to hold a markup by April 1. It calls for the Congress to pass a budget by April 15. The House passed their budget by April 15. We have not yet even had a markup to work on a budget resolution, and the leadership in the Senate has refused to pass a budget since April 29, 2009, 785 days ago. We wonder why this country is in a financial crisis when we will not even get together to pass a budget, as every city, county, and State has. I don't know of a single one that hasn't.

Over this time that we haven't passed a budget, the Nation has spent $7.1 trillion and added $3.2 trillion to the gross Federal debt.

The majority leader, my friend, HARRY REID—I know he has a tough job, but he made a big mistake. He recently said it would be foolish for the Democrats to produce a budget.

Foolish to produce a budget? Is this the kind of leadership the American people expect out of Washington, that the No. 1 Senator, the leader of the majority party, who has the power to control the flow of legislation in this body, says he is not about to produce a budget? Indeed, he says it is foolish to produce one, and he has basically sent word to the Budget Committee we are not to even have committee hearings.

I think nothing could be more foolish than refusing to provide the Nation's job creators, investors, and taxpayers with a solid blueprint for our fiscal future. A blueprint in which the American people can see we have gotten it, we understand the debt course we are on is unsustainable, and now we have a plan to get us on the right track.

Why wouldn't the people who wanted to be in the majority, who asked to lead, step forward and lead? Why will they not lay forth a plan that can be analyzed and shown to the American people? Why aren't they proud to present their vision for what America should be like and how we should handle their future?

I will say in conclusion that the breakdown of the talks does not surprise me. The Gang of Six tried. Those talks seem to have fallen apart. Then we went to the Biden talks. Once again, people said that we were about to reach an agreement any minute, that all the rest of us Senators could relax and all we needed to do is walk up and sign our name to what these wise few have decided our financial future should be like.

I think most of us realize we were elected. We are Senators. We are not rubberstamps for Vice President BIDEN and some of our fine colleagues. The Presiding Officer is an independent American citizen. He is going to make up his own mind. So am I. But when you are talking about a budget, a financial plan, a program to raise the debt ceiling in this Congress, we ought to read it, we ought to know what is in it. Not only us, the American people should know what is in it. They need to have time to absorb what it means for them and their future, that there will be no gimmicks or tricks, and it will be honestly presented. That takes some time.

I am worried and have been worried if they reach an agreement, even if it is a somewhat good agreement—I don't expect it to be a great one, but if a decent agreement is made, it is going to be brought forward and we will have to pass it within days because of a panic that we will have an economic problem if we do not raise the debt limit and we cannot spend so much money. I don't think we should head that way.

I don't know what is going to happen now. It is late, I will acknowledge, for us to go back to the regular order and have Budget Committee hearings and amendments in the Budget Committee and have people stand up before the world and explain their view and offer amendments. I don't think it is necessarily too late. I do not know where it will go. But this has not been a shining hour for the Senate, and after this last election in which Senators and House Members took a shellacking by the American people, who were very unhappy with us, the House I think appears to at least have gotten the message. They put forth an honest budget that changes the debt trajectory and they put it forth and explained it and defended it.

What do we have in the Senate? We have the majority leader saying it is foolish for us to produce a budget. We are not going to produce a budget. Did he mean it is foolish for America? No, he meant it is foolish for political reasons. He meant it was foolish for us as Democrats to step forward and lay out an honest plan because, wow, that plan may include tax increases. It might include spending reductions. It may not reduce the deficit very much, and we would have to defend that to the American people and we might not be able to defend it and people might be unhappy with us, as they were in the last election. So let's be clever, let's not produce a budget, let's let Mr. RYAN and the House lead with their chin, let them come out and make a plan and we will attack it. That is the Democratic leadership we have seen in this Senate.

It is not legitimate, it is not justified leadership. It is irresponsible and the President has not been engaged. He does not want to talk about it. He has not explained it in his State of the Union Address. He has not talked to the American people consistently about why his own debt commission chairman, Mr. Erskine Bowles, says we are facing the most predictable economic crisis in our history. No, he doesn't want to talk about that. Why? Because once you talk about it, it becomes obvious that spending needs to be cut and because it is obvious that you cannot fix your way out of this by raising taxes. If you are a tax and spender, you don't want to deal with that reality, in my view.

I am worried about it. I don't know where we are heading today. Senator REID is a good man. Senator MCCONNELL is a good leader on our side. I don't know what Speaker BOEHNER is going to do, what Vice President BIDEN will do. But the time, as old Snuffy Smith, the mountaineer, used to say, ''Time's a-wastin'.'' The deadline is coming closer and closer. We are going to have to figure out something to help secure the future of this country and I hope we can do it sooner rather than later.

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

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

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

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

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

AMENDMENTS NOS. 502 AND 503

Mr. SESSIONS. Mr. President, on behalf of Senator PAUL, I call up amendments Nos. 502 and 503, and ask unanimous consent that they be reported by number.

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

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from Alabama [Mr. SESSIONS], for Mr. PAUL, proposes amendments en bloc numbered 502 and 503.

The amendments are as follows:

AMENDMENT NO. 502

(Purpose: To strike the provision relating to the Treasurer of the United States)

On page 55, strike lines 12 through 22.

AMENDMENT NO. 503

(Purpose: To strike the provision relating to the Director of the Mint)

On page 55, line 23, strike all through page 56, line 5.

VOTE EXPLANATION

Mr. MORAN. Mr. President, today, I was unavoidably absent for votes No. 95 and No. 96. At the time of the votes, I was attending a memorial service at Fort Riley, KS, for six soldiers of the 2nd Brigade, 1st Infantry Division. Had I been present, I would have voted yea on the Vitter amendment No. 499 and the DeMint amendment No. 510 to S. 679.

Mr. BROWN of Massachusetts. Mr. President, I rise today to speak in support of the Presidential Appointment Efficiency and Streamlining Act of 2011. This is a good, commonsense piece of legislation that has bipartisan support.

When President Kennedy came to office, he had 286 positions to fill with the titles of Secretary, Deputy Secretary, Under Secretary, Assistant Secretary, and Administrator. By the end of the Clinton administration, there were 914 positions with these titles.

Today, there are more than 1,200 positions appointed by the President that require the advice and consent of the Senate.

The large number of positions requiring confirmation causes long delays in selecting, vetting, and nominating these appointees.

I strongly believe the confirmation process must be thorough enough for the Senate to fulfill its constitutional duty, but it should not be so onerous as to deter qualified people from public service.

The Presidential Appointment Efficiency and Streamlining Act removes the need for Senate confirmation for only 205 positions by converting these positions to Presidential appointment-only. They include positions involved with internal agency management and positions that are already accountable to other Senate-confirmed positions, such as internal management and administrative positions and deputies or nonpolicy-related Assistant Secretaries who report to individuals who are Senate-confirmed.

Some have argued that, through this bill, the Senate cedes some of its constitutional power to the executive branch. However, this bill actually represents an exercise of the Senate's constitutional prerogatives.

The Constitution gives Congress the authority to decide whether a particular position should be categorized as an inferior officer that need not go through the Senate confirmation process.

The Senate has a number of important responsibilities that it must undertake, and it is questionable whether spending time confirming, for instance, the Alternate Federal Cochairman, Appalachian Regional Commission, is the most appropriate use of our limited time and resources. Prioritizing our work for the American people, by eliminating some Senate-confirmed positions, does not diminish the Senate's authority.

MORNING BUSINESS

TRIBUTE TO CLYDE BROCK

Mr. MCCONNELL. Mr. President, I rise today to honor one of Kentucky's inspirational treasures. Ninety-four-year-old Clyde Brock is one of four residents of Laurel County, KY, who was chosen to share his remarkable story as part of London, KY's Living Treasures Project. Looking back, Clyde Brock has remembered for us the monumental events and cherished memories that helped shape his life.

Born April 9, 1917, in a small town called Roots Branch in Clay County, KY, Clyde Brock was the eldest of 10 children of Johnny and Mary Brock. Suffering from a staph infection in his leg, Clyde endured a childhood of doctor visits and constant operations. Though his disability left him with one leg shorter than the other, Clyde refused to let it hinder his ability to experience life to the fullest. He can recall the excitement of seeing his first Model T Ford, the growth and development of his hometown, the constant changes in prices, the Great Depression, and the effects of war. After being turned down for the draft, due to his leg, Brock went on to pursue a career in teaching after graduating Sue Bennett College in 1940.

Clyde also took the position of postmaster and remembers well when customers would bring eggs to pay for their stamps instead of money. Three eggs paid for a letter; eggs sold for 12 cents a dozen back then. Clyde also ran a rationing board during World War II. He can remember folks standing in line half a day to get their pound of lard.

Soon after, Clyde married his late wife Ada Brown and they had three children. Sadly, Ada passed away earlier this year after suffering a severe stroke. After many years together, Clyde says that his greatest accomplishment in life was getting her to marry him.

After 32 successful years at eight different schools teaching history and civics, Mr. Brock retired. While recollecting his memories of walking to school through the snow and the enjoyment of seeing his students become excited about learning, it's clear Clyde Brock still has a passion for teaching.

Clyde is a member of Providence Baptist Church, where he is a deacon and trustee. Realizing that life is short, Mr. Brock says that it has only been ''by the grace of God'' that he has been able to live for so long.

I know my U.S. Senate colleagues join me is saying Mr. Clyde Brock, who can look back with pride at a full life well lived, is an inspiration to us all. He is not only a living treasure to London, but a living treasure to the State of Kentucky.

Mr. President, the Laurel County Sentinel Echo recently published an article illuminating Mr. Clyde Brock's long life and career. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Laurel County Sentinel Echo, May 11, 2011]

LONDON'S LIVING TREASURES: PART 1

(Transcribed by Tara Kaprowy)

Following is the life story of 94-year-old Clyde Brock, who is one of four Laurel Countians chosen to be part of London's Living Treasures project. Over a two-hour interview, while sitting in an easy chair in his Bush-area home, Brock shared many memories, from the day he saw his first car to the day his beloved wife Ada died ''with just a curtain between them.''

''I was born April 9, 1917 in Clay County in a place called Roots Branch because so many Roots lived there. I was born in a big log house. I was the first of 10 children to a young couple called Johnny and Mary Brock.

My dad bought a farm, I was about 5 years old when we moved from there. Then he decided to leave the farm and got a public job and we moved to Corbin. It must have been about 1924. I went to school one year there, Felts School.

I remember my grandfather had a brother that fought on the southern side during the Civil War. I just remember him. He'd come to see my grandfather and he had a mule and I just remember that. He didn't draw a pension. Then I saw one soldier that fought on the northern side and he drew $100 a month.

In 1926, I had the misfortune of getting a staph germ. It was one Sunday evening, I was just out fooling around outside and it hit me, all at twice. The next morning there was a knot in my leg.

Well, they took me to Corbin Hospital. They scraped the bone, but it didn't help. Brought me to London, you know where the First National Bank is now. There was a little bank and it had a little hospital over it. Well, they took me in there and my temperature was 105.5. This doctor, he saved my life, Dr. H.V. Pennington. The kind of surgical tools he used was a hammer and chisel to chisel bone out.

I stayed there a month until they got the new hospital over on the hill. There was eight of us moved into that new building. There was four doctors in it: Dr. J.W. Crook, Dr. G.S. Brock, Dr. O.D. Brock and Dr. Pennington. I had two more surgeries there, and I stayed there from last of March in 1926 until some time in August. With staph going on up, they performed surgery on my knee. That didn't check it, and it got to my hip. They come in, all four of them one day with a big needle, they went into my hip and they found it had got up there. So, they told my mother and my father to come up because they'd have to perform surgery again. My dad picked me up in his arms and carried me to the operating surgery table. They took the ball out, I don't have that ball in my hip. It made my leg shorter so they put a 10-pound weight on a roller on the foot of the bed and held it six weeks to try to pull it down. It didn't work. They didn't have therapy then, they didn't have penicillin then, so that staph, it left my leg short and stiff.

We moved to Cane Creek and I had C. Frank Bentley as a teacher at Union Grade School. Then my father, he wanted a bigger farm so he swapped that farm in to one about 200 acres and we moved there. I start Bush School in the seventh grade. I had eight brothers and sisters graduated from Bush. I was about an average student—no, I didn't shine.

THE GREAT DEPRESSION

Let me tell you a bit about the Great Depression. If you live down on the farm, it didn't affect you because you didn't have any bills to pay. Everybody had their own meat and killed their own hogs, they had their cows where they got their butter or their milk, they had their chickens, had their eggs. You was almost independent.

My job was to go to the mill on Saturday evenings. We'd shell a bushel of corn on Friday night. I'd take that corn to mill and everybody else did too and get it ground into meal and it made that good, ole cornbread. It was over here on Black water Road, Henry Hale run the mill. I'd ride on a mule. You either walked or rode a mule or horse.

I saw my first car when I was about 5 years old. It had come over from London to Manchester. A man come along walking. He said, ''There's a car coming up here.'' Well, I was out to see it in the yard and here it comes. One of those old Model-T Fords in the wagon tracks.

I got out of high school, I went to Sue Bennett College, 1938. London used to be a lot of wooden buildings down each side there. Over on Broad Street, straight across from the courthouse where those annex buildings are now, there used to be two dwelling houses there. And they had a theater up there that you could go to the movies, 15 cents in 1938, '39. You went in and had to go up some steps and it had about two rows of seats, aisle down the middle. Next block over from Weaver's pool room. You could get you a hamburger and a bottle of pop there and it would cost about 15 cents.

WAGES AND WAR

They had Hackney's, Daniel's, Woody's, 10 cents stores, they had a lot of them. Then they had pool rooms. Laurel County was wet at one time, about '38, '39. '40, they had beer joints. Where Scoville's office is, when you go down in a hole, that was called Underworld, they had a beer joint down there. Then they had one in east London over by Benge Supply, used to be a liquor store. Go in and bottles were sitting up on the counter.

There used to be a lot of people go to church on Sunday because they didn't have anywhere else to go. They'd stay outside and fight and things; I was outside too. There'd be more people outside than there were in. Blackwater Church, I've seen the preacher come right out and his son and the other preacher's son were fighting right at the door. He just walked out and tried to get them separated.

Going to Sue Bennett, I stayed in the dorm, the boys would sit up all night and play poker, blackjack for a penny. Cigarettes used to you could buy for 11 cents, you could get Camels, Lucky's for 15 cents. On Sunday, if you want to get out, if you got a pack of cigarettes and a pack of chewing gum, you was doing pretty good.

I graduated from Sue Bennett in 1940 and got my teaching diploma. That was the quickest thing you could do then. That was after the Depression. I made $73.74 a month. When I was about 23, I got to be postmaster. There would be people to bring three eggs to the post office to mail a letter. Eggs was 12 cents a dozen at one time. My dad had a store and he'd take the eggs and he'd sell them and put 3 cents in. He could get all the men he wanted to work for 50 cents a day and their dinner.

War started. In addition to being postmaster, I was also deputy clerk. People had to come to register when they rationed everything. They'd come and sign up and you'd give them a ration book with stamps in it. Coffee was rationed and people used lard back then. They'd stand in line about a half a day to get about a pound of lard.

I was called in January before the War started. With my leg, I got so I could work and do things, I didn't have to go on crutches. I done about anything anybody else used to do. I'd a liked to go, I told them they could use me anywhere, I'd have gone. I was the second one called in the county before the War started, but I was turned down. A teacher I was teaching with, he told me I would pass. He said, ''They don't want you to run, you're not supposed to run when you're in a war.''

LOVE OF A GOOD WOMAN

In 1940, I met a girl that meant more to me than all the rest that I knew. Named Ada Brown, who lived over in Pigeon Roost in Clay County. We married in 1941, I must have been about 20. I had a good friend I'd run around with, and he was dating her sister. We went to Freedom United Church one Wednesday night, and after church he and her sister was walking in front. He was down leading a mule. I was riding behind this other one and she was walking by herself. I asked about getting down, and we got together. That was the best thing that happened to me in my life, she marrying me. We went to Jellico, Tenn., went into the clerk's office to get the license. He said $10, $5 for the license, $5 for the preacher.

We had a four-room house and about four acres of ground and had a cook stove. Then we had a kitchen cabinet, a little dining room set, we had two beds and a few chairs.

SEVEN MILES IN THE SNOW

The second year I started teaching, they sent me to a school called Darl Jones, and it was about seven miles away. I had to get a horse, cost me about $75. In wintertime, one morning, I got up and you had to be there at 8 o'clock. I thought, ''It's too cold to ride, it's way below zero,'' so I said, ''I'm going to walk.'' I left walking, snow on the ground, moon shining bright, I walked that seven miles. You know what I was wishing? I wished that someone would ask me to stay all night with them. Just about before we turned out for lunch, a fellow by the name of Willie Martin that lived in the community, he come in and sit down and he said, ''I want you to stay all night with me.'' He didn't have to twist my arm.

In 1941, I had 44 students in school, 16 in the sixth grade. Now, a lot of them's already passed on. On Friday afternoon, used to young people would come around because after school you had a ballgame or you had a ciphering match. We'd see which side could add the columns the quickest. Well one Friday night, a man come there and when it started to rain he went outside and got his gun, a pump shotgun, and set it in the corner of the schoolhouse. We paid no attention to that. When it quit raining, he got his gun and went up the road.

The day my first son was born, I was gone up to get my pay that day at a teacher's meeting. My brother had to go and get the doctor. He had an old bicycle, but one pedal was broken off, it just had that rod that came out, and his foot kept slipping off and it would cut his leg. And it was hot, it was in September, he rode all the way and back with that old bicycle and burned up and he always said, ''And look what we got.'' Well, I felt good, and you know I had a pay day that day. You know how much it cost? $20. He's a pretty good boy, never had to go to the jailhouse or anything like that.

I have three children, Larry, Janice and Gary.

I was about 25 or 26 when I got my first car, a 1936 Chevrolet. I didn't know how to drive. On Monday morning I started out and I had to go up a little bank. Well, I says, ''I'll put it up in second.'' Well, I didn't put it in second, I put it in reverse. It went back with me. I had a time driving.

In 1946, that's when I built this house. I was going to build it out of wood. Couldn't find it, couldn't get wood. Corbin had a cement block factory, and I got a man to lay the block 50 cents an hour. Rationing was so bad, you couldn't buy a car. When we got the house up, we couldn't get any windows. It was a year before I could get windows.

THROUGH FAITH AND GRACE

We got saved in 1951, been members of Providence Baptist Church now for 60 years. I taught Sunday school for 36 years. And you know they gave me an honor? They named the class after me. And I'm still a deacon and a trustee.

In 1955, we started raising chickens. I guess we raised chickens 20 years and we always had chicken to eat. Then we raised tobacco. And Ada always had a big garden, and she always had a big freezer. She froze everything.

I retired in 1972, taught 32 years. I taught at eight schools, Blackwater, Darl Jones, Bennett Branch, Lake, White Hall, Pace's Creek, Boggs, Head Beech Creek and Bush Junior High. I liked teaching history and civics, but not English, didn't like diagramming and analyzing. I couldn't tell a dangling modifier now from anything else. But I liked when I could see progress in some of them, you knew you was doing maybe something good. Those little fellers, I'd like to watch them. They'd get up to the board, we loved going to the board and make ABCs back then. Now you don't do that, you don't memorize nothing now.

A lot of my students came to me when I was up in that nursing home in December last year. They said, ''You had a lot of company.'' Some of them come in there with old, grey beards, and I didn't recognize them. They said, ''Well, I went to school with you.'' I stayed about 31 days up there. I was there with Ada.

In 1992, one day my wife, she cooked a big dinner. We ate dinner, we watched Price Is Right, she says, ''I'm going in here to freeze some beans.'' I got up and went through there and she laid on the floor. No response. I called 9-1-1 and when they come they thought it was a stroke and that's what it was. It took her speech and paralyzed her right side.

She stayed in the hospital and nursing home. From the time she went in to the day she passed away was 18 years, six months and 9 days. And she stayed in Laurel Heights in London 18 years. I had already retired. We was together for about 51 good years. She was a quilter and a good cook. She was noted for her fried apple pies. She'd take them to the homecomings at church. She'd made 60 pies one morning.

After I got sick this December, I had to go for rehab and they had me go to Laurel Heights. The lady that was in with Ada passed away and they said, ''You go be in the room with your wife.'' So I went. They'd get me up in the wheelchair. They let me sit by her on Sunday. After I'd been there a while, she passed away, just a curtain between us. That was the 22nd day of January this year.

See I'm 94 years old now. My wife was 88. Now I stay here by myself. But I gave up driving. Just six months ago. I thought I'd better quit while I was ahead.

How does it feel to be 94? You know one thing, you know your time is getting shorter, and you don't have too long to stay here.

I say it's been by the grace of God that I've been blessed to live this long. I don't want to take any honor or anything, as if I've done something myself to stay healthy. It's all for the grace of God.''

TRIBUTE TO MARVIN CLEVINGER

Mr. MCCONNELL. Mr. President, I rise today to honor the heroic efforts of an honored Kentuckian. Known for his service and his allegiance to his country, PFC Marvin Clevinger is a true World War II hero in Pike County, KY.

Born March 18, 1922, to James and Dollie May Clevinger, Marvin was the eldest of eight. Growing up on a farm in eastern Kentucky, Mr. Clevinger, also known as ''Garl'' around his family, was an intelligent young man who dropped out of the 7th grade to help provide for his family. Working as a timber man and a farmer before his days as a soldier, ''Garl'' did all he could to help his family as well as his community.

After enrolling in the war, Private First Class Clevinger, also known as ''Zeke'' to his platoon, fought in numerous battles, putting his life on the line for his country. Clevinger was said to be amongst the strongest and most agile of the soldiers and was honored with the privilege of being a scout for his platoon. In one battle, when his platoon found itself pinned by German machine gun fire, Private First Class Clevinger advanced 150 yards under intense fire and threw several grenades to silence the enemy. He received a Bronze Star for his heroic actions.

Private First Class Clevinger spent a month in the hospital in Paris after receiving multiple wounds in his legs during battle. He received numerous medals, awards, and decorations, including the Bronze Star with Three Oak Leaf Clusters, the Purple Heart, the Good Conduct Medal, the Rifle Sharpshooter Badge, the Combat Infantryman Badge, the American Campaign Ribbon, the World War II Victory Medal Ribbon, and the European/African/Middle Eastern Theatre Campaign Ribbon.

Marvin Clevinger returned to Belcher, KY, after the war and worked for the Russell Fork Coal Company Preparation Plant for 32 years. Currently, Marvin is an active member of Ferrell's Creek Church of Christ, and he serves as an inspiration to his family. Because of his hard work and all he has achieved and overcome in his 89 years, Marvin Clevinger is a hero to us all.

Mr. President, the Appalachian News Express recently published an article highlighting Marvin Clevinger's life and service. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Appalachian News Express, May 28, 2011]

MARVIN CLEVINGER: A WORLD WAR II HERO

(By Nancy M. Goss)

BELCHER.—Over 66 years ago 89-year-old Marvin ''Garl'' Clevinger of Belcher fought in the European Campaign during World War II.

Because he suffered a stroke 10 years ago that affected his ability to converse fluently, Marvin allowed family members to tell his story, adding comments from time to time. His nephew, Phillip Ratliff, is an authority on his uncle's role in World War II and provided most of this information.

''I fought in Germany,'' Marvin said. Then added, ''I was shot three times.''

''Marvin never really talked about his war time experiences when I was young, but I'm familiar with the battles he was in,'' Phillip said. ''I was always fascinated by soldiers and military stuff so I just read a lot and later on, I had the little campaign book Garl brought back from the war and I read it a couple times.''

Marvin is mentioned in the book by the nickname his platoon gave him, ''Zeke'' Clevinger.

Phillip said there were probably only about 200 copies of the campaign booklet of Marvin's company's actions during the war; they were given to the men at the end of the fighting.

Marvin's rank and unit: PFC Marvin Clevinger, 1st Rifle Squad, 2nd Platoon, Company B, 61st Armored Infantry Battalion, 10th Armored Division, 3rd Army, USA.

He was also a scout for his platoon.

''Only a couple men in a platoon were scouts,'' Phillip explained. ''Back then, if there was a man like Marvin, who was agile and able to move through heavy woods and rough terrain, he was pretty much sought out.''

Many of the men were city boys and not used to tramping through woods as was Marvin, who grew up in the mountains of Eastern Kentucky.

''Garl was a deadly shot when he was a young man and came back from the war,'' Phillip said. ''I feel sorry for any human that got in front of his rifle sight because you're talking about a man who could shoot squirrels out of a tree with a 22 rifle. And in the army, those men were pretty valuable, I'd say.''

''He got the medal for sharp shooter,'' added Marvin's brother Paul. ''And the Purple Heart and Bronze Star.''

According to a paper accompanying his Bronze Star:

''Private First Class Marvin Clevinger, Company B, Armored Infantry Battalion, United States Army. For heroic achievement in connection with military operations against an enemy of the United States in Germany on March 26, 1945. During an attack on Schoden, Germany, an infantry platoon was suddenly pinned down by machine gun and sniper fire from a well-concealed pillbox. Private First Class Clevinger, scout, advanced 150 yards under the intense fire to within five yards of the enemy position from where he threw grenades through an embrasure in the pillbox, silencing the enemy fire. PFC Clevinger's intrepid action reflects great credit upon himself and the military forces of the United States. Entered the military service from Belcher, Kentucky.''

Marvin was shot twice in one leg and once in the other, but still managed to walk and crawl about three miles to an aid station that was back down the side of the mountain. He spent a month and a half in Paris at the hospital and then went straight back to the front lines and saw heavy action again.

Phillip said the winter of '44, during the Battle of the Bulge, was the coldest winter of the 20th century and Marvin got frostbit, as did most of the men in his unit.

Besides the battle at Schoden and the Battle of the Bulge, Martin also fought in the Battle of Bastogne, and at the Saar-Moselle Triangle, Trier, Berdorf, Consdorf, Echtemach, Landau, Oehringer, Heilbronn, Ulm, Inst, Oberammergau and countless other sites.

Marvin was born March 18, 1922, the son of the late James and Dollie May Clevinger. He was raised at Belcher, close to where he lives now, and according to Paul, attended Belcher Grade School up to seventh grade. He had to quit to help on the family's farm. He is the oldest of eight children. He, his sister Faye Potter, and Paul, are the only ones living.

Before Marvin went to war, he timbered and farmed. After the war, he was employed in the preparation plant at the Russell Fork Coal Company, owned by A.T. Massey, where he worked for 32 years. He was a member of United Mine Workers of America, Local 8338, at Beaver, which closed many years ago.

Marvin said he remembers working at the coal company.

''He would come home from work at the tipple and hoe corn until dark,'' Phillip said. ''For his size, Garl was the strongest guy and the hardest working man I ever saw.''

''He had been out pulling brush and trees down on the road on the day he had the stroke,'' said Gloria Sweeney, Marvin's cousin and caretaker.

''And he knew the woods,'' Phillip said. ''If you went into the woods any time of the year with him, whether there were leaves on the trees or not, he could look at the tree and tell you, ''that's a black oak, that's a chestnut oak, that's a red oak . . .''.

''He was an expert on ginseng, too,'' added his nephew Jason Clevinger. ''Every time we went into the woods—and he was much older than I—he could find much more than I could.''

Marvin was an active member of DAV Chapter 140, Elkhorn City, until he had the stroke and is a member of the Ferrells Creek Church of Christ.

''You'll never find a more humble man than this one right here,'' Gloria said. ''Best man in the world.''

''He was always my hero,'' Phillip said.

Then he added, ''There's a much larger story here really, even than Garl. He deserves to be the centerpiece because of what he did, but Garl had two first cousins and they all grew up in this holler here. One of his cousins was named Clyde Clevinger and he was killed in action during the first Allied landings in North Africa. His other first cousin's name was Gordon ''Bennett'' Clevinger. Bennett enlisted in the Navy and was on an American submarine right after Pearl Harbor and was captured by the Japanese. He spent about three and a half years in a Japanese prisoner of war camp. But he did survive and came home.

''Of those three boys who grew up in this little narrow holler here, all of them were heroes. You can't find men like that anymore,'' Phillip said.

NLRB

Mr. CARDIN. Mr. President, I rise today to praise the National Labor Relations Board for issuing new proposed rules that will modernize the process that workers use to form a union. These new rules will improve the consistency and efficiency of the election process, protect workers' right to a

timely vote, and limit opportunities for possible coercion by both employers and unions.

America's middle class is struggling. Hard-working families are finding it hard to make ends meet. We are recovering from the deepest recession since the Great Depression, and there are workers who are trying to achieve for their families what we all want: financial stability that keeps our families secure. However, as workers see their benefits, hours, and pay being cut, they feel powerless. Meanwhile, executives can and do negotiate their employment contracts. Where is the fairness?

Unions can level the playing field for workers, but the process for choosing a union is outdated. Current NRLB election procedures produce extensive delays, encourage litigious stall tactics, and provide opportunities for intimidation. Further, the organizational structure of the NLRB has created inconsistencies in the processing of the election petitions. It is time for the NLRB to address these important procedural shortcomings, and I am encouraged by their response.

The new rules do not advantage nor do they disadvantage unions. The rules merely create a uniform process for resolving pre- and post-election disputes. Both sides are given the opportunity to present arguments to allow a fair and well-informed vote. It is also important to note that these streamlining rules apply equally to both elections seeking to certify a union and elections seeking to decertify a union.

Workers deserve the right to choose a union or not to choose a union with a fair, timely, and well-informed up-or-down vote. The right to vote is central to our democracy, and we must continue to ensure that American workers are afforded this right without impediment or fear. Thus, I applaud the NLRB for their actions.

MINORITY VIEWS—S. 1103

Mr. COBURN. Mr. President, because our minority views were not included in the Senate Judiciary Committee's report on S. 1103, I ask unanimous consent to have them printed in the RECORD. We hope these views will be of use to Members of the Senate if this legislation is considered on the Senate floor.

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

MINORITY VIEWS OF SENATORS HATCH, SESSIONS, GRAHAM, LEE, AND COBURN

We fully support the President's request to extend FBI Director Mueller's time in office by two years, followed by a return to the previous practice of one ten-year term for each subsequent FBI Director. We also are committed to implementing this extension before Director Mueller's current ten-year term expires in August. The Senate must, however, pursue this extension in a constitutional manner.

1. CONSTITUTIONAL CONCERNS

Senators Hatch, Cornyn, Graham, Lee, and Coburn have proposed a method of extending FBI Director Mueller's time in office in a way that is universally agreed to be constitutionally unimpeachable. In contrast, a prominent legal scholar has called into question the constitutionality of the method of appointment that S. 1103 proposes. Setting aside the question of our duty to ensure the constitutionality of all legislation approved by our chamber of Congress, the practical consequences of a court declaring void Director Mueller's extension could have widespread ramifications. Any litigation challenging the constitutionality of S. 1103 would call into question the authority of the head of one of America's most important domestic counterterrorism and law enforcement agencies. Potential litigants could be numerous given the substantial number of suspects seeking to avoid criminal liability and those seeking to undermine our terrorism investigations and national security apparatus. For example, at the hearing, James Madison Distinguished Professor of Law at the University of Virginia School of Law John Harrison was asked about potential legal challenges to the validity of Section 215 orders for sensitive business records. Pursuant to the 2005 extension to the Patriot Act, these Section 215 orders must be authorized by one of three top government officials or their deputies. Professor Harrison testified that 215 orders were a good example of the potential problem that could result from challenges to Director Mueller's extension because a judge might find that orders signed by him were unauthorized.

Since at least one prominent legal scholar has testified that S. 1103 would unconstitutionally appoint Director Mueller to a new term, it is easy to imagine at least a few of our 677 Federal District Court judges coming to the same conclusion. In fact, even Senators Schumer and Whitehouse agreed this legislation is of questionable constitutionality. Senator Whitehouse said, ''with respect to the Appointments Clause, we are in a constitutionally gray area,'' and he said he could see the judicial decision ''going either way.'' Senator Whitehouse continued that if he ''were a clerk for a judge and was asked to'' he could ''write it going both ways.'' Senator Schumer agreed stating it is a ''fuzzy issue'' and ''there are merits on either side'' and ''it is a close question.''

Even assuming that such a ruling were overturned on appeal, during the intervening period, FBI operations could be stagnated as all official acts of the FBI Director since his extension began would be of questionable validity. This scenario could lead to a failure to gather critical intelligence or to the release of dangerous criminal and terrorism suspects.

The Majority argues that constitutional concerns are nonexistent because only one witness at the June 8, 2011 hearing raised constitutional concerns about S. 1103; however, the Minority would point out that due to longstanding committee practice, the minority is allocated a limited number of witnesses. In this case, the ratio on the panel was three to one. Our one witnesses testified as to concerns and these concerns are likely shared by other legal scholars who were not invited to testify. Notwithstanding, even if there is only a small chance that a judge might find S. 1103 unconstitutional, we believe that the Senate has a duty to avoid that contingency, which carries with it potentially severe consequences.

Fortunately, we have an ironclad alternative that would accomplish the same goals as S. 1103 in the form of the amendment Senator Coburn offered to S. 1103. We believe the supporters of S. 1103 have the burden of proof to show why we should not follow the undisputedly constitutional course, even if they believe there is only a small chance of a judge declaring an action taken by Director Mueller to be unauthorized. Given the opinions of Professor Harrison and other eminent scholars in addition to the lack of a U.S. Supreme Court decision directly on point, they cannot credibly claim there is no realistic chance at all. Indeed, at the Committee's June 16, 2011 business meeting, Senator Whitehouse stated that ''with respect to the Appointments Clause, we are in a constitutionally gray area'' and that he could see a judge ''going either way.'' Senator Schumer said this was a ''fuzzy issue,'' ''there are merits on either side,'' and ''it is a close question.'' Senator Coburn's simple alternative removes the gray fuzz, thus preserving our national security and law enforcement infrastructure from potential confusion.

2. S. 1103 VIOLATES THE APPOINTMENTS CLAUSE OF THE CONSTITUTION

The Appointments Clause's four methods

The Appointments Clause of the Constitution requires all Executive Branch appointments to be made by the President with the Advice and Consent of the Senate with only three exceptions: ''[T]he Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.'' Congressional appointments are not among the exceptions, and the majority report properly points out that Congress cannot make appointments of Executive Branch officials and that the FBI Director is an Executive Branch official. The question, then, is whether or not S. 1103 would allow Congress to extend the FBI Director's statutory ten year term for two additional years.

Professor Harrison testified that, ''An appointment is a legal act that causes someone to hold an office that otherwise would be vacant or held by someone else. . . . A statutory extension of the term of an incumbent causes the current incumbent to hold an office that otherwise would be vacant upon the expiration of the incumbent's term. It is thus a statutory appointment. . . . It is just like a statute that provides that a named person is hereby appointed to a specified office.'' We believe Professor Harrison's interpretation has merit and thus conclude that extending Director Mueller's term and causing him to hold an office that otherwise would be vacant on August 4, 2011, could violate the Appointments Clause.

The law currently requires Director Mueller to step down after his ten-year term ends and forbids his reappointment by the President. Thus, it could be argued that S. 1103 reappoints Director Mueller to a new two-year term by legislative decree in violation of the Appointments Clause. The Supreme Court has recognized that Congress cannot make Executive appointments, even if the President signs the law making those appointments. It is irrelevant that the President and almost all members of Congress wish Director Mueller to continue in office. Constitutional formalities must be followed. For example, if all members of both houses of Congress sent a letter to the President saying they thereby willed a certain bill to become law, and the President sent a letter in return saying that he too willed the bill to become law through his letter, it would not become law, and no court would treat it as law. We have a written Constitution for this very reason and Congress and the president must comply with its specific procedures. The Constitution requires that both houses vote on a bill and present it to the President for his signature before it can become law. The majority's emphasis on the President's desire that the FBI Director continue in office is immaterial. The President's only constitutional method of placing someone in office is by appointment.

3. THE CASELAW

The caselaw on statutory extensions of Executive officials' terms is unclear, making a clearly constitutional bill from Congress all the more imperative. The best the majority report could produce is In re Benny, a Ninth Circuit Court of Appeals case. In re Benny suffers from three flaws: it is binding in only one circuit, the circuit most often overturned by the Supreme Court; it came down before the Supreme Court's Morrison v. Olson decision on the subject of appointments and thus did not integrate the reasoning of that decision into its own; and as the majority admits, one of the concurring opinions in In re Benny does not support S. 1103's constitutionality. Judge Norris' opinion in In re Benny flatly states, ''My principal disagreement with the majority's position is that I believe the Appointments Clause precludes Congress from extending the terms of incumbent officeholders. I am simply unable to see any principled distinction between congressional extensions of the terms of incumbents and more traditional forms of congressional appointments.''

The disagreement even among the concurring judges in the Committee majority's list of supporting caselaw demonstrates the likelihood of litigation and the possibility of negative decisions in this ''gray'' and ''fuzzy'' area of law.

Further, In re Benny misinterpreted Supreme Court caselaw. As Professor Harrison points out, that case relied on Wiener v. United States, which merely allowed legislation restricting the President's ability to remove quasi-judicial officers to stand. Professor Harrison also notes legislation extending the life of an agency or commission is not the same as extending the term of an appointee because it does ''not extend the term of an officer who otherwise would have been replaced by a new appointee.''

Morrison is similarly gray and fuzzy. That case demonstrates the U.S. Supreme Court takes very seriously challenges to federal officials' authority based on the Appointments Clause and the Court is willing to contemplate voiding the actions of an official whose appointment violates the clause. In Morrison, the Court undertakes an extensive analysis of what authority the appointed official has, how that authority could interfere with presidential duties and prerogatives if that official was not appointed by the President or by someone under the President's control, and who appoints the official and from what section of the Constitution the appointing persons derive their authority to appoint. Rather than relying on bright-line rules, the Court weighs and examines many aspects of the Act involved and its practical effects in order to come to many of its conclusions. The Morrison Court upheld the constitutionality of having courts of law appoint independent counsels, but simple formulae are not employed to construct this decision, which is a distinct encouragement to future litigation since attorneys have many pathways to plausibly arguing unconstitutionality.

Justice Scalia in his dissent went so far as to assert that the Court had laid down no real guidance at all, and that decisions about the constitutionality of appointments would from now on be made ad hoc by the Court, certainly an invitation to future litigation:

Having abandoned as the basis for our decision-making the text of Article II that ''the executive Power'' must be vested in the President, the Court does not even attempt to craft a substitute criterion—a ''justiciable standard''. . . . Evidently, the governing standard is to be what might be called the unfettered wisdom of a majority of this Court, revealed to an obedient people on a case-by-case basis. This is not only not the government of laws that the Constitution established; it is not a government of laws at all.

The Morrison Court did not uphold congressional appointments as constitutional, which of course they are not, because it did not address that question. Moreover, a reasonable argument could be made that the Court would have considered the appointment of the FBI Director under S. 1103 to be unconstitutional under its analysis. The Court held that if the official in question had been a ''principal'' or ''superior'' officer instead of an ''inferior'' officer, ''then the Act [would be] in violation of the Appointments Clause.'' It is hard to imagine a court classifying the Director of the FBI as an ''inferior'' officer under the Appointments Clause rather than a ''superior'' one given the appointment process since 1968.

As further evidence of the Court's willingness to challenge the actions of those whose appointments are of questionable constitutionality, in Ryder v. United States the Court reversed the lower courts and threw out the conviction of a member of the Coast Guard because two of his judges were appointed contrary to the requirements of the Appointments Clause. The Court had also invalidated most of the powers of the members of the Federal Election Commission, as created by the Federal Election Campaign Act, because they were not appointed in conformity with the Appointments Clause.

4. DEPARTMENT OF JUSTICE OPINIONS

Given the lack of precedential caselaw and the novelty of the issues presented in S. 1103, the series of DOJ legal opinions that the majority cites in favor of S. 1103's constitutionality cannot be held to be determinative. Further, these opinions are inconsistent. As the CRS report on which the Majority relies says, ''In 1994, the OLC [Office of Legal Counsel] addressed the second five-year extension of the parole commissioners' tenure and explicitly disavowed an earlier 1987 opinion, which viewed the first extension of the Parole [sic] commissioners' terms of office as unconstitutional, finding it in contradiction with its 1951 opinion.'' Hence, the OLC endorsed the constitutionality of extensions, then repudiated it, then endorsed it again.

Regardless of OLC opinions, very few cases have been litigated concerning legislative extensions of officials' tenures. Unlike the appointees whose terms were extended by legislation cited by the majority, the FBI Director is a ''principal'' or ''superior'' officer, which may cause the courts to view his case differently, and we still have not heard anything definitive from the Supreme Court on this question.

5. THE RATIONALE

The jealous guarding of the President's power to appoint is crucial to preserving the separation of powers and promoting good government. As Alexander Hamilton wrote in Federalist No. 76,

The sole and undivided responsibility of one man will naturally beget a livelier sense of duty and a more exact regard to reputation. He will on this account feel himself under stronger obligations, and more interested to investigate with care the qualities requisite to the stations to be filled, and to prefer with impartiality the persons who may have the fairest pretensions to them.

The President has an absolute veto over Executive Branch nominations because he initiates them, which also means he must take responsibility for them. Eliminating the formalities of the confirmation process which require a nomination by the president undermines that connection between president and nominee the assignment of political responsibility.

6. THE SOLUTION

We see a simple resolution to our disagreement that accomplishes the goals shared by the Majority, the President, and almost all members of Congress, including ourselves. The amendment cosponsored by five members of the Judiciary Committee would create a new two-year term to begin on or after the day that Director Mueller's current term expires. After this one-time two-year term concludes, the FBI directorship would return to the previous statutory ten-year term, and Director Mueller would not be eligible to serve beyond the new two-year term. The President may nominate Director Mueller to this two-year term or whomever else he chooses. We are committed to expediting Senate confirmation of Director Mueller's nomination and ensuring there is no gap in service at the top of the FBI. We are willing to waive a confirmation hearing for Director Mueller and also the Committee questionnaire. And, we will do what we can to ensure a speedy vote by the full Senate. To our knowledge, no one has raised any constitutional objections that could call into question Director Mueller's authority if our alternative is followed, and the experts we have consulted unanimously agree that there is no constitutional difficulty. As former Deputy Attorney General James Comey testified regarding the constitutionality of extending Mueller's tenure, ''If you can do it in a way that makes it bulletproof, especially against the kind of litigation that you've spoken of, that would be better.''

CONCLUSION

We do not assert that S. 1103 is clearly unconstitutional. We assert that its constitutionality has been called into question by respected experts and could expose Director Mueller's authority to dangerous litigation. We further assert that we have a duty to enact a constitutionally airtight alternative that would achieve the same goals.

ADDITIONAL STATEMENTS

RECOGNIZING THE PEKIN NOODLE PARLOR

• Mr. BAUCUS. Mr. President, today I wish to recognize a Butte institution. The Pekin Noodle Parlor has served generations of Montanans from all walks of life. My good friends, Danny and Sharon Tam, and their family have run the parlor for an astounding 100 years. For generations, the parlor has been a centerpiece of Chinatown and an evolving Butte community. The restaurant specializes in Chinese and American fare, and the lower level has housed a wide array of activities—from Chinese social organizations to herbal medicine. I also want to recognize the Butte-Silver Bow Public Archives for their unparalleled work collecting and preserving the treasured history of Butte-Silver Bow. In particular, their efforts to protect the cherished narrative of the Pekin Noodle Parlor will be recognized for years to come. I ask that their commemoration of the Pekin Noodle Parlor below be printed in the RECORD.

One hundred years ago, Hum Yow opened his Pekin Noodle Parlor on the second floor of the building at 115/117/119 South Main. The restaurant's offerings of local favorites, Yatcamein—wet

noodles—and chop suey, were eaten by miners, the ''after-theater'' crowd, and prominent citizens alike. It always catered to non-Chinese clientele, many of whom in the early days were curious to get a glimpse of Chinatown. Over time, the noodle parlor came to incorporate a good complement of American food on its menu, while retaining its Chinese food specialties. Among the attractions were the narrow, beadboard booths which allowed semiprivate dining. A seating arrangement that is maintained to this day by Hum Yow's nephew, Ding Tam, who is also known as Danny Wong.

While the restaurant business continued upstairs, items from previous establishments were stored below. This rare collection of artifacts, some dating as early as the 1910s, narrates the position of the Hum/Tam family in Butte and among Chinese communities in the western United States and China. Butte-Silver Bow Public Archives presents in the exhibit, One Family-One Hundred Years, a story of family commitment, rather than an emphasis on Chinese illegal drugs and prostitution. Displays provide insight into Chinese social organizations, gambling, herbal medicine, and the continuing Chinese influence in Butte, MT, by the Pekin Noodle Parlor.

The information follows:

A LOOK INSIDE THE EXHIBIT

The Tam family's roots in Montana extend to the 1860s, almost 50 years before the opening of the Pekin Noodle Parlor. Although his name has been forgotten, the first family member to come to the U.S. delivered supplies to the Chinese camps and communities at various places in the American West. Butte was among those camps. By the late 1890s, his son came to Butte, where he and others ran a laundry on South Arizona Street for many years. The Quong Fong Laundry was a staple on Arizona well into the mid-1950s even after the Tam family member had returned to China.

The next generation of family immigrants gained considerable prominence in Chinatown and the community of Butte at large. Hum Yow and Tam Kwong Yee, close relatives from the same district near Canton, China, forged a successful alliance that spanned most of the first half of the twentieth century. After erecting a building at the east edge of Chinatown at 115/117/119 South Main, Hum Yow & Co. established a Chinese mercantile there, to at least the late 1910s. By 1914, a Sanborn map shows Hum Yow's noodle parlor on the second floor, while Tam Kwong Yee managed a club room on the first floor facing onto China Alley.

The inhabitants of Butte's Chinatown formed social clubs that were similar to other fraternal organizations of that time. The purpose of these organizations, according to their articles of incorporation, was to provide for ''. . . mutual helpfulness, mental and moral improvement, mental recreation . . .'' and so on. Artifacts from three known Chinese clubs were found in the basement of the Pekin. Along with the clubs' signs, such items as membership rosters, instruments, maps and photos tell part of the story of these long-gone associations.

In the new country, where the Chinese population was predominantly single men who knew little English, gambling was not only a tradition that continued but also became a major form of recreation during social gatherings. As gambling drew in other ethnic groups to Chinatown, the gambling parlors eventually gained entrances on Main Street proper. On the face of the Pekin building, it was in the form of a ''cigar store'' called the London Company at 119 South Main. Hum's Pekin Noodle Parlor and Tam's London Company gambling hall were staples of Butte's Chinatown until gambling was closed across Montana in 1952.

Unlike many of his countrymen in Butte, Hum Yow married while in the U.S. His wife, Sui (Bessie) Wong, was born and raised in San Francisco. Shortly after marrying in 1915, the Hums began their family, raising their three children in the Pekin building. Tam Kwong Yee, on the other hand, had left his wife and children behind in China but remained close to them, providing financially for both basic needs and advanced education.

As a model of his family values, Tam had been trained as an herbal doctor in China before emigrating to the U.S. It was many years, however, before he had the opportunity to practice his trade in Butte. There were several Chinese herbal doctors in Butte over the years. The most well-known of those from the early twentieth century was Huie Pock, who had his business in the next block of South Main from the Pekin. Several years after Huie's death in 1927, Tam acquired his collection of Chinese herbs.

By 1942, Tam opened his business, ''Joe Tom's Herbs,'' on the first floor of the Pekin Noodle Parlor building (at the 115 South Main address). The business name suggests that Tam specialized in dispensing herbs rather than diagnoses. His on-site advertising, however, promoted ''free consultation'' as well.

In 1947, Tam's grandson, Ding Tam joined the older man in Butte. Just as thousands of Chinese immigrants before him, Ding came to the U.S. to make money to support his family back home. He quickly became known by the more Americanized name of Danny Wong, the last name taken from Bessie Wong's family. Several years later he took over the Pekin Noodle Parlor while his grandfather continued working as a Chinese herbal doctor. Danny married Sharon Chu on August 9, 1963, and raised five children in Butte, passing down the Tam family's appreciation for higher education, commitment to hard work, and business savvy.●

100TH ANNIVERSARY OF MARYLAND LEGAL AID

● Mr. CARDIN. Mr. President, today I wish to recognize the 100th anniversary of the Legal Aid Bureau in Baltimore, MD. Legal Aid was founded in 1911 in Baltimore to provide legal representation for the poor. In 1929, Baltimore attorneys H. Hamilton Hackney and John A. O'Shea took over leadership of Legal Aid. Mr. Hackney believed that justice should not be a matter of charity. He believed that people should be secure in the knowledge ''that their poverty does not necessarily mean that they will be in a position of inequality before the law.'' As a result of Hackney and O'Shea's efforts, Legal Aid evolved from a charity organization to an independent, private, nonprofit corporation.

During the Great Depression, Legal Aid's poverty practice mushroomed. By 1932, it was serving 3,200 clients a year. In 1941, the staff consisted of five lawyers. In 1949, the caseload had grown to 7,000 a year and Legal Aid helped its 100,000th client. In 1953, Baltimore City built its new People's Court Building at Fallsway and Gay streets, with the third floor dedicated to Legal Aid's use.

The 1960s were a period of change. In 1964, Congress passed the Economic Opportunities Act and launched the war on poverty, funneling funds for legal services to the Nation's cities. In 1971, Legal Aid established three offices outside of Baltimore and later in the decade, across the State.

In 1974, one of President Nixon's last acts in office was to sign into law the National Legal Services Corporation Act; the next year the Legal Services Corporation, LSC, was established, and legal services organizations across the country continued a rapid expansion. Starting in the late 1970s, Legal Aid began to champion the cause of migrant farm workers, sued the steel industry to eliminate practices that prevented women and minorities from getting higher paying jobs, and targeted the cause of mentally disabled people.

In the 1980s, President Reagan sought to eliminate LSC, submitting seven straight budgets without an appropriation for the corporation. While some of the funding was restored by a sympathetic Congress, Legal Aid lost $1.2 million in funding in 1982, forcing staffing cuts in most offices. In response to the cuts, under my leadership, the Maryland General Assembly established the Maryland Legal Services Corporation and provided funding through the Interest on Lawyer Trust Accounts, IOLTA, Program to provide additional funding to Legal Aid and other legal services programs representing the poor.

Under the leadership of Wilhelm H. Joseph, Jr., who took the helm in 1996, Legal Aid has grown to be one of the Nation's largest and most respected legal services organizations. Today, there are more than 250 staff members in 13 offices statewide. Last year, more than 60,000 people from across the State were served, including residents of subsidized and public housing, the elderly, migrant farm workers, and neglected and abused children.

I would ask my colleagues to join me in congratulating Legal Aid for its outstanding achievements and service to the people of Maryland over the past 100 years, reminding us of the importance of the words inscribed over the entrance to the U.S. Supreme Court, ''Equal Justice for All.''●

TRIBUTE TO WILLIAM A. HAWKINS

● Ms. KLOBUCHAR. Mr. President, today I honor and pay tribute to a true leader from my home state of Minnesota, William A. Hawkins. Bill most recently retired with distinction as the chairman and CEO of Medtronic, the world's leading medical technology company. He is an individual whose life personifies the Medtronic Mission Statement.

The Medtronic mission, in part, states, ''To contribute to human welfare by application of biomedical engineering in the research, design, manufacture, and sale of instruments or appliances that alleviate pain, restore health, and extend life.''

Not every CEO gets the privilege to lead a company that makes lifesaving products, but for Bill the Medtronic mission is very personal and is a source of encouragement for his distinguished career. Several members of his own family received medical technology products developed and manufactured by the very company he has led. In 2008 when he was made chairman, he recalled the personal feeling he experienced during an assembly for employees. Included in the audience were the family members who had received coronary stents, a heart valve and a pacemaker, and a deep brain stimulator to control tremors caused by a World War II injury.

I have most especially appreciated Bill Hawkins in my role as chair of the Subcommittee on Competitiveness, Innovation, and Export Promotion, where my focus has been creating an innovation agenda that can help grow our economy and create jobs in America. Bill has a true passion for advancing innovation to make the world healthier and has been a major influence on all of Medtronic's innovation-related policies. I could not have asked for a more inspired or committed partner with which to work during the last few years.

Bill has nearly 35 years of career experience in the medical device industry, serving in leadership positions at Novoste Corporation, American Home Products, Johnson & Johnson, Guidant Corporation, and Eli Lilly. He began his medical technology career with Carolina Medical Electronics in 1977.

He joined Medtronic in 2002 as senior vice president and president of the company's vascular business before serving as corporate president and chief operating officer. Bill Hawkins was named chief executive officer of Medtronic in 2007 and assumed the additional role of chairman in 2008. Under his guidance, Medtronic's capacity to serve patients extended further to provide an array of diagnostic, preventive, and chronic disease management solutions. During his decade of service and leadership, the company launched many important new technologies, made major investments in quality and innovation, and successfully navigated through an increasingly challenging environment. I have been pleased to work with Bill on health care and FDA reform and a host of matters that have ensured improved patient access to advanced medical technology.

In March of 2010 Bill received the Biomedical Engineering Society's Distinguished Achievement Award. This award is given to recognize those who have made great contributions to the field of biomedical engineering/bioengineering.

Bill serves on the board of visitors for the Duke University School of Engineering and the board of directors for the Guthrie Theater and the University of Minnesota Foundation.

I know that my colleagues join me, his friends, family, and colleagues in commending Bill Hawkins on his numerous accomplishments and wishing him well as he begins a new phase of his career.

Congratulations, Bill Hawkins.●

ARMOUR, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Armour, SD. The town of Armour will commemorate its 125th anniversary this year.

Located in Douglas County, Armour was founded in 1886 and named after Philip Armour, owner of the famed meatpacking giant Armour & Company. Philip Armour served on the board of directors of the railroad during the time the railroad was being constructed in Douglas County. Today, the community of Armour is known for its outstanding health care facilities and its school district's strong record of academic and athletic accomplishment.

Armour has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Armour on this important milestone.●

CLAREMONT, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Claremont, SD. The town of Claremont is commemorating its 125th anniversary this year.

Claremont was founded in 1886 and named by rail workers after a town of the same name in the state of New Hampshire. Located in Brown County, Claremont was built along the rail line which ran from Rutland, ND to Aberdeen, SD. This resulted in rapid growth for the budding town. Settlers quickly realized the excellent farming potential in the area and a booming agricultural industry was born.

Claremont has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Claremont on this landmark occasion.●

FERNEY, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Ferney, SD. The town of Ferney commemorates its 125th anniversary this year.

Located in Brown County, Ferney was founded in 1886 and named after a town in France, which was the home of a railway worker's wife. Ferney has a colorful past and saw its heyday during the prohibition era. When nearby towns imposed prohibition laws, Ferney refused, earning itself a reputation as a ''liquor town.'' During this time Ferney's saloons and local establishments were booming businesses and among the first to reopen after the repeal of prohibition. Today, Ferney is known for its excellent hunting grounds and friendly people.

I would like to offer my congratulations to the citizens of Ferney on this milestone occasion and wish them continued prosperity in the years to come.●

STRANDBURG, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Strandburg, SD. The town of Strandburg will commemorate its 125th anniversary this year.

Strandburg was founded in 1886 and was named after John Strandburg, an original settler and the man who would become the first postmaster. Located in Grant County, Strandburg has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Strandburg on this historic milestone.●

TRIPP, SOUTH DAKOTA

● Mr. THUNE. Mr. President, today I recognize Tripp, SD. The town of Tripp will commemorate its 125th anniversary this year.

Tripp was founded in 1886 and was named after Judge Bartlett C. Tripp, who served as President of Dakota Territory's first Territorial Constitutional Convention. Located in Hutchinson County, today Tripp is home to beautiful prairies and excellent hunting.

Tripp has been a successful and thriving community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and traditions. I would like to offer my congratulations to the citizens of Tripp on this landmark date.●

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13466 OF JUNE 26, 2008, WITH RESPECT TO THE CURRENT EXISTENCE AND RISK OF THE PROLIFERATION OF WEAPONS-USABLE FISSILE MATERIAL ON THE KOREAN PENINSULA—PM 12

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, and addressed further in Executive Order 13570 of April 18, 2011, is to continue in effect beyond June 26, 2011.

The existence and the risk of proliferation of weapons-usable fissile material on the Korean Peninsula, and the actions and policies of the Government of North Korea that destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region, continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to these threats and maintain in force the measures taken to deal with that national emergency.

BARACK OBAMA.

THE WHITE HOUSE, *June 23, 2011.*

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13219 OF JUNE 26, 2001, WITH RESPECT TO THE WESTERN BALKANS—PM 13

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Western Balkans emergency is to continue in effect beyond June 26, 2011.

The crisis constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton accords in Bosnia, United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo, or the Ohrid Framework Agreement of 2001 in Macedonia, that led to the declaration of a national emergency on June 26, 2001, in Executive Order 13219, and to amendment of that order in Executive Order 13304 of May 28, 2003, has not been resolved. The acts of extremist violence and obstructionist activity outlined in Executive Order 13219, as amended, are hostile to U.S. interests and continue to constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to the Western Balkans and maintain in force the sanctions to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, *June 23, 2011.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 10:03 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 349. An act to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''.

S. 655. An act 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''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUYE).

At 12:16 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2021. An act to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 2021. An act to amend the Clean Air Act regarding air pollution from Outer Continental Shelf activities.

S. 1276. A bill to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, to rescind related appropriated amounts, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 23, 2011, she had presented to the President of the United States the following enrolled bills:

S. 349. An act to designate the facility of the United States Postal Service located at 4865 Tallmadge Road in Rootstown, Ohio, as the ''Marine Sgt. Jeremy E. Murray Post Office''.

S. 655. An act 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''.

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–2244. 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 ''2-methyl-2,4-pentanediol; Exemption from the Requirement of a Tolerance'' (FRL No. 8875–9) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2245. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Information Required in Prior Notice of Imported Food'' (Docket No. FDA–2011–N–0179) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2246. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, the annual report of the National Security Education Program for fiscal year 2010; to the Committee on Armed Services.

EC–2247. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2248. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2249. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2011–0002)) received in the Office

of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2250. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((44 CFR Part 65) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2251. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2011–0002)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2252. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Export Controls for High Performance Computers: Wassenaar Arrangement Agreement Implementation for ECCN 4A003 and Revisions to License Exception'' (RIN0694–AF15) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–2253. A communication from the President and Chief Financial Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, the Bank's management reports and statements on system of internal controls for fiscal year 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC–2254. A communication from the ASC Chairman, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Appraisal Subcommittee's 2010 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2255. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Federal Airways; Alaska'' ((RIN2120–AA66) (Docket No. FAA–2011–0010)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2256. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Duluth, MN'' ((RIN2120–AA66) (Docket No. FAA–2011–0123)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2257. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Waynesboro, VA'' ((RIN2120–AA66) (Docket No. FAA–2010–1232)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2258. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Bozeman, MT'' ((RIN2120–AA66) (Docket No. FAA–2011–0249)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2259. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Cocoa, FL'' ((RIN2120–AA66) (Docket No. FAA–2011–0070)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2260. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Newcastle, WY'' ((RIN2120–AA66) (Docket No. FAA–2011–0252)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2261. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Brunswick, ME'' ((RIN2120–AA66) (Docket No. FAA–2011–0116)) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2262. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (88); Amdt. No. 3429'' (RIN2120–AA65) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Commerce, Science, and Transportation.

EC–2263. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled ''Annual Energy Outlook 2011''; to the Committee on Energy and Natural Resources.

EC–2264. 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 and Designations of Areas for Air Quality Planning Purposes; Georgia: Atlanta; Determination of Attainment for the 1997 8-Hour Ozone Standards'' (FRL No. 9322–4) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2265. 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 ''Mandatory Reporting of Greenhouse Gases: Additional Sources of Fluorinated GHGs: Extension of Best Available Monitoring Provisions for Electronic Manufacturing'' (FRL No. 9322–1) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2266. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Louisiana'' (FRL No. 9323–7) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2267. 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; South Carolina: Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter and Nitrogen Oxides as a Precursor to Ozone'' (FRL No. 9322–6) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2268. A communication from the Director of the Regulatory Management Division, Office of Policy, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; State of Idaho; Regional Haze State Implementation Plan and Interstate Transport Plan'' (FRL No. 9321–4) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2269. 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 Manifest Printing Specifications Correction Rule'' (FRL No. 9321–8) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2270. 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 ''MINNESOTA: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL No. 9323–4) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2271. 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 Nitrogen Dioxide Standard'' (FRL No. 9321–5) received in the Office of the President of the Senate on June 20, 2011; to the Committee on Environment and Public Works.

EC–2272. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report entitled, ''Report to the Congress: Medicare and the Health Care Delivery System''; to the Committee on Finance.

EC–2273. A communication from the Board Members, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the actuarial status of the railroad retirement system; to the Committee on Finance.

EC–2274. A communication from the Board of Trustees, National Railroad Retirement Investment Trust, transmitting, pursuant to law, the 2011 annual report on the financial status of the railroad unemployment insurance system; to the Committee on Finance.

EC–2275. A communication from the Deputy Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled ''Standards Improvement Project—Phase III'' (RIN1218–AC19) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Health, Education, Labor, and Pensions.

EC–2276. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report from the Office of the Inspector General for the period from October 1, 2010 through March 31, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–2277. A communication from the Director, National Legislative Commission, The

American Legion, transmitting, pursuant to law, a report relative to the financial condition of The American Legion as of December 31, 2010; to the Committee on the Judiciary.

EC–2278. A communication from the Director of the Regulation Policy and Management Office, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Reimbursement Offsets for Medical Care or Services'' (RIN2900–AN55) received in the Office of the President of the Senate on June 22, 2011; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petition or memorial was laid before the Senate and was referred or ordered to lie on the table as indicated:

POM–47. A resolution adopted by the Senate of the State of Rhode Island urging the members of the Rhode Island Congressional Delegation to join as cosponsors of the Main Street Fairness Act and the President of the United States to sign into law the Main Street Fairness Act, upon its passage from Congress; to the Committee on Finance.

SENATE RESOLUTION NO. 11R280(11–S0976)

Whereas, the 1967 Bellas Hess and the 1992 Quill U.S. Supreme Court decisions denied states the authority to require collection of sales and use taxes by out-of-state sellers that have no physical presence in the taxing state; and

Whereas, the combined weight of the inability to collect sales and use taxes on remote sales through traditional carriers and the tax erosion due to electronic commerce threatens the future viability of the sales tax as a stable revenue source for state and local governments; and

Whereas, according to the National Conference of State Legislatures, states lost an estimated $8.6 billion in 2010, and total revenue loss is projected to balloon to $37 billion from 2009 to 2012; and

Whereas, according to the National Conference of State Legislatures, Rhode Island will lose an estimated $70.4 million in Fiscal Year 2012 because of this inability to require remote sellers to collect our state's sales and use taxes; and

Whereas, Rhode Island is one of twenty-four states complying with the Streamlined Sales and Use Tax Agreement; and

Whereas, The Main Street Fairness Act has been introduced in the 112th Congress to grant those states that comply with the agreement the authority to require all sellers, regardless of nexus, to collect those states' sales and use taxes: Now, therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations calls upon the members of our Congressional Delegation to join as cosponsors of the Main Street Fairness Act to support its swift adoption by the Congress of the United States; and be it further

Resolved, That this Senate urges President Barack Obama to sign the Main Street Fairness Act into law, upon its passage by the Congress; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States, the President and Secretary of the United States Senate, the Speaker and the Clerk of the United States House of Representatives, the Chair of the Senate Committee on Finance, the Chair of the House Committee on Ways and Means, and Rhode Island's Congressional Delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 1145. A bill to amend title 18, United States Code, to clarify and expand Federal criminal jurisdiction over Federal contractors and employees outside the United States, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. KERRY for the Committee on Foreign Relations.

*Gary Locke, of Washington, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China.

Nominee: Gary F. Locke.

Post: U.S. Ambassador to China.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self and 2. Spouse Mona Lee Locke: $250.00, 7/23/2008, Darcy Burner for Congress; $2,000.00, 10/8/2008, Obama Victory Fund.

3. Children and Spouses: $0. Emily Nicole Locke: $0. Dylan James Locke: $0. Madeline Lee Locke: $0.

4. Parents: Julie Locke: $0. Jimmy Locke—deceased: $0.

5. Grandparents: Deceased: $0. Deceased: $0.

6. Brothers and Spouses: Jeff Locke & Doris Locke: $0.

Sisters and Spouses: Marian Locke Monwai & Pete Monwai: $0. Rita Locke Yoshihara & Joe Yoshihara: $0. Jannie Locke Chow & Ed Chow: $0.

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*Ryan C. Crocker, of Washington, Personal Rank of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Nominee: Ryan Clark Crocker.

Post: Afghanistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: N/A—no children.

4. Parents: None living.

5. Grandparents: None living.

6. Brothers and Spouses: N/A—no brothers.

7. Sisters and Spouses: N/A—no sisters.

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*William J. Burns, of Maryland, a Career Member of the Senior Foreign Service with the Personal Rank of Career Ambassador, to be Deputy Secretary of State.

By Mr. LEAHY for the Committee on the Judiciary.

Major General Marilyn A. Quagliotti, USAF (Ret.), of Virginia, to be Deputy Director for Supply Reduction, Office of National Drug Control Policy.

Alfred Cooper Lomax, of Missouri, to be United States Marshal for the Western District of Missouri for the term of four years.

David L. McNulty, of New York, to be United States Marshal for the Northern District of New York for the term of four years.

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

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. AKAKA (for himself, Mr. JOHNSON of South Dakota, and Mr. INOUYE):

S. 1262. A bill to improve Indian education, and for other purposes; to the Committee on Indian Affairs.

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

S. 1263. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. REID, Mr. LEAHY, and Mr. DURBIN):

S. 1264. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. WYDEN, Mr. UDALL of Colorado, and Mr. TESTER):

S. 1265. A bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARPER (for himself, Mr. COONS, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. CASEY):

S. 1266. A bill to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER:

S. 1267. A bill to strengthen United States trade laws, and for other purposes; to the Committee on Finance.

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

S. 1268. A bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. SNOWE (for herself, Mrs. MURRAY, and Mr. BINGAMAN):

S. 1269. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary

schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself, Mr. BROWN of Ohio, and Ms. MURKOWSKI):

S. 1270. A bill to prohibit the export from the United States of certain electronic waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 1271. A bill to amend the Internal Revenue Code of 1968 to provide a temporary credit for hiring previously unemployed workers; to the Committee on Finance.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 1272. A bill to require the Secretary of Veterans Affairs to submit to Congress a report on the feasibility and advisability of establishing a polytrauma rehabilitation center or polytrauma network site of the Department of Veterans Affairs in the southern New Mexico and El Paso, Texas, region, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASEY (for himself, Mr. HARKIN, and Mr. SANDERS):

S. 1273. A bill to amend the Fair Labor Standards Act with regard to certain exemptions under that Act for direct care workers and to improve the systems for the collection and reporting of data relating to the direct care workforce, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENZI (for himself, Mr. ISAKSON, and Mrs. SHAHEEN):

S. 1274. A bill to provide for a biennial appropriations process with the exception of defense spending and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mr. DURBIN (for himself, Mr. KOHL, and Mr. BINGAMAN):

S. 1275. A bill to require the Secretary of Health and Human Services to remove social security account numbers from Medicare identification cards and communications provided to Medicare beneficiaries in order to protect Medicare beneficiaries from identity theft; to the Committee on Finance.

By Mr. DEMINT (for himself, Mr. VITTER, Mr. CORNYN, Mr. CRAPO, Mr. INHOFE, Mr. HATCH, and Mr. RISCH):

S. 1276. A bill to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, to rescind related appropriated amounts, and for other purposes; read the first time.

By Ms. CANTWELL (for herself, Mr. GRASSLEY, Ms. KLOBUCHAR, Mr. BLUNT, Mr. HARKIN, Mrs. MURRAY, and Mr. FRANKEN):

S. 1277. A bill to amend the Internal Revenue Code of 1986 to modify the incentives for the production of biodiesel; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. ROBERTS, Mr. CORNYN, Mr. BOOZMAN, Mr. BLUNT, and Mr. BARRASSO):

S. 1278. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. MURRAY:

S. Res. 214. A resolution designating the week of June 24 through 28, 2011, as ''National Music Education Week''; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself and Ms. MURKOWSKI):

S. Res. 215. A resolution designating the month of June 2011 as ''National Cytomegalovirus Awareness Month''; considered and agreed to.

By Mrs. BOXER (for herself and Mr. DEMINT):

S. Res. 216. A resolution encouraging women's political participation in Saudi Arabia; to the Committee on Foreign Relations.

By Mr. WEBB (for himself and Mr. WARNER):

S. Con. Res. 24. A concurrent resolution commemorating the 75th anniversary of the dedication of Shenandoah National Park; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 136

At the request of Mrs. FEINSTEIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 136, a bill to establish requirements with respect to bisphenol A.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor 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 Maine (Ms. COLLINS) 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 Louisiana (Ms. LANDRIEU) 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. 591

At the request of Mr. BROWN of Ohio, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 591, a bill to amend the Internal Revenue Code of 1986 to extend the qualifying advanced energy project credit.

S. 595

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 595, a bill to amend title VIII of the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to complete payments under such title to local educational agencies eligible for such payments within 3 fiscal years.

S. 606

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 606, a bill to amend the Federal Food, Drug, and Cosmetic Act to improve the priority review voucher incentive program relating to tropical and rare pediatric diseases.

S. 643

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 643, a bill to amend title XIX of the Social Security Act to direct Medicaid EHR incentive payments to federally qualified health centers and rural health clinics.

S. 673

At the request of Mr. BEGICH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 673, a bill to require the conveyance of the decommissioned Coast Guard Cutter STORIS.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 798

At the request of Mr. TESTER, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 798, a bill to provide an amnesty period during which veterans and their family members can register certain firearms in the National Firearms Registration and Transfer Record, and for other purposes.

S. 834

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 834, a bill to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, domestic violence, dating violence, and stalking.

S. 838

At the request of Mr. TESTER, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 838, a bill to amend the Toxic Substances Control Act to clarify the jurisdiction of the Environmental Protection Agency with respect to certain sporting good articles, and to exempt those articles from a definition under that Act.

At the request of Mr. THUNE, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 838, supra.

S. 958

At the request of Mr. CASEY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 958, a bill to amend the Public Health Service Act to reauthorize the program of payments to children's hospitals that operate graduate medical education programs.

S. 968

At the request of Mr. LEAHY, the names of the Senator from Kansas (Mr.

MORAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 968, a bill to prevent online threats to economic creativity and theft of intellectual property, and for other purposes.

S. 996

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 996, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2016, and for other purposes.

S. 1002

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1002, a bill to prohibit theft of medical products, and for other purposes.

S. 1009

At the request of Mr. RUBIO, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1009, a bill to rescind certain Federal funds identified by States as unwanted and use the funds to reduce the Federal debt.

S. 1025

At the request of Mr. LEAHY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1048

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Mr. CARDIN), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1048, a bill to expand sanctions imposed with respect to the Islamic Republic of Iran, North Korea, and Syria, and for other purposes.

S. 1094

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1094, a bill to reauthorize the Combating Autism Act of 2006 (Public Law 109–416).

S. 1107

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1107, a bill to authorize and support psoriasis and psoriatic arthritis data collection, to express the sense of the Congress to encourage and leverage public and private investment in psoriasis research with a particular focus on interdisciplinary collaborative research on the relationship between psoriasis and its comorbid conditions, and for other purposes.

S. 1181

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1181, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1188

At the request of Mr. BROWN of Ohio, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1188, a bill to require the purchase of domestically made flags of the United States of America for use by the Federal Government.

S. 1189

At the request of Mr. PORTMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1189, a bill to amend the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) to provide for regulatory impact analyses for certain rules, consideration of the least burdensome regulatory alternative, and for other purposes.

S. 1236

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1236, a bill to reduce the trafficking of drugs and to prevent human smuggling across the Southwest Border by deterring the construction and use of border tunnels.

S. 1249

At the request of Mr. UDALL of Colorado, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1249, a bill to amend the Pittman-Robertson Wildlife Restoration Act to facilitate the establishment of additional or expanded public target ranges in certain States.

S. 1258

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1258, a bill to provide for comprehensive immigration reform, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Oregon (Mr. WYDEN), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

S.J. RES. 21

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S.J. Res. 21, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. CON. RES. 23

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Con. Res. 23, a concurrent resolution declaring that it is the policy of the United States to support and facilitate Israel in maintaining defensible borders and that it is contrary to United States policy and national security to have the borders of Israel return to the armistice lines that existed on June 4, 1967.

S. RES. 213

At the request of Mr. DEMINT, the names of the Senator from North Dakota (Mr. HOEVEN), the Senator from Nevada (Mr. HELLER), the Senator from Tennessee (Mr. CORKER), the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 213, a resolution commending and expressing thanks to professionals of the intelligence community.

AMENDMENT NO. 499

At the request of Mr. VITTER, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 499 proposed to S. 679, a bill to reduce the number of executive positions subject to Senate confirmation.

AMENDMENT NO. 510

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 510 proposed to S. 679, a bill to reduce the number of executive positions subject to Senate confirmation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. JOHNSON of South Dakota, and Mr. INOUYE):

S. 1262. A bill to improve Indian education, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Native culture, language, and access for success in schools bill, Native CLASS.

As a former educator, I understand the critical role of education, not just to the life of a young person, but also to the future of a culture and a community. For too long, the Native people of this country have lived with a substandard education system that lacks cultural relevance and is burdened with administrative challenges and severe underfunding.

Three major reports by the Federal Government on Native education since 1928 have demonstrated little, if any, improvement in the education of Native people in the past 80 years. This ailing system has resulted in some of the worst education outcomes in the country. On average, in the States with the highest Native populations, the graduation rates for Native students are lower than the graduation rates for all other racial/ethnic groups, hovering well below 50 percent. We can no longer tolerate this, especially because our Federal Government has a unique trust

obligation to provide a quality education to its Native people.

Native languages and cultures are the roots of all Native peoples, and to oki, to cut those roots is to inherently harm the Native peoples. The comprehensive legislation I am introducing today puts forward a new vision of Native education, one that is grounded in culture, language, and local community control. The bill provides for many new access opportunities for tribes to be partners in their own education systems and paves the way for innovative language and culture-based instruction programs. Additionally, it provides much stronger accountability by agencies to native communities for the administration of their children's education. The provisions of this bill are the result of consultation and input with a wide range of American Indian, Alaska Native and Native Hawaiian stakeholders.

The introduction of this bill is only the beginning of a dialogue about this new vision of Native education. We will continue to work with our Native stakeholders to improve this bill and ensure that it builds strong roots and meets the unique needs of all our native students.

I thank Mr. JOHNSON and Mr. INOUYE for sponsoring this bill. I urge my other colleagues to join me in supporting the passage of this legislation.

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

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

S. 1262

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Native Culture, Language, and Access for Success in Schools Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Subtitle A—Improving the Academic Achievement of the Disadvantaged

Sec. 111. Improving the education of students.
Sec. 112. Standards-based assessments.
Sec. 113. Native language teaching.
Sec. 114. Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk.

Subtitle B—Preparing, Training, and Recruiting High Quality Teachers and Principals

Sec. 121. Preparing, training, and recruiting high quality teachers and principals.

Subtitle C—Native American Languages Programs

Sec. 131. Improvement of academic success of Indian students through Native American languages programs.
Sec. 132. State and tribal education agency agreements.

Subtitle D—21st Century Schools

Sec. 141. Safe and healthy schools for Native American students.

Subtitle E—Indian, Native Hawaiian, and Alaska Native Education

Sec. 151. Purpose.
Sec. 152. Purpose of formula grants.
Sec. 153. Grants to local educational agencies and tribes.
Sec. 154. Amount of grants.
Sec. 155. Applications.
Sec. 156. Authorized services and activities.
Sec. 157. Student eligibility forms.
Sec. 158. Technical assistance.
Sec. 159. Amendments relating to tribal colleges and universities.
Sec. 160. Tribal educational agency cooperative agreements.
Sec. 161. Tribal education agencies pilot project.
Sec. 162. Improve support for teachers and administrators of native american students.
Sec. 163. National board certification incentive demonstration program.
Sec. 164. Tribal language immersion schools.
Sec. 165. Coordination of Indian student information.
Sec. 166. Authorization of appropriations.

Subtitle F—Impact Aid

Sec. 171. Impact aid.

Subtitle G—General Provisions

Sec. 181. Highly qualified definition.
Sec. 182. Applicability of ESEA to Bureau of Indian Education schools.
Sec. 183. Increased access to resources for tribal schools, schools served by the Bureau of Indian Education, and Native American students.

TITLE II—AMENDMENTS TO OTHER LAWS

Sec. 201. Amendments to the American Recovery and Reinvestment Act of 2009 to provide funding for Indian programs.
Sec. 202. Qualified scholarships for education and cultural benefits.
Sec. 203. Tribal education policy advisory group.
Sec. 204. Division of budget analysis.
Sec. 205. Qualified school construction bond escrow account.
Sec. 206. Equity in Educational Land-Grant Status Act of 1994.
Sec. 207. Workforce Investment Act of 1998.
Sec. 208. Technical amendments to Tribally Controlled Schools Act of 1988.

TITLE III—ADDITIONAL EDUCATION PROVISIONS

Sec. 301. Native American student support.
Sec. 302. Ensuring the survival and continuing vitality of Native American languages.
Sec. 303. In-school facility innovation program contest.
Sec. 304. Retrocession or reassumption of certain school funds.
Sec. 305. Department of the Interior and Department of Education Joint Oversight Board.
Sec. 306. Feasibility study to transfer the Bureau of Indian Education to the Department of Education.
Sec. 307. Tribal self governance feasibility study.
Sec. 308. Establishment of Center for Indigenous Excellence

TITLE I—ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Subtitle A—Improving the Academic Achievement of the Disadvantaged

SEC. 111. IMPROVING THE EDUCATION OF STUDENTS.

Part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1111—

(A) in subsection (a), by inserting ''representatives of Indian tribes located in the State,'' after ''other staff,'';

(B) in subsection (b)(8), by striking ''1112(c)(1)(D)'' and inserting ''1112(c)(1)(E)'';

(C) in subsection (c)—

(i) in paragraph (13), by striking ''and'';

(ii) in paragraph (14), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(15) the State educational agency has engaged in timely and meaningful consultation with representatives of Indian tribes located in the State in the development of the State plan to serve local educational agencies under the State's jurisdiction, in order to—

''(A) improve the coordination of activities under this Act;

''(B) meet the purpose of this title; and

''(C) meet the unique cultural, language, and educational needs of Indian students.''; and

(D) in subsection (m), by adding at the end the following:

''(4) If such school has been approved, in accordance with section 1116(g), for use of an alternative definition of adequate yearly progress, the school may adopt an appropriate assessment that—

''(A) is developed in consultation with, and with the approval of, the Secretary of the Interior; and

''(B) is consistent with the requirements of this section.'';

(2) in section 1112—

(A) in subsection (b)(1)—

(i) by redesignating subparagraphs (F) through (Q) as subparagraphs (G) through (R), respectively; and

(ii) by inserting after subparagraph (E), the following:

''(F) a description of the procedure that the local educational agency will use to engage in timely, ongoing, and meaningful consultation with representatives of Indian tribes located in the area served by the local education agency in the development of the local plan, in order to—

''(i) improve the coordination of activities under this Act;

''(ii) meet the purpose of this title; and

''(iii) meet the unique cultural, language, and educational needs of Indian students;'';

(B) in subsection (c)(1)—

(i) by redesignating subparagraphs (D) through (O) as subparagraphs (E) through (P), respectively; and

(ii) by inserting after subparagraph (C), the following:

''(D) engage in timely and meaningful consultation with representatives of Indian tribes located in the area served by the local education agency;''; and

(C) in subsection (d)(1), by striking ''and other appropriate school personnel,'' and inserting ''other appropriate school personnel, representatives of Indian tribes located in the area served by the local educational agency,'';

(3) in section 1115(b)(2)(A), by inserting '', Indian children,'' after ''migrant children'';

(4) in section 1116—

(A) in subsection (b)(3)(A)—

(i) in the matter preceding clause (i), by inserting ''representatives of Indian tribes located in the area served by the school,'' after ''school staff,'';

(ii) in clause (ix), by striking ''and'' after the semicolon;

(iii) in clause (x), by striking the period at the end; and

(iv) by adding at the end the following:

''(xi) provide an assurance that, if the school receives funds described in title VII, the school will continue to direct such funds to the activities described in title VII.'';

(B) in subsection (c)(7)(A)—

(i) in the matter preceding clause (i), by inserting ''representatives of Indian tribes located in the area served by the local education agency,'' after ''school staff,'';

(ii) in clause (vii), by striking ''and'' after the semicolon;

(iii) in clause (viii), by striking the period at the end and inserting ''; and''; and

(iv) by adding at the end the following:

''(ix) incorporate, as appropriate, activities that meet the unique cultural, language, and educational needs of Indian students eligible to be served under title VII of this Act.'';

(C) in subsection (g)(1)—

(i) in subparagraph (B)—

(I) by striking ''The tribal governing body or'' and inserting ''An Indian tribe,'';

(II) by inserting '', or consortium of such entities'' after ''Bureau of Indian Affairs'';

(III) by striking ''body or school board'' and inserting ''Indian tribe, school board, or consortium of such entities''; and

(IV) by inserting ''of the Interior'' after ''such alternative definition unless the Secretary'';

(ii) in subparagraph (C), by striking ''a tribal governing body or school board of a school funded by the Bureau of Indian Affairs'' and inserting ''an Indian tribe, school board of a school funded by the Bureau of Indian Affairs, or consortium of such entities''; and

(iii) by adding at the end the following:

''(D) DEEMED APPROVAL.—A proposed alternative definition of adequate yearly progress submitted pursuant to subparagraph (B) shall be deemed to be approved by the Secretary of the Interior unless the Secretary of the Interior issues the notification set forth in subparagraph (E) prior to the expiration of the 30-day period beginning on the date on which the Secretary of the Interior received the proposed alternative definition of adequate yearly progress.

''(E) NOTIFICATION.—If the Secretary of the Interior finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary of the Interior shall—

''(i) notify the entity or entities described in subparagraph (B) of the finding of noncompliance and, in such notification, shall—

''(I) cite the specific provisions in the application that are not in compliance;

''(II) provide an explanation of the basis of the non-compliance;

''(III) request additional information only as to the noncompliant provisions needed to make the proposal compliant;

''(IV) provide a description of the steps that the entity or entities need to take to make the application compliant; and

''(V) provide assistance to overcome the finding of noncompliance; and

''(ii) provide the entity or entities described in subparagraph (B) with the opportunity for a hearing, which shall be completed not more than 60 days after such entity or entities receive the notice of opportunity for a hearing, or at such later date as agreed to by the submitting entity or entities.

''(F) RESPONSE.—If the entity or entities described in subparagraph (B) resubmit the application in an effort to overcome the finding of noncompliance not more than 30 days after the date the notification was received, the Secretary of the Interior shall approve or disapprove the resubmitted application not more than 30 days after the resubmitted application is received, or not more than 30 days after the conclusion of a hearing, whichever is later. If the Secretary of the Interior fails to approve or disapprove the resubmitted application within such time period, the resubmitted application shall be deemed approved.

''(G) RESUBMISSION RESPONSE.—If the Secretary of the Interior finds the resubmitted application described in subparagraph (F) to be in noncompliance, the Secretary of the Interior shall issue a final determination that—

''(i) cites the specific provisions in the application that are not in compliance;

''(ii) provides a detailed explanation of the basis for the finding of noncompliance for each provision found to be noncompliant; and

''(iii) offers assistance to overcome the finding of noncompliance.

''(H) FAILURE TO RESPOND.—If the entity or entities described in subparagraph (B) do not respond to the notification of the Secretary of the Interior described in subparagraph (E) within a 30-day period after receipt of such notification, the application shall be deemed to be disapproved.'';

(5) by inserting after section 1116 the following:

''SEC. 1116A. INDIAN SCHOOL TURN AROUND PROGRAM.

''(a) PURPOSE.—The purpose of this section is to significantly improve outcomes for Indian students in persistently low-performing schools by—

''(1) enabling Indian tribes or tribal education agencies to turn around low-performing schools operated by a local educational agency on Indian lands;

''(2) building the capacity of tribes and tribal education agencies to improve student academic achievement in low-performing and persistently low-performing schools; and

''(3) supporting tribes and tribal education agencies in implementing school intervention models.

''(b) DEFINITIONS.—In this section:

''(1) INDIAN LANDS.—The term 'Indian lands' has the meaning given the term in section 8013.

''(2) INDIAN SCHOOL.—The term 'Indian school' means any school located on Indian lands.

''(3) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community (including any Native village, Regional Corporation, or Village Corporation as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(4) TRIBAL EDUCATION AGENCY.—The term 'tribal education agency' means the authorized governmental agency of a federally-recognized American Indian or Alaska Native tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) that is primarily responsible for regulating, administering, or supervising the formal education of tribal members. A tribal education agency includes tribal education departments, tribal divisions of education, tribally sanctioned education authorities, tribal education administrative planning and development agencies, and tribal administrative education entities.

''(c) IDENTIFICATION OF LOW PERFORMING INDIAN SCHOOLS.—

''(1) IN GENERAL.—Each State that receives funds under this part shall annually identify any Indian school operated by a local educational agency that—

''(A) is a school identified under section 1116(b); and

''(B)(i) in the case of an Indian school that is an elementary school, is in the lowest 5 percent of the State's public elementary schools;

''(ii) in the case of an Indian school that is a secondary school that does not award a high school diploma, is in the lowest 5 percent of the State's public secondary schools that do not award a high school diploma; or

''(iii) in the case of an Indian school that is a secondary school that does award a high school diploma—

''(I) is in the bottom 5 percent of the State's public secondary schools that award a high school diploma; or

''(II) has a graduation rate below 60 percent.

''(2) REPORT.—If a school is identified by a State under paragraph (1), the State shall notify the tribe on whose Indian lands any such school is located that the school has been identified as a low-performing school.

''(d) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to Indian tribes or tribal education agencies to enable such tribes or agencies to carry out the activities described in subsection (g).

''(2) DURATION.—

''(A) IN GENERAL.—A grant awarded under this section shall be for a period of 4 years.

''(B) RENEWAL.—The Secretary may renew a grant under this section for an additional 4-year period if the Indian tribe or tribal education agency demonstrates sufficient progress, as defined by the State, on the core academic indicators and leading indicators described in subsection (h)(1)(B).

''(e) APPLICATION.—

''(1) IN GENERAL.—Each Indian tribe or tribal education agency that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. At a minimum, each application shall include—

''(A) an analysis of the school described under subsection (c)(1) that the Indian tribe or tribal education agency proposes to serve, and an appropriate intervention model for such school;

''(B) a budget, which shall demonstrate sufficient funds to implement fully and effectively the selected intervention model; and

''(C) a description of how the Indian tribe or tribal education agency will—

''(i) help develop a pipeline of teachers and leaders for the school;

''(ii) collect and report data;

''(iii) support effective extended learning time strategies; and

''(iv) build capacity in the tribe or tribal education agency for assisting schools described under subsection (c)(1).

''(2) ADDITIONAL APPLICATION REQUIREMENTS IF SUBGRANTS ARE AWARDED.—If an Indian tribe or tribal education agency proposes to issue subgrants, as described under subsection (g)(3), such tribe or agency shall include in the application, in addition to the requirements described under paragraph (1), the following:

''(A) A copy of the application form and instructions that the Indian tribe or tribal education agency will provide to potential recipients of subgrants.

''(B) A description of how the Indian tribe or tribal education agency will set priorities for awarding subgrants.

''(C) A description of how the Indian tribe or tribal education agency will monitor each entity that is awarded a subgrant.

''(f) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATION AGENCY RESPONSIBILITIES.—

''(1) IN GENERAL.—If an Indian tribe or tribal education agency receives a grant under this section for an Indian school that has been identified under subsection (c)(1), the Secretary shall notify the State in which the school is located, and the State educational agency and the local educational agency that serve such school shall—

''(A) maintain funding for the school at not less than the amount supplied in the academic year immediately preceding the academic year for which the grant under this section applies;

''(B) at the request of the Indian tribe or tribal education agency, enter into a cooperative agreement to authorize the Indian tribe or tribal education agency to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or the local educational agency on behalf of the school; and

''(C) authorize the Indian tribe or tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof, as necessary.

''(2) MAINTENANCE OF EFFORT REQUIREMENT.—If the maintenance of effort requirement described in paragraph (1)(A) is not met, the Secretary may withhold funding under title I from the State until such requirement is met.

''(3) DISAGREEMENT.—If an Indian tribe or tribal education agency and the State educational agency or local educational agency cannot reach an agreement, the tribe or tribal education agency may submit to the Secretary information that such tribe or agency deems relevant, and the Secretary may make a determination on the disputed issue.

''(g) USE OF FUNDS.—

''(1) SCHOOL INTERVENTION MODEL.—

''(A) IN GENERAL.—An Indian tribe or tribal education agency that receives a grant under this section shall use not less than 90 percent of the grant funds to implement a school intervention model described in subsection (i), either directly or through a turn around partner that is awarded a subgrant, in a school identified under subsection (c)(1).

''(B) USE OF FUNDS FOR COMPREHENSIVE SERVICES.—The Indian tribe or tribal education agency, in implementing any of the school intervention models described in subsection (i) in any school served under the grant—

''(i) shall identify and address issues that may contribute to low academic achievement in the schools identified under subsection (c)(1); and

''(ii) may use funds under this section to provide comprehensive services to address the issues described in subparagraph (A) and meet the full range of student needs.

''(2) SUBGRANTS.—An Indian tribe or tribal education agency that receives a grant under this section may award subgrants.

''(3) TRIBE OR TRIBAL EDUCATION AGENCY ACTIVITIES.—If an Indian tribe or tribal education agency that receives a grant under this section does not use all of the grant funds to carry out the activities described in paragraphs (1) through (3) in each school to be served under the grant, such tribe or tribal education agency shall use any remaining funds to—

''(A) provide technical assistance and other support, either directly or through the creation of a school turn around office or a turn around partner, to schools identified under subsection (c)(1), which may include—

''(i) the use of school quality review teams; or

''(ii) regular site visits to monitor the implementation of selected intervention models;

''(B) evaluate Indian tribe or tribal education agency implementation of school intervention models and other improvement activities;

''(C) use the results of the evaluations described in subparagraph (B) to improve Indian tribe or tribal education agency strategies for supporting, and providing flexibility for, targeted schools that are identified under subsection (c)(1);

''(D) develop pipelines of teachers and leaders that are trained to work in schools that are low-performing schools, such as the schools identified in subsection (c)(1);

''(E) collect and report data;

''(F) build capacity in the Indian tribe or tribal education agency for assisting schools identified under subsection (c)(1); or

''(G) carry out other activities designed to build Indian tribe or tribal education agency capacity to support school improvement.

''(h) DATA COLLECTION AND REPORTING.—

''(1) IN GENERAL.—Each Indian tribe or tribal education agency receiving a grant under this section shall—

''(A) comply with the reporting and accountability requirements of this part for each school that such Indian tribe or tribal education agency serves; and

''(B) monitor and collect data about the students that such Indian tribe or tribal education agency serves at each school that is served by the grant program, including the following data:

''(i) Core academic indicators, such as—

''(I) the percentage of students at each school who are at or above the proficient level on State academic assessments in reading or language arts and mathematics;

''(II) student progress toward core academic benchmarks;

''(III) the average score for students in each school on State academic assessments in reading or language arts and mathematics;

''(IV) secondary school graduation rates; and

''(V) rates of student enrollment in an institution of higher education.

''(ii) Leading indicators, such as—

''(I) student attendance rates;

''(II) the number and percentage of students completing advanced coursework;

''(III) student participation in State assessments in reading or language arts and mathematics under section 1111(b)(3);

''(IV) school dropout rates;

''(V) discipline incident rates;

''(VI) teacher attendance rates;

''(VII) the distribution of teachers by performance level, based on the teacher evaluation system established by the Indian tribe or tribal education agency; and

''(VIII) reduction in the percentage of students in the lowest level of achievement on State assessments in reading or language arts and mathematics under section 1111.

''(2) REPORT.—Each Indian tribe or tribal education agency receiving a grant under this section shall prepare and submit a report to the Secretary, which shall include the data described in paragraph (1)(B).

''(i) SCHOOL INTERVENTION MODELS.—Each tribe or tribal education agency that receives a grant under this section may choose to implement 1 or more of the following school intervention models:

''(1) TRANSFORMATION MODEL.—A transformation model is a school intervention model in which the Indian tribe or tribal education agency—

''(A) replaces a principal (if such principal has led the school for 2 or more years) with a new principal who has demonstrated effectiveness in turning around a low-performing school;

''(B) uses rigorous, transparent, and equitable evaluation systems to—

''(i) identify and reward school leaders, teachers, and other staff who, in implementing the model, increase student achievement and, if applicable, secondary school graduation rates; and

''(ii) identify and remove school leaders, teachers, and other staff who, after ample opportunities have been provided for such individuals to improve their professional practice—

''(I) do not increase student achievement;

''(II) if applicable, do not increase secondary school graduation rates; and

''(III) have not demonstrated effectiveness according to the tribe or tribal education agency's evaluation system;

''(C) provides staff with ongoing, high quality, job-embedded professional development that—

''(i) is aligned with the school's instruction program and evaluation system;

''(ii) facilitates effective teaching and learning; and

''(iii) supports the implementation of school-reform strategies;

''(D) implements strategies (such as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions) that are designed to recruit, place, and retain staff who have the skills necessary to meet the needs of students in the school;

''(E) uses data to identify and implement a research-based instruction program that—

''(i) is aligned with State or tribal challenging academic content standards and challenging student academic achievement standards under section 1111(b); and

''(ii) has been proven to raise student academic achievement by not less than 10 percent in 1 year;

''(F) establishes schedules and strategies that provide increased learning time (which may include offering full-day kindergarten or a high-quality preschool program or using a longer school day, week, or year that increases the total number of hours at school for the school year by not fewer than 300 hours) in order to significantly increase the total number of school hours to include time for—

''(i) instruction core subjects, such as English, reading or language arts, mathematics, science, foreign language (which may include a Native American language), civics and government, economics, arts, history, and geography;

''(ii) instruction in traditional and cultural programs;

''(iii) instruction in other subjects; and

''(iv) enrichment activities, such as physical education, service learning, and experiential work-based opportunities;

''(G) promotes the continuous use of student data to provide instruction that meets the academic needs of individual students, which may include, in elementary school, individual students' levels of school readiness;

''(H) provides ongoing mechanisms for family, community, and tribal involvement;

''(I) ensures that the school receives ongoing, intensive technical assistance and related support from the tribe or tribal education agency; and

''(J) provides appropriate social-emotional and community-oriented support services for students, and at the discretion of the tribe or tribal education agency, uses not more than 10 percent of the total grant funds for such services.

''(2) RESTART MODEL.—A restart model is a school intervention model in which the Indian tribe or tribal education agency—

''(A) converts a school—

''(i) under a charter or school operator and charter management organization;

''(ii) under an education management organization; or

''(iii) as an autonomous or redesigned school;

''(B) implements a rigorous review process to select such a charter or school operator and charter management organization, or an education management organization, as applicable, which includes an assurance that such operator or organization will make significant changes in the leadership and staffing of the school; and

''(C) enrolls in the school any former student who wishes to attend the school and who is within the grades the school services.

''(3) TURNAROUND MODEL.—A turnaround model is a school intervention model in which the Indian tribe or tribal education agency—

''(A) replaces a principal (if such principal has led the school for 2 or more years) with a new principal who has demonstrated effectiveness in turning around a low-performing school;

''(B) gives a new principal sufficient operational flexibility (including flexibility in staffing, the school day and school calendar, and budgeting) to fully implement a comprehensive approach to improve student outcomes;

''(C) uses a comprehensive evaluation system to evaluate staff, including the use of student achievement data to measure the effectiveness of staff;

''(D) screens all staff who are employed at the school as of the time when the turnaround model is implemented and retains not more than 50 percent of such staff;

''(E) requires the principal to justify personnel decisions (such as hiring, dismissal, and rewards) based on the results of the comprehensive evaluation system;

''(F) provides staff with ongoing, high quality, job-embedded professional development that—

''(i) is aligned with the school's instruction program and evaluation system;

''(ii) facilitates effective teaching and learning; and

''(iii) supports the implementation of school-reform strategies;

''(G) uses data to—

''(i) identify and implement a research-based instructional program;

''(ii) evaluate school improvement strategies; and

''(iii) inform differentiated instruction, in order to meet the academic needs of individual students;

''(H) encourages the use of extended learning time partnerships;

''(I) establishes schedules and strategies that provide increased learning time (which may include offering full-day kindergarten or a high-quality preschool program or using a longer school day, week, or year that increases the total number of hours at school for the school year by not fewer than 300 hours) in order to significantly increase the total number of school hours to include time for—

''(i) instruction core subjects, such as English, reading or language arts, mathematics, science, foreign language (which may include a Native American language), civics and government, economics, arts, history, and geography;

''(ii) instruction in traditional and cultural programs;

''(iii) instruction in other subjects;

''(iv) enrichment activities, such as physical education, service learning, and experiential work-based opportunities; or

''(v) teachers to collaborate, plan, and engage in professional development within and across grades and subjects;

''(J) provides ongoing mechanisms for family, community, and tribal involvement; and

''(K) provides appropriate social and emotional community-oriented support services for students.

''(j) INSUFFICIENT PROGRESS.—If an Indian tribe or tribal education agency fails to demonstrate sufficient progress, as defined by the State, on the core academic indicators and leading indicators described in subsection (h)(1)(B), such tribe or agency shall be required to—

''(1) modify the existing school intervention model; or

''(2) restart the school using the restart model described in subsection (i)(2).

''(k) RESERVATION OF FUNDS.—From the amount appropriated each fiscal year for grants to State educational agencies and local educational agencies for school improvement actions under this part, the Secretary shall reserve not less than 10 percent of such amount for grants under this section.''; and

(6) in section 1118—

(A) in subsection (a)(2)—

(i) in subparagraph (E) by striking ''and'' after the semicolon;

(ii) by redesignating subparagraph (F) as subparagraph (G); and

(iii) by inserting after subparagraph (E) the following:

''(F) with respect to an agency that serves Indian children, identify the barriers to effective involvement of the parents of such children; and''; and

(B) in subsection (e)—

(i) by redesignating paragraphs (6) through (14) as paragraphs (7) through (15), respectively; and

(ii) by inserting after paragraph (5), the following:

''(6) in consultation with Indian tribes and parents of Indian children who are served by any school that is served by the agency, shall establish mechanisms to overcome barriers to effective Indian parental involvement, which may include—

''(A) providing literacy programs and use of technology training, as needed, for such parents at locations accessible to the homes of such parents;

''(B) providing or paying the reasonable costs of transportation and child care to enable such parents to participate in literacy programs, use of technology training, and school-related meetings;

''(C) providing training regarding the roles, rights and responsibilities of such parents, including information about culture-based education; and

''(D) contracting with an Indian tribe or tribal education agency to provide the services described in subparagraphs (A), (B) and (C);''.

SEC. 112. STANDARDS-BASED ASSESSMENTS.

Section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(3)) is amended by adding at the end the following:

''(E) STANDARDS-BASED EDUCATION ASSESSMENTS.—Notwithstanding any other provision of this Act, a State shall develop standards-based education assessments and classroom lessons to accommodate diverse learning styles, which assessments may be used by the State in place of the general assessments described in subparagraph (A).''.

SEC. 113. NATIVE LANGUAGE TEACHING.

Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended by adding at the end the following:

''(m) QUALIFICATIONS FOR NATIVE LANGUAGE TEACHERS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the requirements of subsection (a) on local educational agencies and States with respect to highly qualified teachers, shall not apply to a teacher of a Native language.

''(2) ALTERNATIVE LICENSURE OR CERTIFICATION.—Each State educational agency receiving assistance under this part shall develop an alternative licensure or certification for teachers of a Native language.''.

SEC. 114. PREVENTION AND INTERVENTION PROGRAMS FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DELINQUENT, OR AT-RISK.

Part D of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6421 et seq.) is amended—

(1) in section 1401—

(A) in subsection (a)(3), by inserting ''and the involvement of their families and their communities.'' after ''their continued education''; and

(B) in subsection (b), by inserting ''subject to section 1402(c),'' after ''section 1002(d)'';

(2) in section 1402, by adding at the end the following:

''(c) RESERVATION FOR THE SECRETARY OF THE INTERIOR.—From the amount appropriated for this part for any fiscal year, the Secretary shall reserve 4 percent of such funds for the Secretary of the Interior to provide educational services for at-risk Indian children, including Indian youth in correctional facilities operated by the Secretary of the Interior or by an Indian tribe.'';

(3) in section 1414(c)—

(A) in paragraph (9), by inserting '', Indian tribes, tribal education agencies,'' after ''local educational agencies'';

(B) by redesignating paragraphs (12) through (19) as paragraphs (13) through (20), respectively;

(C) by inserting after paragraph (11), the following:

''(12) describe the procedure that the State agency will use to consult, on an ongoing basis, with Indian tribes in the State to determine the needs of Indian children and youth who are neglected, delinquent, or at-risk, including such children and youth in a correctional facility or institution;'';

(D) in paragraph (19), as redesignated by subparagraph (B), by striking ''and'' after the semicolon;

(E) in paragraph (20), as redesignated by subparagraph (B), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(21) provides an assurance that the program under this subpart will utilize curriculum that is culturally appropriate, based on the demographics of the neglected or delinquent children and youth served by such program.'';

(4) in section 1416—

(A) in paragraph (7), by striking ''and'' after the semicolon;

(B) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(9) includes an assurance that the State agency has consulted with Indian tribes in the State in the development of the comprehensive plan under this part.'';

(5) in section 1418—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

''(1) projects that facilitate the transition of children and youth from State-operated institutions, or institutions in the State operated by the Secretary of the Interior or Indian tribes, to schools served by local educational agencies or to schools funded by the Bureau of Indian Education; or'';

(B) in subsection (b), by inserting ''Indian tribes,'' after local educational agencies;

(C) by redesignating subsection (c) as subsection (d); and

(D) by inserting after subsection (b) the following:

''(c) CONSULTATION WITH INDIAN TRIBES.—The State agency shall consult with Indian tribes in the State in the development of transition projects, and coordinate such State projects with transition and reentry projects operated by such tribes.'';

(6) in section 1419(2), by inserting ''and Indian tribal programs'' after ''State agency programs'';

(7) in section 1421—

(A) in the matter preceding paragraph (1), by inserting '', including correctional facilities in the State operated by the Secretary of the Interior or Indian tribes'' after ''locally operated correctional facilities''; and

(B) in paragraph (3), by inserting '', including schools funded by the Bureau of Indian Education,'' after ''local schools'';

(8) in section 1422—

(A) in subsection (a), by striking ''(including facilities involved in community day programs).'' and inserting ''(including facilities involved in community day programs and facilities in the State that are operated by the Secretary of the Interior or Indian tribes).''; and

(B) in subsection (d), by inserting '', schools funded by the Bureau of Indian Education,'' after ''returning to local educational agencies'';

(9) in section 1423—

(A) in paragraph (2)—

(i) in subsection (A), by inserting ''and, as appropriate, an Indian tribe in the State'' after ''program to be assisted''; and

(ii) in subsection (B), by inserting '', including such facilities operated by the Secretary of the Interior and Indian tribes'' after ''juvenile justice system'';

(B) by redesignating paragraphs (4) through (13) as paragraphs (5) through (14), respectively;

(C) by inserting after paragraph (3) the following:

''(4) a description of the process for consultation and coordination with Indian tribes in the State regarding services provided under the program to Indian children and youth;'';

(D) in paragraph (13), as redesignated by subparagraph (B), by striking ''and'' after the semicolon;

(E) in paragraph (14), as redesignated by subparagraph (B), by striking the period at the end and inserting ''; and''; and

(F) by adding at the end the following:

''(15) a description of the demographics of the children and youth served and an assurance that the curricula and co-curricular activities will be culturally appropriate for such children and youth.'';

(10) in section 1424 (20 U.S.C. 6454)—

(A) in paragraph (4), by striking ''and'' after the semicolon;

(B) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(6) programs for at-risk Indian children and youth, including such individuals in correctional facilities in the area served by the local educational agency that are operated by the Secretary of the Interior or Indian tribes.'';

(11) by redesignating subpart 3 as subpart 4;

(12) by redesignating sections 1431 and 1432 as sections 1441 and 1442, respectively;

(13) by inserting after subpart 2 the following:

''Subpart 3—Education Programs for Indian Children and Youth

''SEC. 1432. GRANTS TO INDIAN TRIBES.

''(a) PURPOSE.—The purpose of this section is to authorize an educational program to be known as the 'Indian Children and Youth At-Risk Education Program', which shall—

''(1) carry out high quality and culturally appropriate education programs to prepare Indian children and youth who are in correctional facilities (or enrolled in community day programs for neglected or delinquent children and youth) operated by the Secretary of the Interior or Indian tribes for secondary school completion, training, employment, or further education; and

''(2) to provide activities to facilitate the transition of such children and youth from the correctional program to further education or employment.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—From the amount reserved for the Secretary of the Interior under section 1402(c), and subject to paragraph (2), the Secretary of the Interior shall award grants, on a competitive basis, to Indian tribes with high numbers or percentages of children and youth in juvenile detention facilities that are operated by the Secretary of the Interior or Indian tribes in order to enable such Indian tribes to carry out the activities described in section 1434.

''(2) CONTRACT IN LIEU OF GRANT.—At the request of an Indian tribe, the Secretary of the Interior shall enter into a contract under the Indian Self-Determination and Education Assistance Act for operation of a program under this subpart in lieu of making a grant to such tribe.

''(3) NOTIFICATION.—The Secretary of the Interior shall notify Indian tribes of the availability of funding under this subpart.

''(c) TRIBAL APPLICATIONS.—Each Indian tribe desiring to receive a grant under this subpart shall submit an application to the Secretary of the Interior at such time, in such manner, and accompanied by such information as the Secretary of the Interior may require. Each such application shall include the following:

''(1) A description of the program that will be assisted with grant funds under this subpart.

''(2) A description of any formal agreements regarding the program, between the Indian tribe and, as appropriate—

''(A) 1 or more local educational agencies;

''(B) 1 or more schools funded by the Bureau of Indian Education;

''(C) correctional facilities operated by the Secretary of the Interior or Indian tribes;

''(D) alternative school programs serving Indian children and youth who are involved with the juvenile justice system; or

''(E) tribal, State, private, or public organizations or corporations providing education, skill-building, or reentry services.

''(3) As appropriate, a description of how participating entities will coordinate with facilities working with delinquent Indian children and youth to ensure that such children and youth are participating in an education program comparable to the education program in the local school that such youth would otherwise attend.

''(4) A description of how the program will develop culturally appropriate academic curricula and co-curricular activities to supplement the educational program provided by a facility working with delinquent Indian children and youth.

''(5) A description of the program that the Indian tribe will carry out for Indian children and youth returning from correctional facilities.

''(6) As appropriate, a description of the types of services that such tribe will provide for such children and youth and other at-risk children and youth, either directly or in cooperation with local educational agencies and schools funded by the Bureau of Indian Education.

''(7) A description of the characteristics (including learning difficulties, substance abuse problems, and other special needs) of the Indian children and youth who will be returning from correctional facilities and, as appropriate, other at-risk Indian children and youth expected to be served by the program.

''(8) A description of how the tribe will coordinate the program with existing educational programs of local educational agencies and schools funded by the Bureau of Indian Education to meet the unique educational needs of Indian children and youth who will be returning from correctional facilities and, as appropriate, other at-risk Indian children and youth expected to be served by the program.

''(9) As appropriate, a description of how the program will coordinate with existing social, health, and other services to meet the needs of students returning from correctional facilities, including—

''(A) prenatal health care;

''(B) nutrition;

''(C) mental health and substance abuse services;

''(D) targeted reentry and outreach programs; and

''(E) referrals to community resources related to the health of the child or youth.

''(10) A description of partnerships with tribal, State, private or public organizations, or corporations to develop vocational training, curriculum-based youth entrepreneurship education, and mentoring services for participating students.

''(11) As appropriate, a description of how the program will involve parents in efforts to—

''(A) improve the educational achievement of their children;

''(B) assist in dropout prevention activities; and

''(C) prevent the involvement of their children in delinquent activities.

''(12) A description of how the program under this subpart will be coordinated with other Federal, State, tribal, and local programs, such as programs under title I of Public Law 105-220 and vocational and technical education programs serving at-risk children and youth.

''(13) A description of how the program will be coordinated with programs operated under the Juvenile Justice and Delinquency Prevent Act of 1974 and other comparable programs, if applicable.

''(14) A description of the efforts participating schools will make to ensure that correctional facilities working with children and youth are aware of any existing individualized education programs for such children or youth.

''(15) As appropriate, a description of the steps participating schools will take to find alternative placements for children and youth who are interested in continuing their education but unable to participate in a regular school program.

''(16) As appropriate, a description of how the program under this subpart will be coordinated with other Federal, State, tribal, and local programs serving at-risk children and youth.

''(17) As appropriate, a description of how the program will coordinate with probation officers to assist in meeting the needs of children and youth returning from correctional facilities.

''(d) USES OF FUNDS.—Funds provided to Indian tribes under this subpart may be used for the purposes described in section 1424.

''(e) PROGRAM REQUIREMENTS FOR CORRECTIONAL FACILITIES RECEIVING FUNDS UNDER THIS SUBPART.—Each correctional facility entering into an agreement with an Indian tribe under section 1432(2) to provide services to Indian children and youth under this subpart shall—

''(1) if feasible, ensure that educational programs in the correctional facility are coordinated with the student's home school, particularly in the case of a student with an individualized education program under part B of the Individuals with Disabilities Education Act;

''(2) if a child or youth is identified as in need of special education services while in the correctional facility, notify such child's local school;

''(3) provide transition assistance to help the child or youth stay in school, including coordination of services for the family, counseling, assistance in accessing drug and alcohol abuse prevention programs, tutoring, and family counseling;

''(4) provide support programs that encourage children and youth who have dropped out of school to reenter school once their term at the correctional facility has been completed, or provide such children and youth with the skills necessary to gain employment or seek a secondary school diploma or its recognized equivalent;

''(5) work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities, taking into consideration the unique needs of such children and youth;

''(6) ensure that education programs in the correctional facility aim to help students meet high academic achievement standards;

''(7) to the extent possible, use technology to assist in coordinating educational programs between the correctional facility and participating program partners;

''(8) where feasible, involve parents in efforts to improve the educational achievement of their children and prevent the further involvement of such children in delinquent activities;

''(9) coordinate funds received under this subpart with other local, State, tribal, and Federal funds available to provide services to participating children and youth, such as funds made available under title I of Public Law 105-220, and vocational and technical education funds;

''(10) coordinate programs operated under this subpart with activities funded under the Juvenile Justice and Delinquency Prevention Act of 1974 and other comparable programs, if applicable; and

''(11) work with local partners to develop training, curriculum-based youth entrepreneurship education, and mentoring programs for children and youth.

''(f) TECHNICAL ASSISTANCE.—At the request of an Indian tribe that receives assistance under this subpart, the Secretary of the Interior may, to the extent resources are available, provide technical assistance—

''(1) to improve the performance of a program funded under this subpart;

''(2) to recruit and retain qualified educational professionals to assist in the delivery of services under such program; and

''(3) to perform the program evaluations required by section 1441.

''SEC. 1433. EDUCATIONAL ALTERNATIVES TO DETENTION.

''(a) PURPOSES.—The purposes of this section are—

''(1) to decrease the number of incarcerated Indian children and youth;

''(2) to decrease the rate of high school dropouts among Indian youth;

''(3) to provide educational alternatives to incarceration for at-risk Indian children and youth; and

''(4) to increase community and family involvement in the education of at-risk Indian children and youth.

''(b) ELIGIBLE ENTITIES.—In this section, the term eligible entity means—

''(1) an Indian tribe, tribal education agency, or tribal organization;

''(2) a Bureau-funded school, as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021);

''(3) a correctional facility, in consortium with a tribe, tribal education agency, or tribal organization; or

''(4) a State educational agency or local educational agency in consortium with a tribe, tribal education agency or tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

''(c) PROGRAM AUTHORIZED.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary is authorized to award grants to eligible entities having applications approved under this section to enable such entities to carry out the activities described in subsection (d).

''(2) CONTRACTS.—At the request of an Indian tribe, the Secretary shall transfer program funding to the Secretary of the Interior, who shall enter into a contract under the Indian Self-Determination and Education Assistance Act with the tribe for operation of a program under this section in lieu of making a grant to such tribe.

''(3) DURATION.—Grants awarded under this section shall be for a period of not less than 3 years and not more than 5 years.

''(d) AUTHORIZED ACTIVITIES.—Grant funds under this section shall be used for activities to provide educational alternatives for Indian youth who have been sentenced to incarceration or juvenile detention, in a manner consistent with the purposes of this section. Such activities may include—

''(1) half- or full-day alternative education programs for disruptive youth who are temporarily suspended;

''(2) school-based drug and substance abuse prevention programs;

''(3) truancy prevention programs;

''(4) multi-year alternative educational programs; and

''(5) home or community detention programs.

''(e) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall include the following:

''(1) A description of the program that will be assisted with grant funds under this subpart.

''(2) A description of any formal agreements regarding the program, between the Indian tribe and, as appropriate—

''(A) 1 or more local educational agencies;

''(B) 1 or more schools funded by the Bureau of Indian Education;

''(C) correctional facilities operated by the Secretary of the Interior or Indian tribes; or

''(D) tribal, State, private, or public organizations or corporations providing education, skill-building, or reentry services.

''(3) As appropriate, a description of how the program will develop culturally appropriate academic curriculum and co-curricular activities.

''(4) As appropriate, a description of the types of services that the eligible entity will provide to at-risk Indian children, youth, and families.

''(5) As appropriate, a description of any partnerships with tribal, local, or State law enforcement or judicial systems to provide education alternatives to detention and wrap around services, which may include—

''(A) behavioral health services;

''(B) family counseling;

''(C) teen pregnancy counseling;

''(D) substance abuse services;

''(E) alcohol abuse services; or

''(F) job training.

''(6) As appropriate, a description of evaluation activities to develop educational plans for at-risk Indian children and youth who are transitioning back to a local educational agency or earning a secondary school diploma, or the recognized equivalent of a secondary school diploma.

''(f) EVALUATION.—Each eligible entity that receives a grant under this section shall—

''(1) evaluate the grant program, not less than once every 3 years, to determine the program's success, consistent with the purposes of this section; and

''(2) prepare and submit a report containing the information described in paragraph (1) to the Secretary, the Coordinating Council on Juvenile Justice and Delinquency Prevention, and Indian tribes.

''(g) DEFINITION.—The term ''tribal education agency'' means—

''(1) the authorized governmental agency of a federally-recognized American Indian and Alaska Native tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) that is primarily responsible for regulating, administering, or supervising the formal education of tribal members; and

''(2) includes tribal education departments, tribal divisions of education, tribally sanctioned education authorities, tribal education administrative planning and development agencies, tribal education agencies, and tribal administrative education entities.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated $2,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.'';

(14) in section 1441, as redesignated by paragraph (12)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking ''Each State agency or local educational agency that conducts a program under subpart 1 or 2 shall'' and inserting ''Each State agency, local educational agency, or Indian tribe that conducts a program evaluation under subpart 1, 2, or 3 shall''; and

(ii) in paragraph (3), by inserting ''or school funded by the Bureau of Indian Education'' after ''local educational agency'';

(B) in subsection (c), by striking ''a State agency or local educational agency'' and inserting ''a State agency, local educational agency, or Indian tribe''; and

(C) by striking subsection (d) and inserting the following:

''(d) EVALUATION RESULTS.—

''(1) IN GENERAL.—Each State agency, local educational agency, and Indian tribe shall—

''(A) submit evaluation results to the State educational agency and the Secretary; and

''(B) use the results of evaluations under this section to plan and improve subsequent programs for participating children and youth.

''(2) INDIAN TRIBES.—Each Indian tribe shall also submit evaluation results to the Secretary of the Interior.

''(e) EVALUATION OF PROGRAMS FOR AT-RISK INDIAN YOUTH.—

''(1) IN GENERAL.—Not later than 4 years after the date of enactment of the Native Culture, Language, and Access for Success in Schools Act, the Secretary and the Secretary of the Interior, in collaboration with the Attorney General, shall prepare a report that—

''(A) compiles demographic information about at-risk Indian youth, including Indian youth in correctional facilities operated by the Department of the Interior and Indian tribes;

''(B) evaluates existing educational programs for at-risk Indian youth; and

''(C) provides recommendations for improvement of such educational programs.

''(2) SUBMISSION TO CONGRESSIONAL COMMITTEES.—The Secretary and the Secretary of the Interior shall submit the report described in paragraph (1) to the Health, Education, Labor and Pensions Committee and the Indian Affairs Committee of the Senate,

the Committee on Education and the Workforce and the Committee on Natural Resources of the House of Representatives, and to Indian tribes.'';

(15) in section 1442, as redesignated by paragraph (12), by inserting at the end the following:

''(5) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, other organized group or community, including any Alaska Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (42 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''; and

(16) in section 1903(b)(2)—

(A) in subparagraph (F), by striking ''and'' after the semicolon;

(B) in subparagraph (G), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(H) representatives of Indian tribes located in the State.''.

Subtitle B—Preparing, Training, and Recruiting High Quality Teachers and Principals

SEC. 121. PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACHERS AND PRINCIPALS.

Title II (20 U.S.C. 6601 et seq.) is amended—

(1) in part A—

(A) by striking paragraph (3) of section 2102 (20 U.S.C. 6602) and inserting the following:

''(3) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means—

''(A) a local educational agency—

''(i)(I) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

''(II) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

''(ii)(I) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

''(II) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing; or

''(B) a school funded by the Bureau of Indian Education.'';

(B) by striking clause (ii) of section 2111(b)(1)(A) (20 U.S.C. 6611(b)(1)(A)) and inserting the following:

''(ii) 5 percent for the Secretary of the Interior to be distributed to schools operated or funded by the Bureau of Indian Education, as provided in section 2123(c).'';

(C) in section 2113(c)(18) (20 U.S.C. 6613(c)(18))—

(i) in subparagraph (A) by striking ''and'' after the semicolon;

(ii) in subparagraph (B) by striking the period and inserting ''; and''; and

(iii) by inserting at the end the following:

''(C) provides access to clearinghouse information to schools in the State that are funded by the Bureau of Indian Education.'';

(D) in section 2122 (20 U.S.C. 6622)—

(i) in subsection (b)—

(I) in paragraph (2), by inserting '', including Indian students,'' after ''minority students''; and

(II) in paragraph (9)—

(aa) in subparagraph (C) by striking ''and'' after the semicolon;

(bb) in subparagraph (D) by striking the period at the end and inserting ''; and''; and

(cc) by adding at the end the following:

''(E) for teachers in schools that serve Indian children, become familiar with the Indian communities served by the local educational agency and incorporate culturally responsive teaching and learning strategies for Indian children into the educational program.''; and

(ii) in subsection (c), by inserting '', in the case of a local educational agency that serves an Indian tribal community, representatives of Indian tribes,'' after ''part A of title I'';

(E) in section 2123 (20 U.S.C. 6623)—

(i) in subsection (a)(3)—

(I) in subparagraph (B)—

(aa) in clause (ii), by inserting ''students from Indian reservation communities,'' after ''(including students who are gifted and talented),'';

(bb) in clause (iv), by striking ''limited English proficient and immigrant children; and'' and inserting ''children from Indian reservation communities, limited English proficient children, and immigrant children;''

(cc) in clause (v), by striking the period at the end and inserting ''; and''; and

(dd) by inserting at the end the following:

''(vi) in the case of a local educational agency that serves Indian children, provide training in effective incorporation of culturally responsive teaching and learning strategies for Indian children.''; and

(II) in subparagraph (D), by inserting ''Indian students,'' after ''disadvantaged families,''; and

(ii) by adding at the end the following:

''(c) BUREAU OF INDIAN EDUCATION SCHOOLS.—A school funded by the Bureau of Indian Education that receives funds reserved under section 2111(b)(1)(A)(ii) shall use such funds to carry out 1 or more of the activities described in subsection (a), and may use such funds to improve housing, as needed to recruit and retain highly-qualified teachers and principals.'';

(F) in section 2131(1) (20 U.S.C. 6631(1))—

(i) in subparagraph (A)(i) by inserting '', or a tribally controlled college or university (as defined in section 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801))'' after ''principals''; and

(ii) in subparagraph (B) by inserting ''an Indian tribe,'' after ''principal organization,'';

(G) by inserting after subpart 5, the following:

''Subpart 6—Indian Educator Scholarship Program

''SEC. 2161. INDIAN EDUCATOR SCHOLARSHIP PROGRAM.

''(a) GRANTS AUTHORIZED.—In order to carry out the United States trust responsibility for the education of Indian children, and to provide a more stable base of education professionals to serve in public elementary schools and secondary schools with a significant number of Indian students and schools funded by the Bureau of Indian Education, the Secretary shall make scholarship grants to Indians who are enrolled full- or part-time in appropriately accredited institutions of higher education and pursuing a course of study in elementary and secondary education or school administration. Such scholarships shall be designated Indian educator scholarships and shall be made in accordance with this section.

''(b) ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall determine the applicants who will receive scholarships under subsection (a).

''(2) CRITERIA.—In order to be eligible for participation in the Indian educator scholarship program, an individual must—

''(A) be an Indian, as defined in section 7151;

''(B) be accepted for enrollment, or be enrolled, as a full- or part-time student in a course of study in elementary and secondary education or school administration at an appropriately accredited institution of higher education;

''(C) submit an application to participate in the Indian educator scholarship program at such time and in such manner as the Secretary shall determine; and

''(D) sign and submit to the Secretary at the time that such application is submitted, a written contract, as described in subsection (c).

''(c) CONTENTS OF CONTRACT.—

''(1) IN GENERAL.—The written contract between the Secretary and the individual, as described in subsection (b)(2)(D), shall contain the following:

''(A) A statement that the Secretary agrees to provide the individual with a scholarship, as described in subsection (d), in each school year or years for a period during which such individual is pursuing a course of study in elementary and secondary education or school administration at an appropriately accredited institution of higher education.

''(B) A statement that the individual agrees—

''(i) to accept provision of the Indian educator scholarship;

''(ii) to maintain enrollment in such course of study until the individual completes the course of study;

''(iii) while enrolled in such course of study, to maintain an acceptable level of academic standing (as determined by the Secretary, taking into account the requirements of the educational institution offering such course of study); and

''(iv) to serve through full-time employment at an eligible school for a time period (referred to in this section as the 'period of obligated service') equal to the greater of—

''(I) 1 year for the equivalent of each school year for which the individual was provided a scholarship under the Indian educator scholarship program; or

''(II) 2 years.

''(C) A statement of the damages to which the United States is entitled, under subsection (e), for the individual's breach of the contract.

''(D) Such other statement of the rights and liabilities of the Secretary and of the individual, in accordance with the provisions of this section.

''(2) PERIOD OF OBLIGATED SERVICE.—

''(A) ELIGIBLE SCHOOLS.—An individual shall meet the requirement for the period of obligated service under the written contract between the individual and the Secretary, as described in paragraph (1), if such individual is employed full-time—

''(i) in a school funded by the Bureau of Indian Education; or

''(ii) in a public school that serves a significant number of Indian students.

''(B) DEFERMENT FOR ADVANCED STUDY.—At the request of an individual who has entered into a contract described in this subsection and who has receive a baccalaureate degree in education, the Secretary shall defer the period of obligated service of such individual under such contract to enable such individual to complete a course of study leading to an advanced degree in education, or needed to become certified for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(i) A period of advanced study shall not be counted as satisfying any period of obligated service that is required under this section.

''(ii) The period of obligated service of the individual shall commence at the later of—

''(I) 90 days after the completion of the advanced course of study;

''(II) at the commencement of the first school year that begins after the completion of the advanced course of study; or

''(III) by a date specified by the Secretary.

''(C) PART-TIME STUDY.—In the case of an individual receiving a scholarship under this section who is enrolled part-time in an approved course of study—

''(i) a scholarship under this section shall be for a period of years not to exceed the part-time equivalent of 4 years, as determined by the Secretary;

''(ii) the period of obligated service shall be equal to the greater of—

''(I) the part-time equivalent of 1 year for each year for which the individual was provided a scholarship, as determined by the Secretary; or

''(II) 2 years; and

''(iii) the amount of the monthly stipend specified in subsection (d) shall be reduced pro rata, as determined by the Secretary, based on the number of hours of study in which such individual is enrolled.

''(d) SCHOLARSHIP.—

''(1) IN GENERAL.—A scholarship provided to a student under the Indian educator scholarship program for a school year shall consist of payment to, or in accordance with paragraph (2), on behalf of, the student in the amount of—

''(A) the tuition of the student for the school year or, for a part-time student, the tuition for the appropriate portion of the school year;

''(B) all other reasonable educational expenses, including fees, books, and laboratory expenses, incurred by the student in such school year; and

''(C) a stipend of $800 per month (adjusted in accordance with paragraph (3)) for each of the 12 consecutive months beginning with the first month of such school year.

''(2) PAYMENT TO AN INSTITUTION OF HIGHER EDUCATION.—The Secretary may contract with an institution of higher education in which a participant in the Indian educator scholarship program is enrolled for the payment to such institution of the amounts of tuition and other reasonable educational expenses described in subparagraph (A) and (B) of paragraph (1). Payment to such institution may be made without regard to section 3324(a) and (b) of title 31.

''(3) STIPEND.—The amount of the monthly stipend described in paragraph (1)(C) shall be increased by the Secretary for each school year ending in a fiscal year beginning after September 30, 2011, by an amount (rounded to the next highest multiple of $1) equal to the amount of such stipend multiplied by the overall percentage (under section 5303 of title 5) of the adjustment (if such adjustment is an increase) in the rates of pay under the General Schedule made effective in the fiscal year in which such school year ends.

''(e) LIABILITY; FAILURE TO COMPLETE THE PERIOD OF OBLIGATED SERVICE; REPAYMENT.—

''(1) LIABILITY.—An individual who has entered into a written contract with the Secretary under this section shall be liable to the United States for the amount which has been paid to, or on behalf of, such individual under the contract, if such individual—

''(A) fails to maintain an acceptable level of academic standing in the institution of higher education in which the individual is enrolled (as determined by the Secretary taking into account the requirements of the educational institution offering such course of study);

''(B) is dismissed from such institution of higher education for disciplinary reasons;

''(C) voluntarily terminates the training in such institution of higher education for which such individual is provided a scholarship under such contract before the completion of such training; or

''(D) fails to accept payment, or instructs the institution of higher education in which such individual is enrolled not to accept payment, under this section.

''(2) FAILURE TO COMPLETE THE PERIOD OF OBLIGATED SERVICE.—

''(A) IN GENERAL.—Subject to paragraph (C), if for any reason not specified in paragraph (1), an individual breaches the written contract under this section by failing either to begin such individual's period of obligated service or failing to complete such obligation, the United States shall be entitled to recover from the individual an amount determined in accordance with the following formula:

$$A=3Z(t - s/t)$$

''in which—

''(i) 'A' is the amount the United States is entitled to recover;

''(ii) 'Z' is the sum of the amounts paid under this section to, or on behalf of, the individual and the interest on such amounts which would be payable if, at the time the amounts were paid, they were loans bearing interest at the maximum legal prevailing rate, as determined by the Treasurer of the United States;

''(iii) 't' is the total number of months in the individual's period of obligated service in accordance with subsection (c)(2) of this section; and

''(iv) 's' is the number of months of such period served by such individual in accordance with this section.

''(B) AMOUNTS NOT PAID.—Amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to section 1395ccc of title 42.

''(C) DELAY IN THE PERIOD OF OBLIGATED SERVICE.—An individual who has entered into a written contract with the Secretary under this section may petition the Secretary to delay the date on which the individual would otherwise be required to begin the period of obligated service if such individual has not succeeded in obtaining employment required by this section. In support of such petition, the individual shall supply such reasonable information as the Secretary may require. The Secretary shall retain full discretion whether to grant or decline such a delay and to determine the duration of any delay that is granted.

''(3) REPAYMENT.—

''(A) IN GENERAL.—Any amount of damages which the United States is entitled to recover under this subsection shall be paid to the United States within the 1-year period beginning on the date of the breach or such longer period beginning on such date as shall be specified by the Secretary.

''(B) RECOVERY OF DAMAGES.—If damages described in subparagraph (A) are delinquent for 3 months, the Secretary shall, for the purpose of recovering such damages—

''(i) utilize collection agencies contracted with by the Administrator of the General Services Administration; or

''(ii) enter into contracts for the recovery of such damages with collection agencies selected by the Secretary.

''(C) CONTRACTS FOR RECOVERY OF DAMAGES.—Each contract for recovering damages pursuant to this subsection shall provide that the contractor will, not less than once every 6 months, submit to the Secretary a status report on the success of the contractor in collecting such damages. Section 3718 of title 31 shall apply to any such contract to the extent not inconsistent with this subsection.

''(4) DEATH.—Upon the death of an individual who receives, or has received, an Indian educator scholarship, any obligation of such individual for service or payment that relates to such scholarship shall be canceled.

''(5) WAIVER.—

''(A) REQUIRED WAIVER.—The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian educator scholarship, if the Secretary determines that—

''(i) it is not possible for the recipient to meet the obligation or make the payment;

''(ii) requiring the recipient to meet the obligation or make the payment would result in extreme hardship to the recipient; or

''(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(B) PERMISSIBLE WAIVER.—Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(6) BANKRUPTCY.—

''(A) IN GENERAL.—Subject to subparagraph (B), and notwithstanding any other provision of law, with respect to a recipient of an Indian educator scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11.

''(B) EXCEPTION.—The prohibition described in subparagraph (A) shall not apply if—

''(i) such discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due; and

''(ii) the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.

''(f) PLACEMENT ASSISTANCE.—The Secretary shall assist the recipient of an Indian educator scholarship in learning about placement opportunities in eligible schools by transmitting the name and educational credentials of such recipient to—

''(1) State educational agency clearinghouses for recruitment and placement of kindergarten, elementary school, and secondary school teachers and administrators in States with a substantial number of Indian children;

''(2) elementary schools and secondary schools funded by the Bureau of Indian Education; and

''(3) tribal education agencies (as defined in section 1116A(b)).

''(g) OTHER PROVISIONS.—Notwithstanding any other provision of this title, sections 2101, 2102, 2103, and subparts 1 through 5 of this part shall not apply to a grant or scholarship awarded under this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $50,000,000 for fiscal year 2012, and each of the 5 succeeding fiscal years.''.

(2) in part B, by striking subparagraph (B) of section 2202(a)(2) (20 U.S.C. 6662(a)(2)) and inserting the following:

''(B) ALLOTMENT.—From the amount made available under this part for a fiscal year and not reserved under subparagraph (A)(i), the Secretary shall allot—

''(i) one-half of one percent to the Secretary of the Interior for grants involving schools funded by the Bureau of Education; and

''(ii) the amount remaining after funds are distributed in accordance with clause (i), to the State educational agencies in proportion to the number of children aged 5 to 17, who are from families with incomes below the poverty line and reside in a State for the most recent fiscal year for which satisfactory data are available, as compared to the number of such children who reside in all such States for such year.''; and

(3) in part C—

(A) in section 2302(b)(2) by striking ''or public charter schools'' and inserting '', public charter schools, or schools funded by the Bureau of Indian Education'';

(B) in section 2304—

(i) in subsection (a)(1)(B), by inserting ''or with a school funded by the Bureau of Indian Education,'' after section ''2101''; and

(ii) in subsection (d)(3), in the matter preceding subparagraph (A), by striking ''or public charter school'' and inserting ''public charter school, or school funded by the Bureau of Indian Education''.

Subtitle C—Native American Languages Programs

SEC. 131. IMPROVEMENT OF ACADEMIC SUCCESS OF INDIAN STUDENTS THROUGH NATIVE AMERICAN LANGUAGES PROGRAMS.

Subpart 1 of part A of title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6821 et seq.) is amended by adding at the end the following:

''SEC. 3117. IMPROVEMENT OF ACADEMIC SUCCESS OF INDIAN STUDENTS THROUGH NATIVE AMERICAN LANGUAGES PROGRAMS.

''(a) PURPOSES.—The purposes of this section are—

''(1) to improve the academic achievement of American Indian and Alaska Native students through Native American languages programs; and

''(2) to foster the acquisition of Native American languages.

''(b) DEFINITIONS.—In this section:

''(1) AVERAGE.—The term 'average', when used with respect to the number of hours of instruction through the use of a Native American language, means the aggregate number of hours of instruction through the use of a Native American language to all students enrolled in a Native American language program during a school year divided by the total number of students enrolled in the program.

''(2) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) a local educational agency;

''(B) an Indian tribe;

''(C) an Indian organization;

''(D) a federally supported elementary school or secondary school for Indian children;

''(E) an Indian institution (including an Indian institution of higher education); or

''(F) a consortium of any of the entities described in subparagraphs (A) through (E).

''(c) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to carry out the activities described in this section.

''(2) DURATION.—

''(A) IN GENERAL.—The Secretary shall award grants under this section on a multiyear basis for a duration of not less than 4 years.

''(B) RENEWAL.—Grants awarded under this section may be renewed.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require, in addition to the information required in this section.

''(2) CONTENTS.—An application submitted under paragraph (1) shall include a certification from the eligible entity that the entity has not less than 3 years of experience in operating and administering a Native American language program or any other educational program in which instruction is conducted in a Native American language.

''(e) USES OF GRANT FUNDS.—

''(1) REQUIRED USES.—An eligible entity that receives a grant under this section shall use the grant funds for the following activities:

''(A) Native American language programs, which are site-based educational programs that—

''(i) provide instruction through the use of a Native American language for not less than 10 children for an average of not less than 500 hours;

''(ii) provide for the involvement of parents (or legal guardians) of students participating in such a program;

''(iii) develop instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

''(iv) provide for teacher training; and

''(v) work toward a goal of all students participating in such a program achieving—

''(I) fluency in a Native American language; and

''(II) academic proficiency in mathematics, English, reading (or language arts), and science.

''(B) Native American language restoration programs, which are educational programs that—

''(i) provide instruction in at least 1 Native American language;

''(ii) provide training programs for teachers of Native American languages;

''(iii) develop instructional materials for the programs; and

''(iv) work toward a goal of increasing proficiency and fluency for participating students in at least 1 Native American language.

''(2) PERMISSIBLE USES.—An eligible entity that receives a grant under this section may use the grant funds for—

''(A) Native American language and culture camps;

''(B) Native American language programs provided in coordination and cooperation with educational entities;

''(C) Native American language programs provided in coordination and cooperation with local institutions of higher education;

''(D) Native American language programs that use a master-apprentice model of learning languages;

''(E) Native American language programs provided through a regional program to better serve geographically dispersed students;

''(F) Native American language teacher training programs, such as training programs in Native American language translation for fluent speakers, training programs for Native American language teachers, training programs for teachers in schools to utilize Native American language materials, tools, and interactive media to teach a Native American language; and

''(G) the development of Native American language materials, such as books, audio and visual tools, and interactive media programs.

''(f) ASSURANCE.—A eligible entity awarded a grant under this section shall provide an assurance that each instructor of a Native American language under a program supported with grant funds under this section is certified to teach such language by the Indian tribe whose language will be taught.

''(g) EVALUATION.—After the completion of the fourth year of a grant awarded under this section, the Secretary shall—

''(1) carry out a comprehensive evaluation of the programs carried out by the grantee with grant funds; and

''(2) provide a report on the evaluation to the grantee, the tribe or tribes whose children are served by the program, and parents of the children served.

''(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.''.

SEC. 132. STATE AND TRIBAL EDUCATION AGENCY AGREEMENTS.

Title III of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6801 et seq.) is amended by adding at the end the following:

''Subpart 5—State and Tribal Education Agency Agreements

''SEC. 3151. STATE AND TRIBAL EDUCATION AGENCY AGREEMENTS.

''(a) PURPOSE.—The purpose of this section is to facilitate efforts by tribal education agencies and State educational agencies to partner with each other in order to—

''(1) improve the academic achievement of Indian children and youth who reside on reservations and tribal lands; and

''(2) promote tribal self-determination in education.

''(b) DEFINITION.—The term 'tribal education agency' means an agency or administrative unit of an Indian tribe that is authorized by the tribe to have primary responsibility for regulating, administering, or supervising early learning or elementary and secondary education on reservations or tribal lands.

''(c) AUTHORITY FOR ELIGIBLE TRIBAL EDUCATION AGENCIES.—

''(1) IN GENERAL.—In order to receive the authority and funds authorized under paragraph (3), an eligible tribal education agency shall enter into an agreement, subject to approval by the Secretary, with the appropriate State educational agency to assume the State educational agency's responsibility for carrying out activities specified in the agreement under 1 or more of the programs identified in paragraph (3)(B)(ii) on the eligible tribal education agency's reservation or tribal lands.

''(2) ELIGIBILITY.—In order for a tribal education agency to receive the authority or funds described in paragraph (3), pursuant to an agreement with the State educational agency—

''(A) the eligible tribal education agency's tribe must have a reservation or tribal lands (which may be an Alaska Native village), as recognized under Federal or State law, on which 1 or more publicly administered schools are operating under State law; and

''(B) not less than 50 percent of the students enrolled in each such school must be Indians.

''(3) ELIGIBLE TRIBAL EDUCATION AGENCY WITH AN APPROVED AGREEMENT.—In the case of an eligible tribal education agency that has an approved agreement in place, as described in paragraph (1), the Secretary shall, consistent with the agreement—

''(A) treat the eligible tribal education agency as a State educational agency for the purposes of—

''(i) carrying out on the reservation or tribal lands, the activities specified in the agreement under 1 or more of the programs listed in subparagraph (B)(ii); and

''(ii) section 444 of the General Education Provisions Act (20 U.S.C. 1232g, commonly known as the 'Family Educational Rights and Privacy Act of 1974'); and

''(B) provide, or have the State educational agency provide, to the eligible tribal education agency a proportion of the funds that are available to—

''(i) carry out State-level activities; and

''(ii) as applicable, award subgrants under 1 or more of the following programs, as provided for in the agreement:

''(I) State grants under part A of title I.

''(II) Grants under this Act that support school turnaround efforts.

''(III) Grants under this Act for the purpose of assessing achievement.

''(IV) The teacher and principal training and recruiting fund under part A of title II.

''(V) Grants under the English Language Acquisition, Language Enhancement, and Academic Achievement Act under part A of title III.

''(VI) The education of migratory children program under part C of title I.

''(VII) Grants provided for the education of homeless children and youth.

''(VIII) Prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk under part D of title I.

''(IX) Programs under this Act for rural and low-income schools.

''(4) ELIGIBLE TRIBAL EDUCATION AGENCY WITHOUT AN APPROVED AGREEMENT.—In the case of an eligible tribal education agency that has not yet entered into an agreement, as described in paragraph (1), the Secretary may provide technical assistance to the eligible tribal education agency in order to facilitate such an agreement.

''(d) APPLICATIONS.—

''(1) IN GENERAL.—An eligible tribal education agency that desires to receive the authority or funds described in paragraph (c)(3), pursuant to an agreement with a State educational agency, shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(2) APPLICATION FROM AN ELIGIBLE TRIBAL EDUCATION AGENCY THAT HAS AN AGREEMENT.—An application from an eligible tribal education agency that has an agreement in place with the State educational agency and is seeking the Secretary's approval of such agreement, in order to gain the authority and funds described under subsection (c)(3), shall—

''(A) describe the eligible tribal education agency's current role and responsibilities on the reservation or tribal lands; and

''(B) provide a copy of the agreement described under subsection (c)(1), which shall, at a minimum—

''(i) identify each program listed in subsection (c)(3)(B)(ii) for which the applicant will assume some or all of the State-level responsibility on the reservation or tribal lands under the agreement;

''(ii) describe the State-level activities that the tribal education agency will carry out under such program, and the division of roles and responsibilities between the tribal education agency and the State educational agency in carrying out such activities, including, if applicable, any division of responsibility for awarding subgrants to local educational agencies;

''(iii) identify the administrative and fiscal resources that the applicant will have available to carry out such activities; and

''(iv) provide evidence of any other collaboration with the State educational agency in administering State-level activities for the programs listed in subsection (c)(3)(B)(ii).

''(3) APPLICATION FROM AN ELIGIBLE TRIBAL EDUCATION AGENCY THAT HAS NOT YET ENTERED INTO AN AGREEMENT WITH A STATE EDUCATIONAL AGENCY.—An application from an eligible tribal education agency that has not yet entered into an agreement with a State educational agency, as described under subsection (c)(1), shall include a description of—

''(A) the program authority that the eligible tribal education agency would like to obtain and the State-level activities that the eligible tribal education agency would like to carry out;

''(B) the eligible tribal education agency's role and responsibilities on the reservation or tribal lands and administrative and fiscal capability and resources at the time of the application; and

''(C) the proposed process and time period for entering into the agreement described under subsection (c)(1).

''(e) SPECIAL RULE.—If the tribal education agency and State educational agency are unable to reach an agreement that the Secretary approves, the Secretary may, at the request of either agency and for a reasonable period, use all or a portion of the State's administrative funds for the program listed in subsection (c)(3)(B)(ii) for which an application is made, in order to facilitate an agreement (such as through alternative dispute resolution).

''(f) REVIEW AND REPORTING.—

''(1) REVIEW.—The Secretary shall require an eligible tribal education agency and a State educational agency that have an approved agreement to—

''(A) periodically review the agreement; and

''(B) if appropriate, revise the agreement and submit the revised agreement to the Secretary for approval.

''(2) REPORT.—An eligible tribal education agency and a State educational agency that have an approved agreement shall report to the Secretary every 2 years about the effectiveness of the agreement.''.

Subtitle D—21st Century Schools

SEC. 141. SAFE AND HEALTHY SCHOOLS FOR NATIVE AMERICAN STUDENTS.

Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

''SEC. 4131. SAFE AND HEALTHY SCHOOLS FOR NATIVE AMERICAN STUDENTS.

''From funds made available to carry out this subpart, the Secretary shall—

''(1) establish a program to improve school environments and student skill development for healthy choices for Native American students, including—

''(A) prevention regarding—

''(i) alcohol and drug misuse;

''(ii) suicide;

''(iii) violence;

''(iv) pregnancy; and

''(v) obesity;

''(B) nutritious eating programs; and

''(C) anger and conflict management programs;

''(2) establish a program for school dropout prevention for Native American students; and

''(3) collaborate with the Secretary of Agriculture to establish tribal-school specific school gardens and nutrition programs that are within the tribal cultural context.''.

Subtitle E—Indian, Native Hawaiian, and Alaska Native Education

SEC. 151. PURPOSE.

Section 7102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7402) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) PURPOSE.—It is the purpose of this subpart to support the efforts of local educational agencies, Indian tribes and organizations, postsecondary institutions, and other entities to improve the academic achievement of American Indian and Alaska native students by meeting their unique cultural, language, and educational needs.''; and

(2) in subsection (b)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) strengthening American Indian and Alaska Native students' knowledge of their languages, history, traditions, and cultures;''.

SEC. 152. PURPOSE OF FORMULA GRANTS.

Section 7111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7421) is amended to read as follows:

''SEC. 7111. PURPOSE.

''It is the purpose of this subpart to support the efforts of local educational agencies to develop elementary school and secondary school programs for Indian students that are designed to meet the unique cultural, language and educational needs of such students.''.

SEC. 153. GRANTS TO LOCAL EDUCATIONAL AGENCIES AND TRIBES.

Section 7112 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7422) is amended—

(1) in subsection (a)—

(A) by striking ''The Secretary'' and inserting the following:

''(1) GRANT AWARDS.—The Secretary''; and

(B) by adding at the end the following:

''(2) CONSORTIA.—

''(A) IN GENERAL.—Two or more local educational agencies may form a consortium to apply for and carry out a program under this subpart, as long as each local educational agency participating in the consortium—

''(i) provides an assurance to the Secretary that the eligible Indian children served by such local educational agency receive the services of the programs funded under this subpart; and

''(ii) shall be subject to all requirements, assurances, and obligations applicable to local educational agencies under this subpart.

''(B) APPLICABILITY.—The Secretary shall treat each consortium described in subparagraph (A) as if such consortium were a local educational agency for purposes of this subpart.'';

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

''(1) ENROLLMENT REQUIREMENTS.—

''(A) IN GENERAL.—Subject to subparagraph (B), a local educational agency shall be eligible for a grant under this subpart for any fiscal year if the number of Indian children eligible under section 7117 who were enrolled in the schools of the agency, and to whom the agency provided free public education, during the preceding fiscal year—

''(i) was at least 10; or

''(ii) constituted not less than 25 percent of the total number of individuals enrolled in the schools of such agency.

''(B) SPECIAL RULE.—Notwithstanding any other provision of this Act, in any case where an Indian tribe that represents a plurality of the eligible Indian children who are served by a local educational agency eligible for a grant under this subpart requests that the local educational agency enter into a cooperative agreement with such tribe to assist in the planning and operation of the program funded by such grant, the local educational agency shall enter into such an agreement as a condition for receiving funds under this subpart.''; and

(B) in paragraph (2), by striking ''a reservation'' and inserting ''an Indian reservation'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''such grant, an'' and inserting the following: ''such grant—

''(A) an Indian tribe that represents a plurality of the eligible Indian children who are served by such local educational agency may apply for such grant; or

''(B) a consortium of Indian tribes representing a plurality of the eligible Indian children who are served by such local educational agency may apply for such grant.''; and

(B) in paragraph (2)—

(i) by inserting ''or consortium of Indian tribes'' after ''each Indian tribe'';

(ii) by inserting ''or such consortium'' after ''such Indian tribe''; and

(iii) by inserting ''or consortium'' after ''any such tribe''; and

(4) by adding at the end the following:

''(d) INDIAN COMMITTEE.—If neither a local educational agency pursuant to subsection (b), nor an Indian tribe or consortium of Indian tribes pursuant to subsection (c), applies for a grant under this subpart, a committee of Indian individuals in the community of the local educational agency may apply for such grant and the Secretary shall apply the special rule in subsection (c)(2) to such committee in the same manner as such rule applies to an Indian tribe or consortium of Indian tribes.''.

SEC. 154. AMOUNT OF GRANTS.

Section 7113 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7423) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''$3,000'' and inserting ''$10,000'';

(B) in paragraph (2)—

(i) by inserting ''and Indian tribes'' after ''Local educational agencies''; and

(ii) by inserting ''and operating programs'' after ''obtaining grants''; and

(C) by striking ''$4,000'' and inserting ''$15,000''; and

(2) in subsection (d)—

(A) in the subsection heading, by striking ''AFFAIRS'' and inserting ''EDUCATION''; and

(B) in paragraph (1)(A)(i), by striking ''Affairs'' and inserting ''Education''.

SEC. 155. APPLICATIONS.

Section 7114 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7424) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking ''is consistent with the State and local'' and inserts ''supports the State, tribal, and local''; and

(ii) in subparagraph (B), by striking '', that are'' and all that follows through ''all children''; and

(B) in paragraph (3), by striking '', especially programs carried out under title I,'';

(C) in paragraph (5)—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) by adding at the end the following:

''(C) the parents of Indian children and representatives of Indian tribes on the committee described in subsection (c)(5) will participate in the planning of the professional development materials; and''; and

(D) in paragraph (6)(B)—

(i) in clause (i), by striking ''and'' after the semicolon; and

(ii) by adding at the end the following:

''(iii) each Indian tribe whose children are served by the local educational agency; and'';

(2) in subsection (c)—

(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively;

(B) by inserting after paragraph (1) the following:

''(2) the local educational agency will use funds received under this subpart only for activities described and authorized in this subpart;'';

(C) in paragraph (3) (as redesignated by subparagraph (1))—

(i) in subparagraph (A), by striking ''and'' after the semicolon;

(ii) in subparagraph (B), by inserting ''and'' after the semicolon; and

(iii) by adding at the end the follow

''(C) determine the extent to which such activities address the unique cultural, language, and educational needs of Indian students;'';

(D) in paragraph (4)(C) (as redesignated by paragraph (1)), by striking ''and teachers,'' and inserting ''teachers, and representatives of Indian tribes with reservations located within 50 miles of any of the schools (if any such tribe has children in any such school)'';

(E) in paragraph (5)—

(i) in subparagraph (A)—

(I) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(II) by inserting after clause (i) the following:

''(ii) representatives of Indian tribes with reservations located within 50 miles of any of the schools, if any such tribe has children in any such school;'';

(ii) in subparagraph (B), by inserting ''and representatives of Indian tribes described in subparagraph (A)(ii), if applicable'' before the semicolon at the end; and

(iii) in subparagraph (D)—

(I) in clause (i), by striking ''and'' after the semicolon; and

(II) by adding at the end the following:

''(iii) determined that the program will directly enhance the educational experience of American Indian and Alaska Native students; and''; and

(3) by adding at the end the following:

''(d) OUTREACH.—The Secretary shall monitor the applications for grants under this subpart to identify eligible local educational agencies and schools operated by the Bureau of Indian Education that have not applied for grants, and shall undertake appropriate outreach activities to encourage and assist such entities to submit applications.''.

SEC. 156. AUTHORIZED SERVICES AND ACTIVITIES.

Section 7115 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7425) is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) through (11) as paragraphs (2) through (12), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following:

''(1) the activities that support Native American language programs and Native American language restoration programs, such as those programs described in section 7123;'';

(C) in paragraph (4) (as redesignated by subparagraph (A)), by striking ''and directly support the attainment of challenging State academic content and student academic achievement standards'';

(D) in paragraph (5) (as redesignated by subparagraph (A)), by striking ''that meet the needs of Indian children and their families'' and inserting '', including programs that promote parental involvement in school activities and promote parental involvement to increase student achievement, in order to meet the unique needs of Indian children and their families;''

(E) in paragraph (6) (as redesignated by subparagraph (A));

(F) in paragraph (10) (as redesignated by subparagraph (A)), by striking '', consistent with State standards''; and

(G) in paragraph (12) (as redesignated by subparagraph (A)), by striking '', and incorporate appropriately qualified tribal elders and seniors''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''and'' after the semicolon; and

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the local educational agency identifies in its application how the use of such funds in a schoolwide program will produce benefits to the Indian students that would not be achieved if the funds were not used in a schoolwide program.''.

SEC. 157. STUDENT ELIGIBILITY FORMS.

Section 7117(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7427(e)) is amended—

(1) by striking ''For purposes'' and inserting the following:

''(1) IN GENERAL.—For purposes''; and

(2) by adding at the end the following:

''(2) RECORDS.—Once a child is determined to be an Indian eligible to be counted for such grant award, the local educational agency shall maintain a record of such determination and the local educational agency and Secretary shall not require a new or duplicate determination to be made for such child for a subsequent application for a grant under this subpart.''.

SEC. 158. TECHNICAL ASSISTANCE.

Subpart 1 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7421 et seq.) is further amended by adding at the end the following:

''SEC. 7120. TECHNICAL ASSISTANCE.

''The Secretary shall, directly or through a contract, provide technical assistance to a local educational agency upon request (in addition to any technical assistance available under any other provision of this Act or available through the Institute of Education Sciences) to support the services and activities provided under this subpart, including technical assistance for—

''(1) the development of applications under this subpart;

''(2) improvement in the quality of implementation, content of activities, and evaluation of activities supported under this subpart; and

''(3) integration of activities under this title with other educational activities established by the local educational agency.''.

SEC. 159. AMENDMENTS RELATING TO TRIBAL COLLEGES AND UNIVERSITIES.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is amended—

(1) in section 7121(b), by striking ''Indian institution (including an Indian institution of higher education)'' and inserting ''Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965''; and

(2) in section 7122—

(A) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

''(1) a Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965;''; and

(ii) in paragraph (4), by striking the period and inserting '', in consortium with not less than 1 Tribal College or University, as defined in section 316(b) of the Higher Education Act of 1965.''; and

(B) in subsection (f)—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(ii) by inserting after ''the Secretary—'' the following:

''(1) shall give priority to tribally-chartered institutions of higher education;'';

(iii) in paragraph (2), as redesignated, by striking ''shall'' and inserting ''may''; and

(iv) in paragraph (3), as redesignated, by striking ''basis of—'' and all that follows through ''grants'' and inserting ''basis of the length of any period during which the eligible entity has received a grant or grants''.

SEC. 160. TRIBAL EDUCATIONAL AGENCY COOPERATIVE AGREEMENTS.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of

1965 (20 U.S.C. 7441 et seq.) is amended by adding at the end the following:

"SEC. 7123. TRIBAL EDUCATION AGENCY COOPERATIVE AGREEMENTS.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, an Indian tribe may enter into a cooperative agreement with a State educational agency or a local education agency that serves a school within the Indian lands of such Indian tribe.

''(b) COOPERATIVE AGREEMENT.—Upon the request of an Indian tribe that includes, within the Indian lands of the tribe, a school served by a State educational agency or a local educational agency that receives assistance under this Act, the State educational agency or local educational agency shall enter into a cooperative agreement with the Indian tribe with respect to such school. The Indian tribe and the State educational agency or local educational agency, as the case may be, shall determine the terms of the agreement, and the agreement may—

''(1) authorize the tribal education agency of the Indian tribe to plan, conduct, consolidate, and administer programs, services, functions, and activities, or portions thereof, administered by the State educational agency or local educational agency; and

''(2) authorize the tribal education agency to reallocate funds for such programs, services, functions, and activities, or portions thereof as necessary.

''(c) DISAGREEMENT.—If an Indian tribe has requested a cooperative agreement under subsection (b) with a State educational agency or local educational agency that receives assistance under this Act, and the Indian tribe and State educational agency or local educational agency cannot reach an agreement, the Indian tribe may submit to the Secretary the information that the Secretary determines relevant to make a determination. The Secretary shall provide notice the affected State educational agency or local educational agency not later than 30 days after receiving the Indian tribe's submission. After such notice is made, the State educational agency or local educational agency has 30 days to submit information that the Secretary determines relevant in relation to the disagreement. After the 30 days provided to the State educational agency or local educational agency has elapsed, the Secretary shall make a determination.

''(d) CONSORTIUM OF TRIBES.—Nothing in this section shall preclude the development and submission of a single tribal education agencies pilot project cooperative agreement by the participating Indian tribes of an intertribal consortium.

''(e) DEFINITIONS.—In this section:

''(1) INDIAN LAND.—The term 'Indian land' has the meaning given that term in section 8013.

''(2) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.''.

SEC. 161. TRIBAL EDUCATION AGENCIES PILOT PROJECT.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is further amended by adding at the end the following:

"SEC. 7124. TRIBAL EDUCATION AGENCIES PILOT PROJECT.

''(a) PURPOSE.—There is established a pilot project to be known as the 'Tribal Education Agency Pilot Project' that authorizes not more than 5 qualifying Indian tribes per year to be eligible to receive grants with the Secretary to administer State educational agency functions authorized under this Act for schools that meet the eligibility criteria described in subsection (e). These functions include all grants, including grants allocated through formulas and discretionary grants allocated on a competitive basis, that are awarded under this Act.

''(b) PLANNING PHASE.—

''(1) IN GENERAL.—Each Indian tribe seeking to participate in the Tribal Education Agencies Pilot Project shall complete a planning phase. The planning phase shall include—

''(A) the development of an education plan for the schools that meet the eligibility criteria described in subsection (e) and that will be served under the pilot project; and

''(B) demonstrated coordination and collaboration partnerships, including cooperative agreements with each local educational agency that serves a school meeting the criteria described in subsection (e).

''(2) EXEMPTION.—The Secretary may waive the planning phase, upon the application of an Indian tribe, if the Indian tribe has—

''(A) been operating a tribal education agency successfully for 2 or more years; and

''(B) can demonstrate compliance with the fiscal accountability provision of 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code.

''(c) FUNDING AGREEMENT.—After an Indian tribe has successfully completed the planning phase, the Secretary shall award a grant and enter into a funding agreement to the Indian tribe to enable the tribal education agency of the tribe to administer all State educational agency functions described in subsection (a) for the schools that meet the eligibility criteria described in subsection (e). Each funding agreement shall—

''(1) identify the programs, services, functions, and activities that the tribal education agency will be administering for such schools;

''(2) determine the amount of funds to be provided to the Indian tribe by the allocations or grant amounts that would otherwise be provided to the State educational agency, as appropriate; and

''(3) ensure that the Secretary provides such funds directly to the tribe to administer such programs.

''(d) ELIGIBILITY.—In order to serve a school through a funding agreement under this section, the Indian tribe shall demonstrate—

''(1) that the school meets 1 or more of the following criteria:

''(A) The school is funded by the Bureau of Indian Affairs, whether directly or through a contract or compact with an Indian tribe or a tribal consortium.

''(B) The school receives payments under title VII because of students living on Indian land.

''(C) The school is located on Indian land.

''(D) A majority of the students in the school are American Indian or Alaska Native; and

''(2) that the Indian tribe—

''(A) has the capacity to administer the functions for which the tribe applies for such school, including compliance with the fiscal accountability provision of 5(f)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(f)(1)), relating to the submission of a single-agency audit report required by chapter 75 of title 31, United States Code; and

''(B) satisfies such other factors that the Secretary deems appropriate.

''(e) GEOGRAPHICAL DIVERSITY.—In awarding grants under this section, the Secretary shall ensure that grants are provided and grant amounts are used in a manner that results in national geographic diversity among Indian tribes applying for grants under this section.

''(f) CONSORTIUM OF TRIBES.—Nothing in this section shall preclude the development and submission of a single tribal education agencies pilot project by the participating Indian tribes of an intertribal consortium.

''(g) REPORTING REQUIREMENTS.—The Secretary shall submit to Congress a written report 3 years after the date of enactment of this Act that—

''(1) identifies the relative costs and benefits of tribal education agencies, as demonstrated by the grants;

''(2) identifies the funds transferred to each tribal education agency and the corresponding reduction in the Federal bureaucracy; and

''(3) includes the separate views of each Indian tribe participating in the pilot project.

''(h) DEFINITIONS.—In this section:

''(1) INDIAN LAND.—The term 'Indian land' has the meaning given that term in section 8013.

''(2) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.''.

SEC. 162. IMPROVE SUPPORT FOR TEACHERS AND ADMINISTRATORS OF NATIVE AMERICAN STUDENTS.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is amended by adding at the end the following:

"SEC. 7125. TEACHER AND ADMINISTRATOR PIPELINE FOR TEACHERS AND ADMINISTRATORS OF NATIVE AMERICAN STUDENTS.

''(a) GRANTS AUTHORIZED.—The Secretary shall award grants to eligible entities to enable such entities to create or expand a teacher or administrator, or both, pipeline for teachers and administrators of Native American students.

''(b) ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means—

''(1) a local educational agency;

''(2) an institution of higher education; or

''(3) a nonprofit organization.

''(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to Tribal Colleges and Universities (as defined in section 316 of the Higher Education Act of 1965).

''(d) ACTIVITIES.—An eligible entity that receives a grant under this section shall create a program that shall prepare, recruit, and provide continuing education for teachers and administrators of Native American students, in particular for teachers of—

''(1) science, technology, engineering, and mathematics;,

''(2) subjects that lead to health professions; and

''(3) green skills and 'middle skills', including electrical, welding, technology, plumbing, and green jobs.

''(e) INCENTIVES FOR TEACHERS AND ADMINISTRATORS.—An eligible entity that receives a grant under this section may provide incentives to teachers and principals who

make a commitment to serve high-need, high-poverty, tribal schools, including in the form of scholarships, loan forgiveness, incentive pay, or housing allowances.

''(f) SCHOOL AND COMMUNITY ORIENTATION.—An eligible entity that receives a grant under this section shall develop an evidence-based, culturally-based school and community orientation for new teachers and administrators of Native American students.''.

SEC. 163. NATIONAL BOARD CERTIFICATION INCENTIVE DEMONSTRATION PROGRAM.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is further amended by adding at the end the following:

''SEC. 7126. NATIONAL BOARD CERTIFICATION INCENTIVE DEMONSTRATION PROGRAM.

''(a) PURPOSES.—The purposes of this section are—

''(1) to improve the skills of qualified individuals that teach Indian people; and

''(2) to provide an incentive for qualified teachers to continue to utilize their enhanced skills in schools serving Indian communities.

''(b) ELIGIBLE ENTITIES.—For the purpose of this section, the term 'eligible entity' means—

''(1) a State educational agency or local educational agency, in consortium with an institution of higher education;

''(2) an Indian tribe or organization, in consortium with a local educational agency; or

''(3) a Bureau-funded school (as defined in section 1146 of the Education Amendments of 1978).

''(c) PROGRAM AUTHORIZED.—For fiscal years 2012 through 2018, the Secretary is authorized to award grants to eligible entities having applications approved under this section to enable those entities to—

''(1) reimburse individuals who teach Indian people with out-of-pocket costs associated with obtaining National Board Certification; and

''(2) providing a minimum of $5,000 but not more than a $10,000 increase in annual compensation for National Board Certified individuals for the duration of the Demonstration Project.

''(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, as the Secretary may require. In reviewing applications under this section, the Secretary shall ensure that the eligible entities—

''(1) are located within the boundaries of a reservation; and

''(2) maintain an average enrollment of at least 30 percent of students that reside within the boundaries of a reservation.

''(e) RESTRICTIONS ON COMPENSATION INCREASES.—The Secretary shall require and ensure that National Board Certified individuals continue to teach at the eligible entity as a condition of receiving annual compensation increases provided for in this section.

''(f) PROGRESS REPORTS.—In fiscal years 2015 and 2018, the Comptroller General of the United States shall provide a report on the progress of the entities receiving awards in meeting applicable progress standards.''.

SEC. 164. TRIBAL LANGUAGE IMMERSION SCHOOLS.

Subpart 2 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7441 et seq.) is further amended by adding at the end the following:

''SEC. 7127. TRIBAL LANGUAGE IMMERSION SCHOOLS.

''(a) PURPOSE.—It is the purpose of this section to establish a grant program to permit eligible schools to use American Indian, Alaska Native, and Native Hawaiian languages as the primary language of instruction of all curriculum taught at the schools (referred to in this section as 'immersion schools') in order to increase the number of American Indian, Alaska Native, and Native Hawaiian graduates at all levels of education, and to increase the proficiencies of these students in the curriculum being taught.

''(b) PROGRAM AUTHORIZED.—From the amounts made available to carry out this section, the Secretary may award grants to eligible schools to develop and maintain, or to improve and expand, programs that support articulated Native language learning in kindergarten through postsecondary education programs.

''(c) ELIGIBLE SCHOOL; DEFINITION.—In this section—

''(1) the term 'eligible school' means a school that provides elementary or secondary education or a Tribal College or University, including an elementary or secondary school operated by a Tribal College or University, that has, or can present a plan for development of, an immersion school or courses in which instruction is provided for a minimum 900 hours per academic year; and

''(2) the term 'Tribal College or University' has the meaning given that term in section 316(b) of the Higher Education Act of 1965.

''(d) APPLICATION.—An eligible school seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require, that includes the following information:

''(1) The number of students attending the school.

''(2) The number of present hours of tribal language instruction being provided to students at the school, if any.

''(3) The status of school with regard to any applicable Tribal Education Department or agency, public education system, or accrediting body.

''(4) A statement that the school is engaged in meeting targeted proficiency levels for students as may be required by applicable Federal, State, or tribal law.

''(5) A statement identifying how the proficiency levels for students being educated, or to be educated, at the tribal language immersion school are, or will be, assessed.

''(6) A list of the instructors at the tribal language immersion school and their qualifications.

''(7) A list of any partners or subcontractors with the tribal language immersion school who may assist in the provision of instruction in the immersion setting, and the role of such partner or subcontractor.

''(8) Any other information that the Secretary may require.

''(e) ADDITIONAL ELIGIBILITY REQUIREMENTS.—When submitting an application for a grant under this section, each eligible school shall submit:

''(1) A certificate from a federally recognized Indian tribe, or a letter from any organized American Indian, Alaska Native, or Native Hawaiian community, on whose lands the school is located, or which is served by the school, or from a tribally controlled college or university (as defined in section 2 of the Tribally Controlled College or University Assistance Act of 1978) that is operating the school, indicating that the school has the capacity to provide language immersion education and that there are sufficient native speakers at the school or available to be hired by the school who are trained as educators who can provide the education services required by the school in the native language used at the immersion school and who will satisfy any requirements of any applicable law for educators generally.

''(2) An assurance that the school will participate in data collection conducted by the Secretary that will determine best practices and further academic evaluation of the immersion school.

''(3) A demonstration of the capacity to have native language speakers provide the basic education offered by the school for the minimum 900 hours per academic year as required under the grant.

''(f) ACTIVITIES AUTHORIZED.—The following activities are the activities that may be carried out by the eligible schools that receive a grant under this section:

''(1) Development of an articulated instructional curriculum for the language of the tribe, American Indian, Alaska Native, or Hawaiian community served by the school applying for the grant.

''(2) In-service and preservice development of teachers and paraprofessionals who will be providing the instruction in the native language involved.

''(3) Development of contextual, experiential programs, and curriculum materials related to the indigenous language of the community which the immersion school serves.

''(g) NUMBER, AMOUNT, AND DIVERSITY OF LANGUAGES IN GRANTS.—Based on the amount appropriated by Congress as authorized by this section, and the number of eligible schools applying for a grant under this section, the Secretary may determine the amounts and length of each grant made under this section and shall ensure, to the maximum extent practicable, that diversity in languages is represented in such grants.

''(h) REPORT TO SECRETARY.—Each eligible school receiving a grant under this section shall provide an annual report to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(i) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other section authorizing funds to be appropriated for carrying out the purposes of this title, there is authorized to be appropriated to carry out this section $5,000,000 for the first full fiscal year following the date of enactment of this section, and such sums as are necessary in the 4 following fiscal years.''.

SEC. 165. COORDINATION OF INDIAN STUDENT INFORMATION.

Subpart 3 of part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7451 et seq.) is amended by adding at the end the following:

''SEC. 7137. COORDINATION OF INDIAN STUDENT INFORMATION.

''(a) PURPOSE.—Consonant with the United States' unique and continuing trust responsibility to Indian people for the education of Indian children as described in section 7101, it is the purpose of this section to enable the Secretary to establish or improve the effectiveness and efficiency of programs for coordination among educational agencies and schools for the linkage and exchange of student records of Indian children.

''(b) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, the States, and Indian tribes, is authorized to make grants to, or enter into contracts with, State educational agencies, local educational agencies, Indian tribes, Indian organizations, tribal education agencies, institutions of higher education, other public and private nonprofit organizations, and consortia of all such entities, to improve the collection, coordination, and electronic exchange of Indian student records between State educational agencies, local educational agencies, and elementary schools and secondary schools funded by the Bureau of Indian Education.

''(2) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

''(A) entities that are Indian tribes, Indian organizations, tribal education agencies; or

''(B) consortia that include 1 or more such entities.

''(3) GRANT DURATION.—Each grant awarded under this section shall be for a duration of not more than 5 years.

''(c) ASSISTANCE.—

''(1) IN GENERAL.—The Secretary shall assist the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education in developing effective methods for—

''(A) the electronic transfer of student records of Indian children;

''(B) the determination of the number of Indian children in each State, disaggregated by the local educational agency in which such children reside; and

''(C) the determination of the extent to which Indian children under the age of 18 who have not achieved a secondary school diploma are not enrolled in any school.

''(2) INFORMATION SYSTEMS.—

''(A) IN GENERAL.—Using amounts made available under subsection (e), the Secretary, in consultation with the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education, shall award grants or contracts to, or enter agreements with, State educational agencies and local educational agencies, and provide funds to the Secretary of the Interior in accordance with subsection (d) in order to ensure the linkage of Indian student records systems for the purpose of electronically exchanging, among and between State educational agencies, local educational agencies, and schools, health and educational information regarding all Indian students. The Secretary of Education shall ensure such linkage occurs in a cost-effective manner, and to the extent practicable, utilizes systems, if any, used prior to the date of enactment of this section.

''(B) DATA ELEMENTS.—The Secretary shall identify the data elements that each State receiving assistance under this subsection and the Secretary of the Interior shall collect and maintain for each Indian student enrolled in a school, which, at a minimum, shall include—

''(i) the student's enrollment and disenrollment in any elementary and secondary school, and the grade levels successfully completed at such school;

''(ii) the student's immunization records and other health information;

''(iii) the student's elementary and secondary academic history (including partial credit), credit accrual, and results from any assessments required by Federal law;

''(iv) other academic information essential to ensuring that Indian children achieve high standards; and

''(v) the student's eligibility for services under the Individuals with Disabilities Education Act.

''(C) NOTICE AND COMMENT.—After fulfilling the consultation required under subparagraph (A), the Secretary shall publish a notice in the Federal Register seeking public comment on the proposed data elements that the Secretary of the Interior and each State shall be required to collect for purposes of electronic transfer of Indian student information with respect to schools assisted under this Act and the requirements the Secretary of the Interior and the States shall meet for immediate electronic access to such information. Such publication shall occur not later than 180 days after the date of enactment of this section.

''(3) NO COST FOR CERTAIN TRANSFERS.—A State educational agency or local educational agency receiving assistance under this Act, or an elementary school or secondary school funded by the Bureau of Indian Education, shall make student records available at request of any other educational agency or school at no cost to the requesting agency or school if the request is made in order to meet the needs of an Indian child who is enrolled, or was enrolled, in the school receiving assistance under this Act.

''(d) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary shall prepare and submit, to the Committee on Health, Education, Labor, and Pensions and the Committee on Indian Affairs of the Senate, and the Committee on Education and the Workforce of the House of Representatives a report—

''(A) describing the status of the implementation of this section; and

''(B) including recommendations from the Secretary and the Secretary of the Interior regarding the collection, coordination and exchange of health and educational information on Indian children by the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education.

''(2) REQUIRED CONTENTS.—The Secretary shall include in the report and recommendations described in paragraph (1)—

''(A) a report on the progress made by the Secretary of the Interior, the States, and elementary schools and secondary schools funded by the Bureau of Indian Education in developing and linking electronic records transfer systems;

''(B) recommendations for the development, linkage, and maintenance of such systems;

''(C) recommendations for measures that may be taken to ensure the continuity and enhancement of services to Indian students;

''(D) a report from the Secretary of the Interior describing the extent to which funding supplied to elementary schools and secondary schools funded by the Bureau of Indian Education pursuant to subsection (e)(2)(B) is sufficient to enable those schools to develop and operate electronic records transfer systems; and

''(E) a report on recommendations made by Indian tribes, Indian organizations, tribal departments of education, and elementary schools and secondary schools funded by the Bureau of Indian Education, and consortia of such entities, regarding implementation of this section and the extent to which such recommendations were taken into account.

''(3) PUBLICATION IN FEDERAL REGISTER.—Not later than 14 days after the report described in paragraph (1) is submitted to Congress, the Secretary shall publish such report in the Federal Register.

''(e) AVAILABILITY OF FUNDS.—

''(1) RESERVATION.—For the purpose of carrying out this section in any fiscal year, the Secretary shall reserve $20,000,000 of the amount appropriated pursuant to subsection (c) of section 7152.

''(2) ALLOTMENT FOR THE SECRETARY OF THE INTERIOR.—

''(A) IN GENERAL.—From the amounts reserved pursuant to paragraph (1), the Secretary shall transfer to the Secretary of the Interior $8,000,000 for each fiscal year to be used as described in subparagraph (B).

''(B) DISTRIBUTION AND USE OF FUNDS.—The Secretary of the Interior shall distribute all funds transferred pursuant to subparagraph (A) to elementary schools and secondary schools funded by the Bureau of Indian Education for use by such schools to pay the costs of establishing and participating in systems for the orderly linkage and exchange of student records of Indian children. To facilitate such establishment and participation by such schools, the Secretary of the Interior shall, at the request of any such school, supply technical assistance. Amounts required to be supplied to elementary and secondary schools operated by Indian tribes or tribal organizations pursuant to contracts issued under authority of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or pursuant to grants issued under authority of the Tribally Controlled Schools Act (25 U.S.C. 2501 et seq.) shall be added to the respective contracts or grants of such tribes or tribal organizations.

''(f) DATA COLLECTION.—The Secretary shall direct the National Center for Education Statistics to collect data on Indian children.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 2012 and each of the 5 succeeding fiscal years.''.

SEC. 166. AUTHORIZATION OF APPROPRIATIONS.

Section 7152 (20 U.S.C. 7492) is amended to read as follows:

''SEC. 7152. AUTHORIZATIONS OF APPROPRIATIONS.

''(a) SUBPART 1.—For the purpose of carrying out subpart 1, there are authorized to be appropriated $130,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(b) SUBPART 2.—For the purpose of carrying out subpart 2, there are authorized to be appropriated $50,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.

''(c) SUBPART 3.—For the purpose of carrying out subpart 3, there are authorized to be appropriated $25,000,000 for fiscal year 2012 and such sums as may be necessary for each of the 5 succeeding fiscal years.''.

Subtitle F—Impact Aid

SEC. 171. IMPACT AID.

Section 8004 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7704) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting '', prior to any final decision by the agency on how funds received under section 8003 will be spent'' after ''benefits of such programs and activities'';

(B) in paragraph (5)—

(i) by inserting ''local education'' after ''to such''; and

(ii) by inserting '', prior to any final decision by the agency on how funds received under section 8003 will be spent'' after ''educational program'';

(2) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively;

(3) by inserting after subsection (b) the following:

''(c) ANNUAL SUMMARY.—On an annual basis, a local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 shall provide Indian tribes with—

''(1) a summary of programs and activities that were created for the claimed children, or in which the claimed children participate; and

''(2) the funding received under section 8003 in the prior and current fiscal years attributable to such claimed children.''; and

(4) by inserting after subsection (g), as so redesignated, the following:

''(h) TIMELY PAYMENTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 8003 the full amount that the

agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

''(2) PAYMENTS WITH RESPECT TO FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For a fiscal year in which the amount appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting 'is available to pay the agency' for 'the agency is eligible to receive' each place it appears.''.

Subtitle G—General Provisions

SEC. 181. HIGHLY QUALIFIED DEFINITION.

Section 9109(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(23)) is amended—

(1) in subparagraph (B)(ii)(II), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (C)(ii)(VII), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(D) when used with respect to any public elementary school or secondary school teacher teaching Native American language, history, or culture in a State or any Bureau of Indian Affairs funded or operated school, means a teacher certified by an Indian tribe as highly qualified to teach such subjects.''.

SEC. 182. APPLICABILITY OF ESEA TO BUREAU OF INDIAN EDUCATION SCHOOLS.

Section 9103 (20 U.S.C. 7821) is amended to read as follows:

''SEC. 9103. APPLICABILITY TO BUREAU OF INDIAN EDUCATION SCHOOLS.

''(a) IN GENERAL.—For the purpose of any competitive program under this Act, a school described in subsection (b) shall have the same eligibility for and be given the same consideration as a local educational agency with regard to such program.

''(b) DESCRIPTION OF SCHOOLS.—A school described in this subsection is—

''(1) a school funded by the Bureau of Indian Education (including a school operated under a contract or grant with the Bureau of Indian Education), or a consortium of such schools; or

''(2) a school funded by the Bureau of Indian Education in consortium with an Indian tribe, institution of higher education, tribal organization or community organization.

''(c) OUTREACH.—The Secretary shall perform outreach to schools and consortia described in subsection (b) to encourage such schools and consortia to apply for each competitive program under this Act, and shall provide technical assistance as needed to enable such schools and consortia to submit applications for such programs.

''(d) COLLABORATION.—The Secretary shall collaborate with the Secretary of the Interior to provide training and technical assistance to the Bureau of Indian Education, Indian tribes, and schools operated under contracts and grants from the Bureau of Indian Education, regarding—

''(1) curriculum selection, including development of culturally appropriate curricula;

''(2) the development and use of appropriate assessments; and

''(3) effective instructional practices.''.

SEC. 183. INCREASED ACCESS TO RESOURCES FOR TRIBAL SCHOOLS, SCHOOLS SERVED BY THE BUREAU OF INDIAN EDUCATION, AND NATIVE AMERICAN STUDENTS.

(a) TECHNICAL ASSISTANCE AND CAPACITY BUILDING.—Subpart 2 of part E of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended by adding at the end the following:

''SEC. 9537. TECHNICAL ASSISTANCE AND CAPACITY BUILDING FOR TRIBAL SCHOOLS AND SCHOOLS SERVED BY THE BUREAU OF INDIAN EDUCATION.

''Notwithstanding any other provision of this Act, the Secretary shall ensure that any program supported with funds provided under this Act that awards grants, contracts, or other assistance to public schools, provides a 1 percent reservation for technical assistance or capacity building for tribal schools or schools served by the Bureau of Indian Education to ensure such tribal schools or schools served by the Bureau of Indian Education are provided the assistance to compete for such grants, contracts, or other assistance.''.

TITLE II—AMENDMENTS TO OTHER LAWS

SEC. 201. AMENDMENTS TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 TO PROVIDE FUNDING FOR INDIAN PROGRAMS.

Title XIV of Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 279) is amended—

(1) by striking subsection (a) of section 14001 and inserting the following:

''(a) OUTLYING AREAS; BUREAU OF INDIAN EDUCATION.—

''(1) OUTLYING AREAS.—From the amount appropriated to carry out this title, the Secretary of Education shall first allocate up to one-half of one percent to the outlying areas on the basis of their respective needs, as determined by the Secretary, in consultation with the Secretary of the Interior, for activities consistent with this title under such terms and conditions as the Secretary may determine.

''(2) BUREAU OF INDIAN EDUCATION.—From the amounts appropriated to carry out section 14006 and section 14007, the Secretary of Education shall allocate not less than 1 percent, but not more than 5 percent, to the schools funded by the Bureau of Indian Education on the basis of their respective needs, as determined by the Secretary of Education, in consultation with the Secretary of the Interior, for activities consistent with such sections under such terms and conditions as the Secretary may determine.''; and

(2) in section 14005(d), by striking paragraph (6) (as added by section 1832(b) of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112–10, 125 Stat. 164)) and inserting the following:

''(6) IMPROVING EARLY CHILDHOOD CARE AND EDUCATION.—The State will take actions to—

''(A) increase the number and percentage of low-income and disadvantaged children in each age group of infants, toddlers, and preschoolers who are enrolled in high-quality early learning programs;

''(B) design and implement an integrated system of high quality early learning programs and services; and

''(C) in collaboration with Indian tribes in the State, ensure that the actions described in (A) and (B) are taken to ensure that high-quality early learning programs and services are provided to Indian children in the State, which may be accomplished through subgrants to such tribes; and

''(D) ensure that any use of assessments conforms with the recommendations of the National Research Council's reports on early childhood.''.

SEC. 202. QUALIFIED SCHOLARSHIPS FOR EDUCATION AND CULTURAL BENEFITS.

(a) IN GENERAL.—Section 117 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) INDIAN EDUCATION AND CULTURAL BENEFITS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, gross income does not include the value of—

''(A) any qualified Indian education benefit, or

''(B) any qualified Indian cultural benefit.

''(2) QUALIFIED INDIAN EDUCATION BENEFIT.—For purposes of this subsection, the term 'qualified Indian education benefit' means—

''(A) any educational grant or benefit provided, directly or indirectly, to a member of an Indian tribe, including a spouse or dependent of such a member, by the Federal government through a grant to or a contract or compact with an Indian tribe or tribal organization or through a third-party program funded by the Federal government, and

''(B) any educational grant or benefit provided or purchased by an Indian tribe or tribal organization to or for a member of an Indian tribe, including a spouse or dependent of such a member.

''(3) QUALIFIED INDIAN CULTURAL BENEFIT.—For purposes of this subsection, the term 'qualified Indian cultural benefit' means—

''(A) any grant or benefit provided, directly or indirectly, to a member of an Indian tribe, including a spouse or dependent of such a member, by the Federal government through a grant to or a contract or compact with an Indian tribe or tribal organization or through a third-party program funded by the Federal government, for the study of the language, culture, and ways of life of the tribe, and

''(B) any grant or benefit provided or purchased by an Indian tribe or tribal organization to or for a member of an Indian tribe, including a spouse or dependent of such a member, for the study of the language, culture, and ways of life of the tribe.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term by section 45A(c)(6).

''(B) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given such term by section 4(l) of the Indian Self-Determination and Education Assistance Act.

''(C) DEPENDENT.—The term 'dependent' has the meaning given such term by section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof.

''(5) DENIAL OF DOUBLE BENEFIT.—This subsection shall not apply to the amount of any qualified Indian education benefit or qualified Indian cultural benefit which is not includible in gross income of the beneficiary of such benefit by reason of any other provision of this title, or to the amount of any such benefit for which a deduction is allowed to such beneficiary under any other provision of this title.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts received after the date of the enactment of this Act.

SEC. 203. TRIBAL EDUCATION POLICY ADVISORY GROUP.

Section 1126 of the Education Amendments of 1978 (25 U.S.C. 2006) is amended by adding at the end the following:

''(h) TRIBAL EDUCATION POLICY ADVISORY GROUP.—

''(1) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this subsection, the Secretary, acting through the Assistant Secretary for Indian Affairs, shall establish a Tribal Education Policy Advisory Group (referred to in this subsection as the 'TEPAG') to advise the Secretary and the Assistant Secretary on all policies, guidelines, programmatic issues, and budget development for the school system funded by the Bureau of Indian Education.

''(2) DUTIES.—

''(A) IN GENERAL.—The Secretary shall consult with the TEPAG prior to proposing any regulations, establishing or changing any policies, or submitting any budget proposal applicable to the Bureau of Indian Education school system.

''(B) RECOMMENDATIONS.—The Secretary shall include in the proposed budget developed annually for the Bureau of Indian Education any recommendations made by the TEPAG resulting from the consultation under subparagraph (A).

''(C) SUPPLEMENT, NOT SUPPLANT.—The consultation required by subparagraph (A) shall be in addition to and shall not replace the consultation requirement of section 1131.

''(3) COMPOSITION.—

''(A) IN GENERAL.—The TEPAG shall be composed of 26 members, who shall be selected in accordance with subparagraphs (B) through (D).

''(B) TRIBAL MEMBERS.—

''(i) IN GENERAL.—The TEPAG shall be composed of 22 elected or appointed tribal officials (or designated employees of the officials with authority to act on behalf of the officials), 1 from each education line office of the Bureau of Indian Education, who shall act as principal members of the TEPAG.

''(ii) SELECTION PROCESS.—The tribes and schools served by each education line office shall establish a process to select the principal member and alternate member of that education line office to TEPAG.

''(iii) ALTERNATES.—The alternate member of an education line office selected under clause (ii) may participate in TEPAG meetings in the absence of the principal member of that education line office.

''(C) NATIONAL TRIBAL ORGANIZATION MEMBER.—The Secretary shall appoint a principal member and an alternate member to the TEPAG from among national organizations comprised of Indian tribes, who shall be elected or appointed tribal officials (or designated employees of the officials with authority to act on behalf of the officials).

''(D) FEDERAL MEMBERS.—The Secretary, the Assistant Secretary for Indian Affairs, and the Director of the Bureau of Indian Education shall be ex-officio members of the TEPAG.

''(4) ADMINISTRATION.—

''(A) MEETINGS.—The TEPAG shall meet in person not less than 3 times per fiscal year and may hold additional meetings by telephone conference call.

''(B) PROTOCOLS.—The Secretary and the TEPAG shall jointly develop protocols for the operation and administration of TEPAG.

''(C) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the TEPAG.

''(D) SUPPORT.—

''(i) IN GENERAL.—The Secretary shall be responsible for all costs associated with carrying out the functions of the TEPAG, including reimbursement for the travel, lodging, and per diem expenses of each principal or alternate TEPAG member selected under subparagraphs (B) and (C) of paragraph 3.

''(ii) ADDITIONAL REQUEST.—

''(I) IN GENERAL.—To facilitate the work of the TEPAG, the Secretary may request additional funding in the annual budget submission of the Secretary to support technical and substantive assistance to the TEPAG.

''(II) RECOMMENDATIONS.—If the Secretary requests additional funding under subclause (I), the Secretary shall take into consideration the amount of funding requested by the TEPAG for technical and substantive assistance when making the additional funding request.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.''.

SEC. 204. DIVISION OF BUDGET ANALYSIS.

Section 1129 of the Education Amendments of 1978 (25 U.S.C. 2009) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''Assistant Secretary for Indian Affairs'' and inserting ''Secretary'';

(B) in paragraph (2), by striking ''and'' after the semicolon;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following:

''(3) a determination of the amount necessary to sustain academic and residential programs at Bureau-funded schools, calculated pursuant to subpart H of part 39 of title 25, Code of Federal Regulations (or successor regulations); and''; and

(2) in subsection (d), by striking ''Assistant Secretary for Indian Affairs'' and inserting ''Secretary''.

SEC. 205. QUALIFIED SCHOOL CONSTRUCTION BOND ESCROW ACCOUNT.

Part B of title II of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458) is amended by adding at the end the following:

''SEC. 205. AUTHORIZATION TO ESTABLISH QUALIFIED SCHOOL CONSTRUCTION BOND ESCROW ACCOUNT.

''(a) IN GENERAL.—Pursuant to the authority granted under section 54F(d)(4) of the Internal Revenue Code of 1986, the Secretary shall establish a qualified school construction bond escrow account for the purpose of implementing section 54F of the Internal Revenue Code of 1986.

''(b) TRANSFER TO ESCROW ACCOUNT.—

''(1) IN GENERAL.—The Secretary shall allocate to the escrow account described in subsection (a) amounts described in section 54F(d)(4) of the Internal Revenue Code of 1986.

''(2) OTHER FUNDS.—The Secretary shall accept and disburse to the escrow account described in subsection (a) amounts received to carry out this section from other sources, including other Federal agencies, non-Federal public agencies, and private sources.''.

SEC. 206. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended by—

(1) redesignating paragraphs (15) through (34) as paragraphs (16) through (35), respectively; and

(2) by inserting after paragraph (14) the following:

''(15) Keweenaw Bay Ojibwa Community College.''.

SEC. 207. WORKFORCE INVESTMENT ACT OF 1998.

Title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.) is amended—

(1) in section 203—

(A) in paragraph (5)(D), by inserting '', including a Tribal College or University'' after ''education'';

(B) in paragraph (15), by amending subparagraph (B) to read as follows:

''(B) a Tribal College or University; or'';

(C) by redesignating paragraph (18) as paragraph (19); and

(D) by inserting after paragraph (17) the following:

''(18) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' has the meaning given the term in section 316(b) of the Higher Education Act of 1965.'';

(2) in section 211(a)—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) shall reserve 1.5 percent to carry out section 244, except that the amount so reserved shall not exceed $8,000,000.''; and

(3) by inserting after section 243 the following:

''SEC. 244. AMERICAN INDIAN TRIBAL COLLEGE OR UNIVERSITY ADULT EDUCATION AND LITERACY PROGRAM.

''(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and carry out an American Indian Tribal College and University Adult Education and Literacy Grant Program to enable Tribal Colleges or Universities to develop and implement innovative, effective, and replicable programs designed to enhance life skills and transition individuals to employability and postsecondary education and to provide technical assistance to such institutions for program administration.

''(b) APPLICATION.—To be eligible to receive a grant under this section, a Tribal College or University shall submit to the Secretary an application at such time and in such manner as the Secretary may reasonably require. The Secretary shall, to the extent practicable, prescribe a simplified and streamlined format for such applications that takes into account the limited number of institutions that are eligible for assistance under this section.

''(c) ELIGIBLE ACTIVITIES.—Activities that may be carried out under a grant awarded under this section include—

''(1) adult education and literacy services, including workplace literacy services;

''(2) family literacy services;

''(3) English literacy programs, including limited English proficiency programs;

''(4) civil engagement and community participation, including U.S. citizenship skills;

''(5) opportunities for American Indians and Alaska Natives to qualify for a secondary school diploma, or its recognized equivalent; and

''(6) demonstration and research projects and professional development activities designed to develop and identify the most successful methods and techniques for addressing the educational needs of American Indian adults.

''(d) GRANTS AND CONTRACTS.—Funding shall be awarded under this section to Tribal Colleges or Universities on a competitive basis through grants, contracts, or cooperative agreements of not less than 3 years in duration.

''(e) CONSIDERATION AND INCLUSION.—In making awards under this section, the Secretary may take into account the considerations set forth in section 231(e). In no case shall the Secretary make an award to a Tribal College or University that does not include in its application a description of a multiyear strategy, including performance measures, for increasing the number of adult American Indian or Alaska Natives that attain a secondary diploma or recognized equivalent.''.

SEC. 208. TECHNICAL AMENDMENTS TO TRIBALLY CONTROLLED SCHOOLS ACT OF 1988.

(a) GRANTS AUTHORIZED.—Section 5203(b)(3) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2502(b)(3)) is amended—

(1) by striking ''as defined in section 1128(h)(1)'' and inserting ''as defined in section 1128(a)(1)''; and

(2) by striking ''under section 1128 of such'' and inserting ''under section 1128(c) of that''.

(b) AMENDMENTS TO GRANTS.—Section 5203 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2502) is amended by adding at the end the following:

''(h) AMENDMENTS TO GRANTS.—

''(1) IN GENERAL.—At the request of the school board of a tribally controlled school, the Secretary shall approve a request to

amend a grant issued to that school board under this part unless the Secretary, not later than 90 days after the date of receipt of the request, provides written notification to the school board that contains a specific finding that clearly demonstrates, or is supported by a controlling legal authority, that—

''(A) the services to be rendered to the eligible Indian students under the proposed amendment to the grant do not meet the requirements of this part;

''(B) adequate protection of trust resources is not assured;

''(C) the grant or the proposed amendment to the grant cannot be properly completed or maintained;

''(D) the amount of funds proposed under the amendment is in excess of the applicable funding level for the grant, as determined under section 5204; or

''(E) the program, function, service, or activity (or portion of the program, function, service, or activity) that is the subject of the proposed amendment is beyond the scope of programs, functions, services, or activities covered under this part because the proposed amendment includes activities that cannot lawfully be carried out by the grantee.

''(2) APPEALS.—The Secretary shall provide the school board of a tribally controlled school with a hearing on the record in the same manner as provided under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f).''.

(c) COMPOSITION OF GRANTS.—Section 5204(b) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2503(b)) is amended—

(1) in paragraph (4)(B)(iv), by striking ''section 5209(e)'' and inserting ''section 5208(e)''; and

(2) in paragraph (5)(B), by striking ''section 5209(e)'' and inserting ''section 5208(e)''.

(d) DURATION OF ELIGIBILITY DETERMINATION.—Section 5206(c) of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2505(c)) is amended—

(1) in paragraph (2), by striking ''section 5206(b)(1)(A)'' and inserting ''section 5205(b)(1)(A)''; and

(2) in paragraph (4)(A), by striking ''section 5206(f)(1)(C)'' and inserting ''section 5205(f)(1)(C)''.

TITLE III—ADDITIONAL EDUCATION PROVISIONS

SEC. 301. NATIVE AMERICAN STUDENT SUPPORT.

(a) SUPPORT.—The Secretary of Education shall expand programs for Native American school children—

(1) to provide support for learning in their Native language and culture; and

(2) to provide English language instruction.

(b) RESEARCH.—The Secretary of Education shall conduct research on culture- and language-based education to identify the factors that improve education and health outcomes.

SEC. 302. ENSURING THE SURVIVAL AND CONTINUING VITALITY OF NATIVE AMERICAN LANGUAGES.

(a) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Indian Education.

(2) ELIGIBLE ENTITY.—The term ''eligible entity'' means any agency or organization that is eligible for financial assistance under section 803(a) of the Native American Programs Act of 1974 (42 U.S.C. 2991b(a)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director.

(b) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary shall establish a program to provide eligible entities with grants for the purpose of assisting Native Americans to ensure the survival and continuing vitality of Native American languages.

(c) USE OF AMOUNTS.—

(1) IN GENERAL.—An eligible entity may use amounts received under this section to carry out activities that ensure the survival and continuing vitality of Native American languages, including—

(A) the establishment and support of community Native American language projects designed to bring older and younger Native Americans together to facilitate and encourage the transfer of Native American language skills from one generation to another;

(B) the establishment of projects that train Native Americans to—

(i) teach a Native American language to others; or

(ii) serve as interpreters or translators of a Native American language;

(C) the development, printing, and dissemination of materials to be used for the teaching and enhancement of a Native American language;

(D) the establishment or support of a project to train Native Americans to produce or participate in television or radio programs to be broadcast in a Native American language;

(E) the compilation, transcription, and analysis of oral testimony to record and preserve a Native American language;

(F) the purchase of equipment, including audio and video recording equipment, computers, and software, required to carry out a Native American language project; and

(G)(i) the establishment of Native American language nests, which are site-based educational programs that—

(I) provide instruction and child care through the use of a Native American language for at least 10 children under the age of 7 for an average of at least 500 hours per year per student;

(II) provide classes in a Native American language for parents (or legal guardians) of students enrolled in a Native American language nest (including Native American language-speaking parents); and

(III) ensure that a Native American language is the dominant medium of instruction in the Native American language nest;

(ii) the establishment of Native American language survival schools, which are site-based educational programs for school-age students that—

(I) provide an average of at least 500 hours of instruction through the use of 1 or more Native American languages for at least 15 students for whom a Native American language survival school is the principal place of instruction;

(II) develop instructional courses and materials for learning Native American languages and for instruction through the use of Native American languages;

(III) provide for teacher training;

(IV) work toward a goal of all students achieving—

(aa) fluency in a Native American language; and

(bb) academic proficiency in mathematics, reading (or language arts), and science; and

(V) are located in areas that have high numbers or percentages of Native American students; and

(iii) the establishment of Native American language restoration programs, which are educational programs that—

(I) operate at least 1 Native American language program for the community which the educational program serves;

(II) provide training programs for teachers of Native American languages;

(III) develop instructional materials for the Native American language restoration programs;

(IV) work toward a goal of increasing proficiency and fluency in at least 1 Native American language; and

(V) provide instruction in at least 1 Native American language.

(2) NATIVE AMERICAN LANGUAGE RESTORATION PROGRAMS.—An eligible entity carrying out a program described in paragraph (1)(G)(iii) may use amounts made available under this section to carry out—

(A) Native American language programs, including—

(i) Native American language immersion programs;

(ii) Native American language and culture camps;

(iii) Native American language programs provided in coordination and cooperation with educational entities;

(iv) Native American language programs provided in coordination and cooperation with local institutions of higher education;

(v) Native American language programs that use a master-apprentice model of learning languages; and

(vi) Native American language programs provided through a regional program to better serve geographically dispersed students;

(B) Native American language teacher training programs, including—

(i) training programs in Native American language translation for fluent speakers;

(ii) training programs for Native American language teachers;

(iii) training programs for teachers in the use of Native American language materials, tools, and interactive media to teach Native American language; and

(C) the development of Native American language materials, including books, audio and visual tools, and interactive media programs.

(d) APPLICATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), in awarding a grant under this section, the Secretary shall select applicants from among eligible entities on the basis of applications submitted to the Secretary at such time, in such form, and containing such information as the Secretary requires.

(2) REQUIREMENTS.—An application under paragraph (1) shall include, at a minimum—

(A) a detailed description of the current status of the Native American language to be addressed by the project for which a grant is requested, including a description of existing programs and projects, if any, in support of that language;

(B) a detailed description of the project for which the grant is requested;

(C) a statement that the objectives of the project are in accordance with the purposes of this section;

(D) a detailed description of the plan of the applicant to evaluate the project;

(E) if appropriate, an identification of opportunities for the replication or modification of the project for use by other Native Americans;

(F) a plan for the preservation of the products of the Native American language project for the benefit of future generations of Native Americans and other interested persons; and

(G) in the case of an application for a grant to carry out any purpose specified in subsection (c)(1)(G)(iii), a certification by the applicant that the applicant has not less than 3 years of experience in operating and administering a Native American language survival school, a Native American language nest, or any other educational program in which instruction is conducted in a Native American language.

(3) PARTICIPATING ORGANIZATIONS.—If an applicant determines that the objectives of a proposed Native American language project would be accomplished more effectively

through a partnership with an educational entity, the applicant shall identify the educational entity as a participating organization in the application.

(e) LIMITATIONS ON FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the total cost of a program under this section shall not exceed 80 percent.

(2) NON-FEDERAL SHARE.—

(A) IN GENERAL.—The non-Federal share of the cost of a program under this section may be provided in cash or fairly evaluated in-kind contributions, including facilities, equipment, or services.

(B) SOURCE OF NON-FEDERAL SHARE.—The non-Federal share—

(i) may be provided from any private or non-Federal source; and

(ii) may include amounts (including interest) distributed to an Indian tribe—

(I) by the Federal Government pursuant to the satisfaction of a claim made under Federal law;

(II) from amounts collected and administered by the Federal Government on behalf of an Indian tribe or the members of an Indian tribe; or

(III) by the Federal Government for general tribal administration or tribal development under a formula or subject to a tribal budgeting priority system, including—

(aa) amounts involved in the settlement of land or other judgment claims;

(bb) severance or other royalty payments; or

(cc) payments under the Indian Self-Determination Act (25 U.S.C. 450f et seq.) or a tribal budget priority system.

(3) DURATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may make grants made under this section on a 1-year, 2-year, or 3-year basis.

(B) NATIVE AMERICAN LANGUAGE RESTORATION PROGRAM.—The Secretary shall only make a grant available under subsection (c)(1)(G)(iii) on a 3-year basis.

(f) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall carry out this section through the Bureau of Indian Education.

(2) EXPERT PANEL.—

(A) IN GENERAL.—Not later than 180 days after date of enactment of this section, the Secretary shall appoint a panel of experts for the purpose of assisting the Secretary to review—

(i) applications submitted under subsection (d);

(ii) evaluations carried out to comply with subsection (d)(2)(C); and

(iii) the preservation of products required by subsection (d)(2)(F).

(B) COMPOSITION.—

(i) IN GENERAL.—The panel shall include—

(I) a designee of the Institute of American Indian and Alaska Native Culture and Arts Development;

(II) representatives of national, tribal, and regional organizations that focus on Native American language or Native American cultural research, development, or training; and

(III) other individuals who are recognized as experts in the area of Native American language.

(ii) RECOMMENDATIONS.—Recommendations for appointments to the panel shall be solicited from Indian tribes and tribal organizations.

(C) DUTIES.—The duties of the panel shall include—

(i) making recommendations regarding the development and implementation of regulations, policies, procedures, and rules of general applicability with respect to the administration of this section;

(ii) reviewing applications received under subsection (d);

(iii) providing to the Secretary a list of recommendations for the approval of applications in accordance with—

(I) regulations issued by the Secretary; and

(II) the relative need for the project; and

(iv) reviewing evaluations submitted to comply with subsection (d)(2)(C).

(3) PRODUCTS GENERATED BY PROJECTS.—

(A) IN GENERAL.—Subject to subparagraph (B), for preservation and use in accordance with the responsibilities of the respective organization under Federal law, a copy of any product of a Native American language project for which a grant is made under this section—

(i) shall be transmitted to the Institute of American Indian and Alaska Native Culture and Arts Development; and

(ii) may be transmitted, at the discretion of the grantee, to national and regional repositories of similar material.

(B) EXEMPTION.—

(i) IN GENERAL.—In accordance with the Federal recognition of the sovereign authority of each Indian tribe over all aspects of the culture and language of that Indian tribe and subject to clause (ii), an Indian tribe may make a determination—

(I) not to transmit a copy of a product under subparagraph (A);

(II) not to permit the redistribution of a copy of a product transmitted under subparagraph (A); or

(III) to restrict in any manner the use or redistribution of a copy of a product transmitted under subparagraph (A).

(ii) RESTRICTIONS.—Clause (i) does not authorize an Indian tribe—

(I) to limit the access of the Secretary to a product described in subparagraph (A) for purposes of administering this section or evaluating the product; or

(II) to sell a product described in subparagraph (A), or a copy of that product, for profit to the entities referred to in subparagraph (A).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2013 through 2018.

(h) REPEAL; CONFORMING AMENDMENTS.—

(1) REPEAL.—Section 803C of the Native American Programs Act of 1974 (42 U.S.C. 2991b-3) is repealed.

(2) CONFORMING AMENDMENTS.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(A) in subsection (a), by striking ''sections 803(d), 803A, 803C, 804, subsection (e) of this section'' and inserting ''sections 803(d), 803A, and 804, subsection (d)'';

(B) in subsection (b), by striking ''other than sections 803(d), 803A, 803C, 804, subsection (e) of this section'' and inserting ''sections 803(d), 803A, and 804, subsection (d)''; and

(C) by striking subsection (e).

SEC. 303. IN-SCHOOL FACILITY INNOVATION PROGRAM CONTEST.

(a) IN GENERAL.—The Secretary of the Interior shall—

(1) establish an in-school facility innovation program contest in which institutions of higher education, including a Tribal College or University (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)), are encouraged to consider solving the problem of how to improve school facilities for tribal schools and schools served by the Bureau of Indian Education for problem-based learning in their coursework and through extracurricular opportunities; and

(2) establish an advisory group for the contest described in paragraph (1) that shall include students enrolled at a Tribal College or University, a representative from the Bureau of Indian Education, and engineering and fiscal advisors.

(b) SUBMISSION OF FINALISTS TO THE INDIAN AFFAIRS COMMITTEE.—The Secretary of the Interior shall submit the finalists to the Committee on Indian Affairs of the Senate.

(c) WINNERS.—The Secretary of the Interior shall—

(1) determine the winners of the program contest conducted under this section; and

(2) award the winners appropriate recognition and reward.

SEC. 304. RETROCESSION OR REASSUMPTION OF CERTAIN SCHOOL FUNDS.

Notwithstanding any other provision of law, beginning July 1, 2008, any funds (including investments and interest earned, except for construction funds) held by a Public Law 100–297 grant or a Public Law 93–638 contract school shall, upon retrocession to or reassumption by the Bureau of Indian Education, remain available to the Bureau for a period of 5 years from the date of retrocession or reassumption for the benefit of the programs approved for the school on October 1, 1995.

SEC. 305. DEPARTMENT OF THE INTERIOR AND DEPARTMENT OF EDUCATION JOINT OVERSIGHT BOARD.

(a) IN GENERAL.—The Secretary of Education and the Secretary of the Interior shall jointly establish a Department of the Interior and Department of Education Joint Oversight Board, that shall—

(1) be co-chaired by both Departments; and

(2) coordinate technical assistance, resource distribution, and capacity building between the 2 departments on the education of and for Native American students.

(b) INFORMATION TO BE SHARED.—The Joint Oversight Board shall facilitate the communication, collaboration, and coordination between the 2 departments of education policies, access to and eligibility for Federal resources, and budget and school leadership development, and other issues, as appropriate.

SEC. 306. FEASIBILITY STUDY TO TRANSFER BUREAU OF INDIAN EDUCATION TO DEPARTMENT OF EDUCATION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall carry out a study that examines the feasibility of transferring the Bureau of Indian Education from the Department of the Interior to the Department of Education.

(b) CONTENTS.—The study shall include an assessment of the impacts of a transfer described in subsection (a) on—

(1) affected students;

(2) affected faculty, staff, and other employees;

(3) the organizational and operating structure of the Bureau of Indian Education;

(4) applicable Federal laws, including laws relating to Indian preference; and

(5) intergovernmental agreements.

SEC. 307. TRIBAL SELF GOVERNANCE FEASIBILITY STUDY.

(a) STUDY.—The Secretary of Education shall conduct a study to determine the feasibility of entering into self governance compacts and contracts with Indian tribal governments who wish to operate public schools that reside within their lands.

(b) CONSIDERATIONS.—In conducting the study described in subsection (a), the Secretary of Education shall consider the feasibility of—

(1) assigning and paying to an Indian tribe all expenditures for the provision of services and related administration funds that the Secretary would otherwise pay to a State educational agency and a local educational agency for 1 or more public schools located on the Indian lands of such Indian tribe;

(2) providing assistance to Indian tribes in developing capacity to administer all programs and services that are currently under

the jurisdiction of the State educational agency or local educational agency; and

(3) authorizing the Secretary to treat an Indian tribe as a State for the purposes of carrying out programs and services funded by the Secretary that are currently under the jurisdiction of the State.

(c) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Education shall submit, to the Committee on Indian Affairs and the Committee on Health, Education, Labor and Pensions of the Senate and the Education and the Workforce Committee of the House of Representatives, a report that includes—

(1) the results of the study conducted under subsection (a);

(2) a summary of any consultation that occurred between the Secretary and Indian tribes in conducting this study;

(3) projected costs and savings associated with the Department of Education entering into self governance contracts and compacts with Indian tribes, and any estimated impact on programs and services described in paragraphs (2) and (3) of subsection (a) in relation to probable costs and savings; and

(4) legislative actions that would be required to authorize the Secretary to enter into self governance compacts and contracts with Indian tribes to provide such programs and services.

(d) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term ''Indian Tribe'' means any Indian tribe, band, nation, other organized group or community, including any Native village or Regional Corporation or Village Corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(2) INDIAN LANDS.—The term ''Indian lands'' has the meaning given that term in section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713).

SEC. 308. ESTABLISHMENT OF CENTER FOR INDIGENOUS EXCELLENCE.

(a) DEFINITIONS.—In this section:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' shall have the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms ''Native American'' and ''Native American language'' shall have the meanings given such terms in section 103 of the Native American Languages Act (25 U.S.C. 2902).

(3) NATIVE AMERICAN LANGUAGE NESTS AND SURVIVAL SCHOOLS.—The terms ''Native American language nest'' and ''Native American language survival school'' shall have the meanings given such terms in section 803C(b)(7) of the Native American Programs Act of 1974 (42 U.S.C. 2991b-3).

(4) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term ''Native Hawaiian or Native American Pacific Islander native language educational organization'' shall have the meaning given such term in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(6) STEM.—The term ''STEM'' means a science, technology, engineering, and mathematics program.

(7) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term ''tribally sanctioned educational authority'' shall have the meaning given such term in section 3301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7011).

(b) IN GENERAL.—There shall be established a Center for Indigenous Excellence to—

(1) support Native American governments, communities, schools, and programs in the development and demonstration of Native American language and culture-based education from the preschool to graduate education levels as appropriate for their distinctive populations, circumstances, visions, and holistic approaches for the benefit of the entire community;

(2) provide direction to Federal, State, and local government entities relative to Native American language and culture-based education;

(3) demonstrate nationally and internationally recognized educational best practices through integrated programming in Native American language and culture-based education from the preschool to graduate education levels that benefits the entire specific indigenous group regardless of its geographic dispersal, including—

(A) teacher certification;

(B) curriculum and materials development;

(C) distance education support;

(D) research; and

(E) holistic approaches;

(4) serve as an alternative pathway of choice for meeting federally mandated academic assessments, teacher qualifications, and curriculum design for Native American language nests and Native American language survival schools; and

(5) serve as a coordinating entity and depository for federally funded research into Native American language and culture-based education including STEM applications that will address workforce needs of Native American communities.

(c) ELIGIBLE ENTITIES.—For the purpose of determining the site of the Center for Indigenous Excellence, the Secretary shall consider the following to be an eligible entity:

(1) A tribally sanctioned educational authority.

(2) A Native American language college.

(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

(4) An institution of higher education with a commitment to serve Native American communities.

(5) A local educational agency with a commitment to serve Native American communities.

(d) CRITERIA FOR SELECTION.—The Secretary shall determine the site of the Center for Indigenous Excellence based on—

(1) a record of excellence, on a national and international level, with regard to Native American language and culture-based education;

(2) a high representation of Native Americans among its personnel;

(3) a high representation of speakers of 1 or more Native American languages among its personnel; and

(4) a location in a community with a high representation of Native Americans.

(e) ESTABLISHMENT OF PARTNERSHIPS AND CONSORTIA.—

(1) IN GENERAL.—Once established, the Center for Indigenous Excellence may develop partnerships or consortia with other entities throughout the United States with expertise appropriate to the mission of the Center and include such entities in its work.

(2) ASSISTANCE TO PARTNERS.—The Center shall provide assistance to partners, to the extent practicable, in curriculum development, technology development, teacher and staff training, research, and sustaining Native American language nests, Native American survival schools, and Native American language schools.

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

S. 1263. A bill to encourage, enhance, and integrate Silver Alert plans throughout the United States and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senator MANCHIN to introduce the Silver Alert Act of 2011. This legislation increases the chances of quickly locating missing senior citizens by establishing a national communications network to help regional and local search efforts.

Every year, thousands of adults go missing from their homes or care facilities due to diminished mental capacity, dementia, Alzheimer's disease, or other circumstances. As the population of the United States ages, that number is likely to increase. Over five million Americans currently suffer from Alzheimer's disease, and it is estimated that 60 percent of these men and women are likely to wander away from their homes. Disorientation and confusion may keep many from finding their way back home. The safe return of missing persons often depends upon them being found quickly. If not found within 24 hours, roughly half risk serious illness, injury, or death. Only four percent of those Alzheimer's sufferers who leave home are able to get back without some assistance.

Our bill would create a national program to coordinate existing state-based Silver Alert plans so that missing seniors can be returned safely to their homes and families. Not only will a federal network increase the success of efforts to find missing seniors, but it also eliminates duplicative search efforts, saving the public time and money. The Silver Alert Act creates this needed Federal network.

The Amber Alert system, which the Silver Alert Act is modeled after, has a track record of success. The Amber Alert Act created a similar Federal program that filters information and transmits relevant details to the appropriate authorities as quickly as possible. Just as with missing and abducted children, timely notification and dissemination of appropriate information about missing seniors greatly improves the chances that they will be found before they are seriously harmed. Silver Alert plans use the same infrastructure as Amber Alert plans, so this Act enables us to protect another vulnerable group in our population, at very little additional cost.

Over half of States have responded to the problem of missing seniors by establishing Silver Alert plans. These plans have created public notification systems triggered by the report of a missing senior. Postings on highways, radio, television, and other forms of media broadcast information about the missing senior to locate him or her, and return the senior safely home.

I urge my colleagues to support this important legislation.

By Mrs. FEINSTEIN (for herself, Mr. KERRY, Mr. REID, Mr. LEAHY, and Mr. DURBIN):

S. 1264. A bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, I rise to introduce, together with Senator KERRY, the Veteran Voting Support Act of 2011. We are joined by Senators REID, LEAHY, and DURBIN.

This bill would take important steps to improve veterans' access to voter registration services. Our veterans have served our Nation at great risk and sacrifice. I believe we should do everything in our power to ensure that they play a central role in our democratic process, that their votes are cast and their voices heard.

Almost 4 years ago, during the previous administration, I learned that a Department of Veterans Affairs facility in California had been barring voter registration groups from accessing veterans in the facility. Similar reports emerged in Connecticut and other parts of the country.

Since that time, Senator KERRY and I have been working, together with our cosponsors, to make sure that our Government works to provide veterans with voter registration services, not to prevent them from receiving election-related materials.

We have written letters and our staffs have held meetings with the VA to establish a fair, nonpartisan policy to facilitate voter registration for veterans who receive services from VA facilities.

We have made significant progress.

After much negotiation, in 2008, the VA established a new and substantially improved policy that allows state and local election officials, as well as nonpartisan groups, to access VA facilities for voter registration under terms and conditions set by the facility. This is an improvement, and we have not heard serious complaints in recent years.

However, legislation remains necessary. First, this voluntary policy could be rescinded or rolled back in the future; Federal law cannot. Second, more should be done to ensure not only that outside groups can register voters in a nonpartisan manner in VA facilities but also that veterans who live in and use these facilities have easy access to voter registration and absentee ballot forms, even when no group or official comes by.

The Veteran Voting Support Act of 2011 would require the VA to provide voter registration forms to veterans when they enroll in the VA health care system, or change their status or address in that system.

The bill would also ensure that veterans who live in VA facilities have access to absentee ballots when they want to cast votes, and that VA employees assist veterans with election-related forms if necessary, in the same way that these employees assist veterans with other forms.

It would allow nonpartisan voter groups and election officials to provide voter information and registration services to veterans in a time, place, and manner that makes sense for the facilities.

It would give the Attorney General authority to enforce these provisions.

It is a cornerstone of our democracy that every eligible citizen is able to register and cast their vote. These rights should never be denied, by fiat or as a matter of practicality, to those who have given the very most for our country.

I believe it is time that the VA provides veterans with the support they need and deserve to register, cast their votes, and have those votes counted.

I hope my colleagues will join me in supporting the Veteran Voting Support Act of 2011.

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. 1264

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 ''Veteran Voting Support Act of 2011''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Veterans have performed a great service to, and risked the greatest sacrifice in the name of, our country, and should be supported by the people and the Government of the United States.

(2) Veterans are especially qualified to understand issues of war, foreign policy, and government support for veterans, and they should have the opportunity to voice that understanding through voting.

(3) The Department of Veterans Affairs should assist veterans to register to vote and to vote.

SEC. 3. VOTER REGISTRATION AND ASSISTANCE.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall provide a mail voter registration application form to each veteran—

(1) who seeks to enroll in the Department of Veterans Affairs health care system (including enrollment in a medical center, a community living center, a community-based outpatient center, or a domiciliary of the Department of Veterans Affairs health care system), at the time of such enrollment; and

(2) who is enrolled in such health care system—

(A) at any time when there is a change in the enrollment status of the veteran; and

(B) at any time when there is a change in the address of the veteran.

(b) PROVIDING VOTER REGISTRATION INFORMATION AND ASSISTANCE.—The Secretary shall provide to each veteran described in subsection (a) the same degree of information and assistance with voter registration as is provided by the Department with regard to the completion of its own forms, unless the applicant refuses such assistance.

(c) TRANSMITTAL OF VOTER REGISTRATION APPLICATION FORMS.—

(1) IN GENERAL.—The Secretary shall accept completed voter registration application forms for transmittal to the appropriate State election official.

(2) TRANSMITTAL DEADLINE.—

(A) IN GENERAL.—Subject to subparagraph (B), a completed voter registration application form accepted at a medical center, community living center, community-based outpatient center, or domiciliary of the Department shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(B) EXCEPTION.—If a completed voter registration application form is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

(d) REQUIREMENTS OF VOTER REGISTRATION INFORMATION AND ASSISTANCE.—The Secretary shall ensure that the information and assistance with voter registration that is provided under subsection (b) will not—

(1) seek to influence an applicant's political preference or party registration;

(2) display any such political preference or party allegiance;

(3) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(4) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not register has any bearing on the availability of services or benefits.

(e) LIMITATION ON USE OF INFORMATION.—No information relating to registering to vote, or a declination to register to vote, under this section may be used for any purpose other than voter registration.

(f) ENFORCEMENT.—

(1) NOTICE.—

(A) NOTICE TO THE FACILITY DIRECTOR OR THE SECRETARY.—A person who is aggrieved by a violation of this section or section 4 may provide written notice of the violation to the Director of the facility of the Department health care system involved or to the Secretary. The Director or the Secretary shall respond to a written notice provided under the preceding sentence within 20 days of receipt of such written notice.

(B) NOTICE TO THE ATTORNEY GENERAL AND THE ELECTION ASSISTANCE COMMISSION.—If the violation is not corrected within 90 days after receipt of a notice under subparagraph (A), the aggrieved person may provide written notice of the violation to the Attorney General and the Election Assistance Commission.

(2) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this section or section 4.

SEC. 4. ASSISTANCE WITH ABSENTEE BALLOTS.

(a) IN GENERAL.—Consistent with State and local laws, each director of a community living center, a domiciliary, or a medical center of the Department of Veterans Affairs health care system shall provide assistance in voting by absentee ballot to veterans residing in the community living center or domiciliary or who are inpatients of the medical center, as the case may be.

(b) ASSISTANCE PROVIDED.—The assistance provided under subsection (a) shall include—

(1) providing information relating to the opportunity to request an absentee ballot;

(2) making available absentee ballot applications upon request, as well as assisting in completing such applications and ballots; and

(3) working with local election administration officials to ensure proper transmission of absentee ballot applications and absentee ballots.

SEC. 5. INFORMATION PROVIDED BY NONPARTISAN ORGANIZATIONS.

The Secretary of Veterans Affairs shall permit nonpartisan organizations to provide voter registration information and assistance at facilities of the Department of Veterans Affairs health care system, subject to reasonable time, place, and manner restrictions, including limiting activities to regular business hours and requiring advance notice.

SEC. 6. ASSISTANCE PROVIDED BY ELECTION OFFICIALS AT DEPARTMENT OF VETERANS AFFAIRS FACILITIES.

(a) DISTRIBUTION OF INFORMATION.—

(1) IN GENERAL.—Subject to reasonable time, place, and manner restrictions, the Secretary of Veterans Affairs shall not prohibit any election administration official, whether State or local, party-affiliated or non-party affiliated, or elected or appointed, from providing voting information to veterans at any facility of the Department of Veterans Affairs.

(2) VOTING INFORMATION.—In this subsection, the term ''voting information'' means nonpartisan information intended for the public about voting, including information about voter registration, voting systems, absentee balloting, polling locations, and other important resources for voters.

(b) VOTER REGISTRATION SERVICES.—The Secretary shall provide reasonable access to facilities of the Department health care system to State and local election officials for the purpose of providing nonpartisan voter registration services to individuals, subject to reasonable time, place, and manner restrictions, including limiting activities to regular business hours and requiring advance notice.

SEC. 7. ANNUAL REPORT ON COMPLIANCE.

The Secretary of Veterans Affairs shall submit to Congress an annual report on how the Secretary has complied with the requirements of this Act. Such report shall include the following information with respect to the preceding year:

(1) The number of veterans who were served by facilities of the Department of Veterans Affairs health care system.

(2) The number of such veterans who requested information on or assistance with voter registration.

(3) The number of such veterans who received information on or assistance with voter registration.

(4) Information with respect to written notices submitted under section 3(f), including information with respect to the resolution of the violations alleged in such written notices.

SEC. 8. RULES OF CONSTRUCTION.

(a) NO INDIVIDUAL BENEFIT.—Nothing in this Act may be construed to convey a benefit to an individual veteran.

(b) NO EFFECT ON OTHER LAWS.—Nothing in this Act may be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

(1) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.).

(3) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.).

(4) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

(5) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(6) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

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

S. 1268. A bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today, with my colleagues Senator COLLINS and Senator AKAKA, to introduce legislation to improve the efficiency and effectiveness of our Government by fostering greater integration among the personnel who work on critical national security and homeland security missions.

The national security and homeland security challenges that our nation faces in the 21st century are far more complex than those of the last century. Threats such as terrorism, proliferation of nuclear and biological weapons, insurgencies, and failed states are beyond the capability of any single agency of our Government, such as the Department of Defense, DOD, the Department of State, or the intelligence community, to counter on its own.

In addition, threats such as terrorism and organized crime know no borders and instead cross the so-called ''foreign/domestic divide,'' the bureaucratic, cultural, and legal division between agencies that focus on threats from beyond our borders and those that focus on threats from within.

Finally, a new group of government agencies is now involved in national and homeland security. These agencies bring to bear critical capabilities, such as interdicting terrorist finance, enforcing sanctions, protecting our critical infrastructure, and helping foreign countries threatened by terrorism to build their economies and legal systems, but many of them have relatively little experience of involvement with the traditional national security agencies. Some of these agencies have existed for decades or centuries, such as the Departments of Treasury, Justice, and Health and Human Services, HHS, while others are new since 9/11, such as the Department of Homeland Security, DHS, and the Office of the Director of National Intelligence, ODNI.

As a result, our government needs to be able to apply all instruments of national power, including military, diplomatic, intelligence, law enforcement, foreign aid, homeland security, and public health, in a whole-of-government approach to counter these threats. We only need to look at our government's failure to use the full range of civilian and military capabilities to stymie the Iraqi insurgency immediately after the fall of Saddam Hussein's regime in 2003, the government's failure to prepare and respond to Hurricane Katrina in 2005, and the government's failure to share information and coordinate action prior to the attack at Fort Hood, Texas, in 2009, for examples of failure of interagency coordination and their costs in terms of lives, money, and the national interest.

The challenge of integrating the agencies of the Executive Branch into a whole-of-government approach has been recognized by Congressionally chartered commissions for more than a decade. Prior to 9/11, the Commission led by former Senators Gary Hart and Warren Rudman, entitled the U.S. Commission on National Security in the 21st Century, issued reports recommending fundamental reorganization to integrate government capabilities, including for homeland security.

In 2004, the 9/11 Commission, led by former Governor Tom Kean and former Representative Lee Hamilton, found that the U.S. Government needed reform in order to foster a stronger, faster, and more efficient government-wide effort against terrorism.

In 2008, the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, led by former Senators Bob Graham and Jim Talent, called for improving interagency coordination in our Nation's defenses against bioterrorism and other weapons of mass destruction.

Congress has long recognized that a key way to better integrate our Government's capabilities is to provide strong incentives for personnel to do rotational assignments across bureaucratic stovepipes. The personnel who serve in our Government are our Nation's best-and-brightest, and they have and will respond to incentives that we institute in order to improve coordination across our government.

In 1986, Congress enacted the Goldwater-Nichols Department of Defense Reorganization Act. That legislation sought to break down stovepipes and foster jointness across the military services by requiring that military officers have served in a position outside of their service as a requirement for promotion to general or admiral.

Twenty-five years later, this requirement has produced a sea change in military officers' mindsets and created a dominant military culture of jointness.

In 2004, Congress enacted the Intelligence Reform and Terrorism Prevention Act at the 9/11 Commission's recommendation and required a similar rotational requirement for intelligence personnel. The Director of National Intelligence has since instituted rotations across the Intelligence Community as an eligibility requirement for promotion to senior intelligence positions, and this requirement is helping to integrate the 16 agencies and elements of the Intelligence Community.

Finally, in 2005, Congress enacted the Post-Katrina Emergency Management Reform Act to improve our Nation's preparedness for and responses to domestic catastrophes and instituted a

rotational program within the Department of Homeland Security in order to integrate that department.

This proven mechanism of rotations must be applied to integrate the government as a whole on national security and homeland security issues. Indeed, the Hart/Rudman Commission called for rotations to other agencies and interagency professional education to be required in order for personnel to hold certain positions or be promoted to certain levels. The Graham/Talent Commission called for the Government to recruit the next generation of national security experts by establishing a program of joint duty, education, and training in order to create a culture of interagency collaboration, flexibility, and innovation.

The Executive Branch has also recognized the need to foster greater interagency rotations and experience in order to improve integration across its agencies. In 2007, President George W. Bush issued Executive Order 13434 concerning national security professional development and to include interagency assignments. However, that executive order was not implemented aggressively toward the end of the Bush administration and has languished as the Obama administration pursued other priorities.

Clearly, it is time for Congress to act and to institute the personnel incentives and reforms necessary to further integrate our government and enable it to counter the national security and homeland security threats of the 21st Century.

Today I join with Senator SUSAN M. COLLINS and Senator DANIEL K. AKAKA to introduce the bipartisan Interagency Personnel Rotation Act of 2011. Companion legislation is being introduced in the House of Representatives on a bipartisan basis by Representative GEOFF DAVIS and Representative JOHN F. TIERNEY.

The purpose of this legislation is to enable Executive Branch personnel to view national security and homeland security issues from a whole-of-government perspective and be able to capitalize upon communities of interest composed of personnel from multiple agencies who work on the same national security or homeland security issue.

This legislation requires that the Executive Branch identify ''Interagency Communities of Interest,'' which are subject areas spanning multiple agencies and within which the Executive Branch needs to operate on a more integrated basis. Interagency Communities of Interest could include counterinsurgency, counterterrorism, counter proliferation, or regional areas such as the Middle East.

This legislation then requires that agencies identify positions that are within each Interagency Community of Interest. Government personnel would then rotate to positions within other agencies but within the particular Interagency Community of Interest related to their expertise.

Government personnel could also rotate to positions at offices that have specific interagency missions such as the National Security Staff. Completing an interagency rotation would be a prerequisite for selection to certain Senior Executive Service positions within that Interagency Community of Interest. As a result, personnel would have the incentives to serve in a rotational position and to develop the whole-of-government perspective and the network of contacts necessary for integrating across agencies and accomplishing national security and homeland security missions more efficiently and effectively.

Let me offer some examples of how this might work.

An employee of the U.S. Agency for International Development, USAID, who specializes in development strategy could rotate to the Office of the Secretary of Defense to advise DOD in planning on how development issues should be taken into account in military operations, while DOD counterinsurgency specialists could rotate to USAID to advise on how development priorities should be assessed in a counterinsurgency.

A Treasury employee who does terrorist finance work could benefit from a rotation to Department of Justice to understand operations to take down terrorist cells and how terrorist finance work can help identify and prosecute their members, while Justice personnel would have the chance to learn from the Treasury's financial expertise in understanding how sources of funding can affect cells' formation and plotting.

Someone from HHS who specializes in public health could rotate to a DOD counterinsurgency office to advise on improving public health in order to win over the hearts and minds of the population prone to counterinsurgency, while someone from DHS could rotate to HHS in order to learn about HHS's work to prepare the U.S. public health system for a biological terrorist attack.

The cosponsors of this legislation and I recognize the complexity involved in the creation of Interagency Communities of Interest, the institution of rotations across a wide variety of government agencies, and having a rotation as a prerequisite for selection to certain Senior Executive Service positions. As a result, our legislation gives the Executive Branch substantial flexibility, including to identify Interagency Communities of Interest, to identify which positions in each agency are within a particular Interagency Community of Interest; to identify which positions in an Interagency Community of Interest should be open for rotation and how long the rotations will be; and finally, which Senior Executive Service positions have interagency rotational service as a prerequisite.

To be clear, this legislation does not mandate that any agency be included in an Interagency Community of Interest or the interagency personnel rotations; instead, this legislation permits the Executive Branch to include any agency or part of an agency as the Executive Branch determines that our nation's national and homeland security missions require.

In addition, our legislation gives the Executive Branch 15 years in which to implement this legislation and contains a substantial number of exemptions and waivers, especially during but not limited to the phase-in period.

The legislation contains a number of provisions designed to protect the rights of our government personnel under existing law.

Finally, this legislation is designed to be implemented without requiring any additional personnel for the Executive Branch. The legislation envisions that rotations will be conducted so that there is a reasonable equivalence between the number of personnel rotating out of an agency and the number rotating in. That way, no agency will be short-staffed as a result of having sent its best-and-brightest to do rotations; each agency will be receiving the best-and-brightest from other agencies.

Let me close by answering a common objection to government reorganization. To quote the 9/11 Commission, ''An argument against change is that the nation is at war, and cannot afford to reorganize in midstream. But some of the main innovations of the 1940s and 1950s, including the creation of the Joint Chiefs of Staff and even the construction of the Pentagon itself, were undertaken in the midst of war. Surely the country cannot wait until the struggle against Islamic terrorism is over.''

I urge my colleagues to take bold action to improve the efficiency and effectiveness of our Government in countering 21st century national security and homeland security threats by promptly passing the Interagency Personnel Rotation Act of 2011.

By Ms. SNOWE (for herself, Mrs. MURRAY, and Mr. BINGAMAN):

S. 1269. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr President, I rise to introduce the High School Data Transparency Act in celebration of the 39th Anniversary of Title IX. I am pleased to be joined again this year by my colleague from Washington, Senator MURRAY. Since the 108th Congress, we have introduced this bill to require that high schools, like their collegiate counterparts, disclose data on equity in sports, making it possible for student athletes and their parents to ensure fairness in their school's athletic programs.

Since my first day in Washington in 1979, I have been a stalwart supporter of Title IX. And there should be no mistake what this 39 year-old landmark civil rights law is all about, equal opportunity for both girls and boys to excel in athletics. Obviously, athletic participation supports physical health, but sports also impart benefits beyond the field of play.

For girls who compete in sports, 50 percent are less likely to suffer depression and breast cancer . . . 80 percent are less likely to have a drug problem . . . and 92 percent are less likely to have an unwanted pregnancy. Athletic participation helps cultivate the kind of positive, competitive spirit that develops dedication, self-confidence, a sense of team spirit, and ultimate success later in life. So it is not surprising that, according to several studies, more than eight out of ten successful businesswomen played organized sports while growing up.

To cite one example, Irene Rosenfeld, Chairman and CEO, Kraft Foods was quoted as saying, ''growing up, I was extremely athletic, and very competitive. I played four varsity sports in high school and went to Cornell because they had a fabulous women's athletic program, and the academics weren't bad either.''

Without question, Title IX has been the driving factor in allowing thousands of women and girls the opportunity to benefit from intercollegiate and high school sports. Indeed, prior to Title IX, only 1 in 27 high school girls, fewer than 300,000, played sports. Today, the number is more than 2.9 million . . . that is an increase of over 900 percent. Moreover, our country is celebrating the achievements and being inspired by our female athletes now more than ever.

Last fall, the University of California, Berkley celebrated the life of the late Jill Costello who served as an inspiration not only to her fellow teammates but to the thousands of girls who defy the odds every day. Jill participated on Cal's Women's Crew Team as their varsity coxswain despite being diagnosed with stage IV cancer with only nine months to live. Throughout her treatment she not only supported her friends, family and teammates but was supported by them. Despite battling for her life Jill led Cal to achieve second place at the NCAA national crew championship. Jill's story proves that the incredible mystical nature of team and friendship does exist.

Earlier this year, the University of Connecticut's Women's Basketball Team furthered displayed women's progress in athletics. These women surpassed the University of California at Los Angeles men's basketball record of 88 consecutive wins achieving the longest winning streak of 90 games. The impact of this accomplishment has yet to be fully realized but has surely raised the profile of not only women's basketball but also woman's athletics.

Indeed, in my state of Maine, Bowdoin's women's varsity field hockey team has remarkably won Division III national championships in 3 of the last 4 years, putting Bowdoin and Maine on the women's field hockey map.

So while we celebrate this remarkable progress, we cannot allow rest on our laurels. That is why I am so pleased to join with Senator PATTY MURRAY, who has been a tireless advocate for women's sports, to reintroduce the High School Sports Data Collection Act of 2011.

Our bill directs the Commissioner of the National Center for Education Statistics to collect information regarding participation in athletics broken down by gender; teams; race and ethnicity; and overall expenditures, including items like travel expenses, equipment and uniforms.

These data are already reported, in most cases, to the state Departments of Education and should not pose any additional burden on the high schools. Further, to ensure public access to this vital information, our legislation would require high schools to post the data on the Department of Education's Web site and make this information available to students and the public upon request.

For nearly 40 years, Title IX has opened doors by giving women and girls an equal opportunity to participate in student athletic programs. This bill will continue that tradition by allowing us to assess current opportunities for sports participation for young women, and correct any deficiencies.

With this new information, we can ensure that young women all over the country have the chance not only to improve their athletic ability, but also to develop the qualities of teamwork, discipline, and self-confidence that lead to success off the playing field. Soccer star, Mia Hamm, characterized it best when ''somewhere behind the athlete you've become and the hours of practice and the coaches who have pushed you is a little girl who fell in love with the game and never looked back . . . play for her,'' and I am introducing this bill today for her as well.

By Mr. WHITEHOUSE:

S. 1271. A bill to amend the Internal Revenue Code of 1968 to provide a temporary credit for hiring previously unemployed workers; to the Committee on finance.

Mr. WHITEHOUSE. Mr. President, with the unemployment rate hovering above 9 percent nationwide, and at almost 11 percent in my home State of Rhode Island, job creation must continue to be our No. 1 priority as lawmakers.

It disappoints me that Republicans chose politics over job creation yesterday when they filibustered legislation that would have reauthorized the Economic Development Administration, an agency dedicated to restoring economically distressed regions to prosperity. In the past, this bill has been reauthorized and supported broadly, indeed, by unanimous consent. It is the fourth jobs bill the minority has chosen to obstruct, and I hope my colleagues on the other side of the aisle will reconsider their tactics. If not, we may have to reconsider ours and force some votes on job creation measures without this litany of irrelevant amendments that have bogged down and obstructed the previous jobs bill we have tried to get action on. Out-of-work Americans are hurting right now, and they want us to act to help create jobs.

I rise today to introduce a measure that will do just that. I have heard from dozens of Rhode Island business owners that business is picking up a bit, but they are still concerned the recovery may be temporary and that discourages them from hiring additional workers. I spoke with one such small business owner on Monday. I visited Dona Vincent during a tour of her Cranston, RI company, Tedco. Tedco makes and stamps metal components for the automotive, aerospace, and communications industry. It employed 13 people before the recession struck in 2008. Now it is down to eight employees. Dona and Ted's co-general manager Barbara Galonio wishes to start hiring more workers, but they worry that business could slow down again. They told me they have been waiting to hire, wanting to hire, and for months saying to themselves: Well, what if this? What if that? They have been on the border of hiring.

The legislation I have introduced today, the Job Creation Tax Credit Act of 2011, would give Dona and thousands of other business owners nationwide greater security as they look forward to building their workforces. The bill would provide refundable tax credits for employers to hire new workers now. The way it would work is that for each qualified hire made in 2011, the business would receive a tax credit equal to 15 percent of the wages paid to the new employee. If the new employee remains employed or if the business were to hire additional employees in 2012, the business would be eligible for a 10-percent tax credit on those employees' wages next year. Because these tax credits would be refundable, businesses would benefit from them even if they are not currently profitable.

One of the problems with struggling businesses that are not sure how much profit they are going to make if they are right on the edge is giving them a tax credit doesn't help because they have no tax against which to take the credit. A refundable tax credit comes to the business in spite of that. The higher credit in 2011 I expect would encourage employers to hire new workers as soon as possible, and the additional credit in 2012 would encourage retaining those employees and additional workforce expansion. To help those Americans who are struggling to find work, qualified hires would be defined as new employees who have been unemployed for at least 60 days prior to getting hired.

The Job Creation Tax Credit Act would continue the job creations sparked by the HIRE Act of 2010 which included somewhat different tax incentives for new hiring. Economist Mark Zandi has estimated that the HIRE Act created 250,000 new jobs, a quarter of a million families with a paycheck coming in. The larger financial incentives in this new bill would continue to dent the unemployment numbers in Rhode Island and nationwide.

The previous HIRE Act, sponsored by Senator SCHUMER and Senator HATCH, received wide bipartisan support, and I hope my colleagues on both sides of the aisle will support the Job Creation Tax Credit Act as well because right now we cannot forget that too many unemployed Americans are hurting. Too many are out of work. Too many are out of work through no fault of their own. Indeed, too many of them are still out of work because of the cascade of misery that washed across this country from the Wall Street meltdown. There may be a lot of blame to go around on that, but none of it attaches to the workers who got caught in that cascade of misery. Of course, too many families are struggling to make ends meet week to week. We must continue fighting for them by using every tool at our disposal, including these new tax incentives, to get our economy moving and to help businesses start hiring.

Again, this is a bill with a proven successful strategy, that has been approved by this body in the past, that has had bipartisan support in the past, and that addresses the most important issue facing our country right now, and that is putting people back to work, rekindling our economy, and getting folks into jobs.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 1272. A bill to require the Secretary of Veterans Affairs to submit to Congress a report on the feasibility and advisability of establishing of a polytrauma rehabilitation center or polytrauma network site of the Department of Veterans Affairs in the southern New Mexico and El Paso, Texas, region, and for other purposes; to the Committee on Veterans' Affairs.

Mr. UDALL of New Mexico. Mr. President, last fall I led a discussion with NM Veterans Secretary John Garcia on post-traumatic stress disorder or PTSD and other issues facing our veterans. We held our discussion near Silver City, New Mexico, at the historic Fort Bayard medical facility. This was an outstanding chance to hear firsthand from veterans about the medical problems they were facing.

During this meeting, I found out that one of the biggest challenges that many veterans in southern New Mexico face is finding nearby treatment for PTSD and traumatic brain injury which are called the signature wounds of the wars in Afghanistan and Iraq.

A bit of background for those who may not be familiar with my home State. Southern New Mexico is home to White Sands Missile Range, Holloman Air Force Base, and most of Fort. Bliss. It is a region filled with active duty personnel, as well as many veterans who choose to stay in New Mexico and the El Paso region after finishing their active duty service. And as more and more veterans return from Afghanistan and Iraq suffering from PTSD and traumatic brain injury, many need the services of polytrauma centers—which specialize in treating injuries like PTSD and TBI.

Unfortunately, the closest polytrauma centers to southern New Mexico are hundreds of miles away.

That is why, after hearing the stories of veterans who attended our Fort Bayard meeting, I began working on legislation to help improve the ability for them to access care in the region.

With this legislation we hope to address that issue by requiring the Veterans Administration to submit to Congress a study on the feasibility of building a polytrauma center in the region. And we want them to consider Fort Bayard specifically as a location for that new polytrauma center.

The facilities at Fort Bayard should not be wasted and could be put to good use by the Veterans Administration for a polytrauma center for the southern New Mexico/El Paso region. This plan would be a win-win for the region—it would provide veterans with much-needed, convenient access to a quality polytrauma center through the innovative use of a facility that is currently being underutilized.

Veterans who have risked their lives for our country deserve convenient access to the best of care when they return home. Because as long as America faces threats and values freedom, we will need men and women willing to protect us. And as long as Americans serve in uniform, we have a sacred responsibility to support them.

By Mr. DURBIN (for himself, Mr. KOHL, and Mr. BINGAMAN):

S. 1275. A bill to require the Secretary of Health and Human Services to remove social security account numbers from Medicare identification cards and communications provided to Medicare beneficiaries in order to protect Medicare beneficiaries from identity theft; to the Committee on Finance.

Mr. DURBIN. Mr. President, today I am introducing legislation with Senator BINGAMAN and Senator KOHL to remove Social Security numbers, SSNs, from Medicare identification cards.

Today, many of the 45 million Medicare beneficiaries in the United States carry their Medicare cards in their wallets. The card displays an individual's Medicare identification number, which is their Social Security number with a 1- or 2-digit code at the end.

The use of Social Security numbers on Medicare cards places millions of seniors at risk of identity theft because if the card is lost or stolen, their Social Security number is easily obtained. A person's Social Security number is one of the most valuable pieces of information that a thief can steal. It can unlock a treasure trove of personal and financial information.

Last year, nearly 8.1 million Americans were victims of identity theft, many after their Social Security numbers were stolen. These crimes accounted for more than $37 billion in fraudulent charges.

Recognizing this risk of identity theft, many government agencies and private businesses have stopped displaying Social Security numbers on identification cards. Thirty-three states have enacted laws that limit how public and private entities use and display Social Security numbers. Social Security numbers are being removed from driver's licenses, and most private health insurance cards no longer display them.

Federal agencies have also taken steps to reduce the threat of identity theft. The Department of Veterans Affairs and Department of Defense are no longer displaying Social Security numbers on new identification cards. In addition, the Office of Personnel Management has directed health insurers participating in the Federal Employees Health Benefit Program to eliminate Social Security numbers from insurance cards.

Unfortunately, the Centers for Medicare and Medicaid Services, CMS, is lagging behind other agencies.

In 2005, I offered an amendment to the fiscal year 2006 Labor-HHS-Education appropriations bill to require CMS to remove SSNs from Medicare cards. My amendment passed 98–0. The final bill directed CMS to provide Congress a report on steps necessary to remove the numbers.

CMS issued the report in 2006, but it has not yet begun to remove Social Security numbers from Medicare cards.

In 2008, the Inspector General of the Social Security Administration took CMS to task for its inaction. The Inspector General's report confirmed that displaying Social Security numbers on Medicare cards places millions of people at risk for identity theft and concluded that ''immediate action is needed to address this significant vulnerability.''

The bill that I am introducing today, the Social Security Number Protection Act of 2011, establishes a reasonable timetable for CMS to begin removing Social Security numbers from Medicare cards.

Not later than 3 years after enactment, CMS would be prohibited from displaying Social Security numbers on newly issued Medicare cards. CMS would be prohibited from displaying the number on existing cards no later than 5 years after enactment.

In addition to Medicare cards, the bill would prohibit CMS from displaying Social Security numbers on all written and electronic communications to Medicare beneficiaries, beginning no

later than 3 years after enactment, except in cases where their display is essential for the operation of the Medicare program.

I urge my colleagues to cosponsor this important legislation and work with me to enact it. Removing Social Security numbers from Medicare cards and communications to beneficiaries is long overdue.

Medicare beneficiaries should not be placed at greater risk of identity theft than people with private health insurance. Other Federal agencies have successfully removed Social Security numbers from identification cards, and we should require CMS to do the same.

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. 1275

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 ''Social Security Number Protection Act of 2011''.

SEC. 2. REQUIRING THE SECRETARY OF HEALTH AND HUMAN SERVICES TO PROHIBIT THE DISPLAY OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE IDENTIFICATION CARDS AND COMMUNICATIONS PROVIDED TO MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall establish and begin to implement procedures to eliminate the unnecessary collection, use, and display of social security account numbers of Medicare beneficiaries.

(b) MEDICARE CARDS AND COMMUNICATIONS PROVIDED TO BENEFICIARIES.—

(1) CARDS.—

(A) NEW CARDS.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that each newly issued Medicare identification card meets the requirements described in subparagraph (C).

(B) REPLACEMENT OF EXISTING CARDS.—Not later than 5 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall ensure that all Medicare beneficiaries have been issued a Medicare identification card that meets the requirements of subparagraph (C).

(C) REQUIREMENTS.—The requirements described in this subparagraph are, with respect to a Medicare identification card, that the card does not display or electronically store (in an unencrypted format) a Medicare beneficiary's social security account number.

(2) COMMUNICATIONS PROVIDED TO BENEFICIARIES.—Not later than 3 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall prohibit the display of a Medicare beneficiary's social security account number on written or electronic communication provided to the beneficiary unless the Secretary determines that inclusion of social security account numbers on such communications is essential for the operation of the Medicare program.

(c) MEDICARE BENEFICIARY DEFINED.—In this section, the term ''Medicare beneficiary'' means an individual who is entitled to, or enrolled for, benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title.

(d) CONFORMING REFERENCE IN THE SOCIAL SECURITY ACT.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

''(xii) For provisions relating to requiring the Secretary of Health and Human Services to prohibit the display of social security account numbers on Medicare identification cards and communications provided to Medicare beneficiaries, see section 2 of the Social Security Number Protection Act of 2011.''.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

By Ms. SNOWE (for herself, Mr. ROBERTS, Mr. CORNYN, Mr. BOOZMAN, Mr. BLUNT, and Mr. BARRASSO):

S. 1278. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on indoor tanning services; to the Committee on Finance.

Ms. SNOWE. Mr. President, as former Chair and now Ranking Member of the Senate Small Business Committee, it is my privilege and my responsibility today to stand up for small businesses across America that are being unfairly hurt by a punitive and unnecessary tax. The so-called ''tanning tax'' was included at the eleventh hour as part of last year's health care legislative maneuvering, and I am pleased to offer this legislation to repeal the tanning tax.

The tanning tax was added to the health care bill without any analysis of how it would affect this industry comprised primarily of small businesses, 75 percent of whose employees and customers are women. I cannot reiterate enough that small businesses are the primary job creators in this country, responsible for more than two-thirds of all new jobs created. At a time when a staggering and seemingly intractable unemployment rate of over 9 percent has become the norm, when some 22 million Americans are unemployed or underemployed, when we are experiencing the longest period of long-term unemployment in American history since data collection started in 1948, surpassing even the 1982 double-dip recession for the length of unemployment, when the percentage of population that is employed has declined to 58.4 percent, the lowest level in nearly 30 years, how could anyone think that shuttering or slowing the growth of small businesses is a good idea?

Reports show that small businesses lost an estimated $2 trillion in profits and asset valuation since the recession started in December 2007, while larger companies have been less affected and are recovering more quickly. Combined with the current, on-going economic malaise, the tanning tax is certain to accelerate job losses in this industry beyond the 20,000 jobs already lost nationwide. These small businesses need our help, not a further hindrance such as this tax.

I have heard first-hand of just what a job-killing, growth-preventing measure this tax is. Sun Tan City, a chain of small business tanning salons based in Augusta, ME, with 125 employees in Maine and another 50 in New Hampshire have slowed dramatically the expansion of their business. They opened 7 new salons in 2009 but only 4 in 2010 and another 2 in 2011. Sun Tan City remitted $85,000 to the IRS just this past quarter, money that would have gone to grow jobs and their business.

The tanning tax is not just about the money, it is also about the burden of compliance. Each store must collect and remit its tanning tax liability individually, increasing the paperwork and compliance burden. At an estimated cost of $74 per hour spent complying with paperwork burdens, merely remitting the tax imposes yet another enormous burden on small businesses.

Moreover, the tanning tax is imposed in addition to any state tax levies. For instance, New Jersey imposes a 7 percent tax on tanning services, meaning tanning salons in New Jersey are now responsible for 17 percent in taxes just for this service. We are already hearing that those seeking tanning services are going to other States when possible in order to avoid the higher New Jersey and Federal combined taxes. I guess that is one way to improve interstate commerce.

The worst part of the provision, though, may be the way the IRS has interpreted its implementation, in a way that favors larger businesses over smaller ones. The IRS released its tanning tax-implementing guidance on June 15, 2010, just two weeks before the tax became effective. This guidance contained a gross inequity that will subject some businesses to the tanning tax while exempting others. The guidance exempts ''qualified physical fitness facilities,'' which include gyms. That is, a person could pay for a membership at such a facility and be able to use that facility's tanning beds without having to pay the tax. Thus, the tax is having a disproportionate effect on small businesses while allowing larger, syndicated gyms and similar facilities to go untaxed.

There are legitimate concerns about the health of those who engage in tanning, whether using natural sunlight or tanning beds. I do not come before you today to argue the science. But the Food and Drug Administration has been under pressure for years to ban outright the use of tanning beds and repeatedly has declined to do so. The 10 percent tanning tax was never designed as a deterrent; it was designed solely to replace the 5 percent tax on Botox injections and elective cosmetic surgery as a revenue raiser to pay for the health care bill. No other factor was discussed, nor were there ever hearings on the merits. I am as concerned as any Senator or citizen about the health of our fellow Americans, but a dead-of-night job-killing tax increase on small businesses is not the way to address any health concerns!

There are other ways, such as an education campaign, that would be far

more effective and less cumbersome than this 10 percent tax to inform people about any tanning risks, especially when the IRS has carved out big businesses from being affected by the tax. Why is it safe to tan in gyms but not in salons? That is not a question the IRS should be answering. If the health issue is important enough to merit scrutiny of the industry, then let us have that debate, but the fact that there was no debate before this onerous tax was imposed makes it doubly outrageous.

This bill is supported by the National Federation of Independent Businesses and by the Indoor Tanning Association, which is comprised of business owners and operators, as well as manufacturers and distributors of tanning equipment. The tanning tax was a painful hit to this sector of our economy and this bill will seek in some way to rectify what was done to them by eliminating the onerous tax going forward.

Finally, I want to thank Glen and Dennis Guerrette, whose father, Will, served in the Maine state legislature, and Lewis Henry, all from Maine, for bringing this issue and their stories to my attention. I would also like to thank Congressmen MICHAEL GRIMM and PAT TIBERI and many others for their leadership in the House on this crucial issue.

In conclusion, I urge my colleagues on both sides of the aisle to support our bill.

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. 1278

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

SECTION 1. REPEAL OF EXCISE TAX ON INDOOR TANNING SERVICES.

(a) IN GENERAL.—Subtitle D of the Internal Revenue Code of 1986 is amended by striking chapter 49 and by striking the item relating to such chapter in the table of chapters of such subtitle.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to services performed after the date of the enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 214—DESIGNATING THE WEEK OF JUNE 24 THROUGH 28, 2011, AS ''NATIONAL MUSIC EDUCATION WEEK''

Mrs. MURRAY submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 214

Whereas the National Association for Music Education has designated the week of June 24 through 28, 2011, as ''National Music Education Week'';

Whereas school-based music education is important and beneficial for students of all ages;

Whereas music education programs enhance intellectual development and enrich the academic environment for students of all ages;

Whereas 3 out of every 4 Americans have participated in music education programs, including chorus groups and formal instrument lessons, during their time in school;

Whereas of those who have participated in school-based music education programs, 40 percent stated that such programs were extremely influential in contributing to their current level of personal fulfillment;

Whereas music education provides students with the opportunity to express their creativity and to develop skills that will benefit them throughout the rest of their lives;

Whereas the skills gained through music instruction, including discipline and the ability to analyze, solve problems, communicate, and work cooperatively, are vital for success in the 21st century workplace;

Whereas many students have limited access to music education, which places them at a disadvantage compared to their peers;

Whereas local budget cuts are predicted to lead to a significant curtailment of school music programs, thereby depriving millions of students of an education that includes music;

Whereas the arts are a core academic subject, and music is an essential element of the arts; and

Whereas every student in the United States should have an opportunity to reap the benefits of music education: Now, therefore, be it

Resolved, That the Senate designates the week of June 24 through 28, 2011, as ''National Music Education Week'' in order to recognize the benefits and importance of music education.

Mrs. MURRAY. Mr. President, I rise today to discuss the importance of music education in a child's educational journey. As a former music student myself, I believe every student should have access to this valuable area of study.

Three quarters of Americans have been involved in a music program during their time in school. Over half of those participants continue their involvement with music after the 12th grade. This is a testament to the positive impact of music education and why we must continue to provide our students with opportunities to pursue these programs.

Music education also provides students with the opportunity to express creativity and to develop skills that will benefit them throughout the rest of their lives. In addition to its inherent cultural value, music education provides a variety of unique avenues for intellectual growth. We also know that musical training has a profound impact on other skills including speech and language, memory and attention, and even the ability to convey emotions vocally.

I believe music and other arts are among society's most compelling and effective pathways for offering our children rich and fulfilling educational experiences. It is also important that we acknowledge the music educators who have instilled many generations of students with the gift of music. For these reasons, I am proud to introduce a resolution today recognizing June 24, 2011 through June 28, 2011 as National Music Education Week.

SENATE RESOLUTION 215—DESIGNATING THE MONTH OF JUNE 2011 AS ''NATIONAL CYTOMEGALOVIRUS AWARENESS MONTH''

Ms. MIKULSKI (for herself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 215

Whereas congenital Cytomegalovirus (referred to in this preamble as ''CMV'') is the most common congenital infection in the United States with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2011 as ''National Cytomegalovirus Awareness Month'' in order to raise awareness of the dangers of Cytomegalovirus (''CMV'') and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect this virus can have on their children.

SENATE RESOLUTION 216—ENCOURAGING WOMEN'S POLITICAL PARTICIPATION IN SAUDI ARABIA

Mrs. BOXER (for herself and Mr. DEMINT) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 216

Whereas, on September 22, 2011, the Kingdom of Saudi Arabia is scheduled to hold its first nationwide municipal elections since 2005, with voter registration open as of April 23, 2011;

Whereas the Government of Saudi Arabia has announced—as it did in 2005—that women will be unable to run for elective office or vote;

Whereas, on March 28, 2011, president of the general committee for the election of municipal council members Abd al-Rahman Dahmash stated, ''We are not prepared for the participation of women in the municipal elections now.'';

Whereas Foreign Minister of Saudi Arabia Prince Saud Al Faisal stated in an interview after the 2005 election that he assumed women would be allowed to vote in future elections, and that this would benefit the election process because women were ''more sensible voters than men'';

Whereas the decision by the Government of Saudi Arabia to continue to disenfranchise women in the September 2011 municipal elections is inconsistent with a series of commitments made by the Government of Saudi Arabia;

Whereas, in January 2003, Saudi Arabia proposed to the League of Arab States the ''Covenant for Arab Reform,'' resulting in the adoption of the ''Tunis Declaration'' at the May 2004 Arab Summit, which declared, among other things, a ''firm determination'' to ''pursue reform and modernization'' by ''widening women's participation in the political, economic, social, cultural and educational fields'';

Whereas these declarations were reaffirmed at the Arab Summit in Algiers on March 23, 2005, and at the Riyadh Summit held in Saudi Arabia on March 28, 2007;

Whereas, in April 2009, Saudi Arabia ratified the Arab Charter on Human Rights, which states in article 24(3), ''Every citizen has the right. . . to stand for election or choose his representatives in free and impartial elections, in conditions of equality among all citizens that guarantee the free expression of his will.'';

Whereas, on June 10, 2009, the Government of Saudi Arabia accepted the majority of the recommendations put forward by the United Nations Human Rights Council's Working Group on the Universal Periodic Review including to ''[a]bolish all legislation, measures and practices that discriminate against women. . . In particular, to abolish legislation and practices which prevent women from participating fully in society on an equal basis with men,'' and to ''end the strict system of male guardianship and give full legal identity to Saudi women'';

Whereas the Government of Saudi Arabia has indicated that it is supportive of the human rights of women;

Whereas, in November 2010, Saudi Arabia was elected to the Executive Board of UN Women, emphasizing the commitment of the Government of Saudi Arabia to the rights of women;

Whereas 'Abd al-Rahman Dahmash, the president of the general committee for the election of municipal council members, has stated that Saudi women will be granted the right to vote in the next municipal elections scheduled to be held in 2015; and

Whereas, while the United States Government acknowledges the deep cultural and religious traditions and sentiments within Saudi society, without the right to vote on par with men, women in Saudi Arabia are denied not only a fundamental human right but also the ability to contribute fully to the economic development, modernization, and prosperity of their own country: Now, therefore, be it

Resolved, That the Senate—

(1) calls on the Government of Saudi Arabia to allow women to participate, both as voters and candidates for elective office, in the September 2011 elections;

(2) supports the women of Saudi Arabia as they endeavor to exercise their human rights; and

(3) believes that it is in the interest of Saudi Arabia and all nations to permit women to run for office and vote in all elections.

SENATE CONCURRENT RESOLUTION 24—COMMEMORATING THE 75TH ANNIVERSARY OF THE DEDICATION OF SHENANDOAH NATIONAL PARK

Mr. WEBB (for himself and Mr. WARNER) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 24

Whereas the 75th anniversary of the dedication of Shenandoah National Park corresponds with the Civil War sesquicentennial, enriching the heritage of both the Commonwealth of Virginia and the United States;

Whereas in the early to mid-1920s, as a result of the efforts of the citizen-driven Shenandoah Valley, Inc. and the Shenandoah National Park Association, the congressionally appointed Southern Appalachian National Park Committee recommended that Congress authorize the establishment of a national park in the Blue Ridge Mountains of Virginia for the purpose of providing the western national park experience to the populated eastern seaboard;

Whereas, in 1935, the Secretary of the Interior, Harold Ickes, accepted the land deeds for what would become Shenandoah National Park from the Commonwealth of Virginia, and, on July 3, 1936, President Franklin D. Roosevelt dedicated Shenandoah National Park ''to this and to succeeding generations for the recreation and re-creation they would find'';

Whereas the Appalachian Mountains extend through 200,000 acres of Shenandoah National Park and border the 8 Virginia counties of Albemarle, Augusta, Greene, Madison, Page, Rappahannock, Rockingham, and Warren;

Whereas Shenandoah National Park is home to a diverse ecosystem of 103 rare and endangered species, 1,405 plant species, 51 mammal species, 36 fish species, 26 reptile species, 23 amphibian species, and more than 200 bird species;

Whereas the proximity of Shenandoah National Park to heavily populated areas, including Washington, District of Columbia, promotes regional travel and tourism, providing thousands of jobs and contributing millions of dollars to the economic vitality of the region;

Whereas Shenandoah National Park, rich with recreational opportunities, offers 520 miles of hiking trails, 200 miles of which are designated horse trails and 101 miles of which are part of the 2,175-mile Appalachian National Historic Trail, more than 90 fishable streams, 4 campgrounds, 7 picnic areas, 3 lodges, 6 backcountry cabins, and an extensive, rugged backcountry open to wilderness camping to the millions of people who annually visit the Park;

Whereas the Park protects significant cultural resources, including—

(1) Rapidan Camp, once a summer retreat for President Herbert Hoover and now a national historic landmark;

(2) Skyline Drive, a historic district listed on the National Register of Historic Places;

(3) Massanutten Lodge, a structure listed on the National Register of Historic Places;

(4) 360 buildings and structures included on the List of Classified Structures;

(5) 577 significant, recorded archeological sites, 11 of which are listed on the National Register of Historic Places; and

(6) more than 100 historic cemeteries;

Whereas Congress named 10 battlefields in the Shenandoah Valley for preservation in the Shenandoah Valley Battlefields National Historic District and Commission Act of 1996 (section 606 of Public Law 104–333; 110 Stat. 4174), and Shenandoah National Park, an integral partner in that endeavor, provides visitors with outstanding views of pristine, natural landscapes that are vital to the Civil War legacy;

Whereas Shenandoah National Park also protects intangible resources, including aspects of the heritage of the people of the United States through the rigorous commitments of the Civilian Conservation Corps and the advancement of Civil Rights as Shenandoah's ''separate but equal'' facilities became the first to desegregate in Virginia;

Whereas, on October 20, 1976, Public Law 94–567 was enacted, designating 79,579 acres within Shenandoah National Park's boundaries as wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.), which protects the wilderness character of the lands ''for the permanent good of the whole people''; and

Whereas Congress should support efforts to preserve the ecological and cultural integrity of Shenandoah National Park, maintain the infrastructure of the Park, and protect the famously scenic views of the Shenandoah Valley: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commemorates the 75th anniversary of the dedication of Shenandoah National Park; and

(2) acknowledges the historic and enduring scenic, recreational, and economic value of the Park.

AMENDMENTS SUBMITTED AND PROPOSED

SA 513. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table.

SA 514. Mr. TOOMEY (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 515. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 516. Mr. BAUCUS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 679, supra; which was ordered to lie on the table.

SA 517. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 679, supra.

SA 518. Mr. CARPER submitted an amendment intended to be proposed by him to the resolution S. Res. 116, to provide for expedited Senate consideration of certain nominations subject to advice and consent; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 513. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 53, lines 21 and 22, strike ''in the competitive service''.

On page 61, line 23, insert ''for a term of seven years'' after ''Senate,''.

SA 514. Mr. TOOMEY (for himself and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

On page 63, strike lines 3 through 18.

SA 515. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 47, beginning on line 12, strike all through page 48, line 3.

On page 54, beginning on line 24, strike all through page 55, line 22.

SA 516. Mr. BAUCUS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; which was ordered to lie on the table; as follows:

On page 47, beginning on line 12, strike all through ''AMERICANS'' on page 48, line 5.

On page 54, beginning on line 24, strike all through page 55, line 11.

On page 55, line 12, strike ''(2)'' and insert ''(1)''.

On page 55, line 23, strike ''(3)'' and insert ''(2)''.

SA 517. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 679, to reduce the number of executive positions subject to Senate confirmation; as follows:

At the appropriate place, insert the following:

SEC. _____. REPORT ON PRESIDENTIALLY APPOINTED POSITIONS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means an Executive agency defined under section 105 of title 5, United States Code; and

(2) the term ''covered position'' means a position in an agency that requires appointment by the President without the advice and consent of the Senate.

(b) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall conduct a study and submit a report on covered positions to Congress and the President.

(c) CONTENTS.—The report submitted under this section shall include—

(1) a determination of the number of covered positions in each agency;

(2) an evaluation of whether maintaining the total number of covered positions is necessary;

(3) an evaluation of the benefits and disadvantages of—

(A) eliminating certain covered positions;

(B) converting certain covered positions to career positions or positions in the Senior Executive Service that are not career reserved positions; and

(C) converting any categories of covered positions to career positions;

(4) the identification of—

(A) covered positions described under paragraph (3)(A) and (B); and

(B) categories of covered positions described under paragraph (3)(C); and

(5) any other recommendations relating to covered positions.

SA 518. Mr. CARPER submitted an amendment intended to be proposed by him to the resolution S. Res. 116 to provide for expedited Senate consideration of certain nominations subject to advice and consent; which was ordered to lie on the table; as follows:

On page 7, strike line 5 and insert the following:

SEC. 4. COMMITTEE JUSTIFICATION FOR NEW EXECUTIVE POSITIONS.

The report accompanying each bill or joint resolution of a public character reported by any committee shall contain an evaluation and justification made by such committee for the establishment in the measure being reported of any new position appointed by the President within an existing or new Federal entity.

SEC. 5. EFFECTIVE DATE.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on June 23, 2011, at 9:30 a.m. in room G50 of the Dirksen Senate Office Building.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m., to conduct a hearing entitled ''Reauthorization of the National Flood Insurance Program, Part II.''

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

COMMITTEE ON FINANCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m., in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Health Care Entitlements: The Road Forward.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m., to hold a hearing entitled, ''Evaluating Goals and Progress in Afghanistan and Pakistan.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m., in room SD–430 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Stories From the Kitchen Table: How Middle Class Families are Struggling to Make Ends Meet.''

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m. to conduct a hearing entitled ''Federal Regulation: A Review of Legislative Proposals.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 23, 2011, at 2:15 p.m., in room 5D–628 of the Dirksen Senate Office Building to conduct a hearing entitled ''The Indian Reorganization Act—75 Years Later: Renewing our Commitment to Restore Tribal Homelands and Promote Self-Determination.''

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

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 23, 2011, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 23, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 23, 2011, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

SUBCOMMITTEE ON WATER AND POWER

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power be authorized to meet during the session of the Senate on June 23, 2011, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS AFFAIRS AND THE SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND FOREIGN ASSISTANCE, ECONOMIC AFFAIRS, AND INTERNATIONAL ENVIRONMENTAL PROTECTION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics Affairs and the Subcommittee on International Development and Foreign Assistance, Economic Affairs, and International environmental Protection be authorized to meet during the session of the Senate on June 23, 2011, at 2:15 p.m., to conduct a hearing entitled ''Rebuilding Haiti in the Martelly Era.''

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

PRIVILEGES OF THE FLOOR

Mr. DURBIN. Mr. President, I ask unanimous consent that Nicole Winters-Brown, a legal intern with Homeland Security and Governmental Affairs Committee, be granted the privilege of the floor for the duration of the debate on S. 679.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that at 10 a.m., Tuesday, June 29, 2011, the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 62, 110, and 145, with all other provisions of the previous unanimous consent agreement remaining in effect.

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

NATIONAL CYTOMEGALOVIRUS AWARENESS MONTH

Mr. REID. Mr. President, I ask that the Senate proceed to the consideration of S. Res. 215.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 215) designating the month of June 2011 as ''National Cytomegalovirus Awareness Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 215) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 215

Whereas congenital Cytomegalovirus (referred to in this preamble as ''CMV'') is the most common congenital infection in the United States with 1 in 150 children born with congenital CMV;

Whereas congenital CMV is the most common cause of birth defects and childhood disabilities in the United States;

Whereas congenital CMV is preventable with behavioral interventions such as practicing frequent hand washing with soap and water after contact with diapers or oral secretions, not kissing young children on the mouth, and not sharing food, towels, or utensils with young children;

Whereas CMV is found in bodily fluids, including urine, saliva, blood, mucus, and tears;

Whereas congenital CMV can be diagnosed if the virus is found in urine, saliva, blood, or other body tissues of an infant during the first week after birth;

Whereas CMV infection is more common than the combined metabolic or endocrine disorders currently in the United States core newborn screening panel;

Whereas most people are not aware of their CMV infection status, with pregnant women being 1 of the highest risk groups;

Whereas the American College of Obstetricians and Gynecologists and the Centers for Disease Control and Prevention recommend that OB/GYNs counsel women on basic prevention measures to guard against CMV infection;

Whereas in 1999, the Institute of Medicine stated that development of a CMV vaccine was the highest priority for new vaccines;

Whereas the incidence of children born with congenital CMV can be greatly reduced with public education and awareness; and

Whereas a comprehensive understanding of CMV provides opportunities to improve the health and well-being of our children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of June 2011 as ''National Cytomegalovirus Awareness Month'' in order to raise awareness of the dangers of Cytomegalovirus (''CMV'') and reduce the occurrence of congenital CMV infection; and

(2) recommends that more effort be taken to counsel women of childbearing age of the effect this virus can have on their children.

MEASURES READ THE FIRST TIME—S. 1276, H.R. 2021

Mr. REID. Mr. President, I am told there are two bills at the desk. I ask for their first reading en bloc.

The clerk will read the titles of the bills for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1276) to repeal the authority to provide certain loans to the International Monetary Fund, the increase in the United States quota to the Fund, and certain other related authorities, to rescind related appropriated amounts, and for other purposes.

A bill (H.R. 2021) to amend the Clear Air Act regarding air pollution from Outer Continental Shelf activities.

Mr. REID. Mr. President, I now ask for a second reading but object to my own request to both of those bills.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, JUNE 27, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, June 27; that following the prayer and pledge, the Journal of proceedings approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 6 p.m. with Senators permitted to speak for up to 10 minutes each; further, that Senator SANDERS be recognized at 4 p.m. for up to 90 minutes.

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

PROGRAM

Mr. REID. Mr. President, as announced previously, there will be no rollcall votes on Monday. The first vote of the week will be on Tuesday, June 28, at noon on confirmation of the Cole nomination.

ADJOURNMENT UNTIL MONDAY, JUNE 27, 2011, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:55 p.m., adjourned until Monday, June 27, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

JENNIFER GUERIN ZIPPS, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE JOHN M. ROLL, DECEASED.

ROSEMARY MARQUEZ, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA, VICE FRANK R. ZAPATA, RETIRED.

DEPARTMENT OF JUSTICE

STEVEN R. FRANK, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE THOMAS M. FITZGERALD, TERM EXPIRED.

MARTIN J. PANE, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE MICHAEL ROBERT REGAN, TERM EXPIRED.

DAVID BLAKE WEBB, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE GARY EDWARD SHOVLIN, RESIGNED.