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Senate

The Senate met at 9:30 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:

Let us pray

O God, You have given us the great hope that Your kingdom shall come on Earth. Use the Members of this body to work for that glorious day when Your will is done on Earth even as it is done in heaven. Open the minds of our Senators to the counsels of eternal wisdom, breathing into their souls Your peace which passes understanding. Give them the grace to seek first Your kingdom and help them to grow as You add to them all things needful. Lord, empower them through exemplary living to make this Nation a shining city upon a hill.

We pray in Your gracious 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 31, 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.

RECOGNITION OF THE MAJORITY LEADER

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

BUDGET NEGOTIATIONS

Mr. REID. Mr. President, we are continuing to work very hard to avoid the terrible consequences that would come with a government shutdown. As Vice President BIDEN announced last night after a 1½-hour meeting we had in his office just a few feet from where I speak, the Democrats and Republicans have agreed upon a number on which to base our budget cuts. That number is $73 billion below the President's budget proposal. Now we have to get to that $73 billion number.

As I said all along, this is not just about dollars and deficits; it is about principles and priorities. What we cut is much more important than how much we cut. The media is very concerned with which party will win this fight politically. I am much more concerned with making sure the American people do not lose out on this program we are doing. We have to make sure the cuts do not damage the basic fiber of our country.

Let me once again remind the Senate that children, students, teachers, nurses, and seniors would be significantly hurt by the cuts in the Republican-passed H.R. 1. The tea party is here today. They are here demonstrating that H.R. 1 should be followed—$100 billion—damaging children, students, teachers, nurses, seniors, and many other people in this country. H.R. 1 is not a piece of legislation of which anyone should be proud. Not a single child, not a single student, not a single teacher, not a single nurse, not a single police officer, not a single senior led us into this recession—not one. Punishing innocent bystanders will not lead us to a recovery.

We will continue talking and continue working to find a middle ground. Again, we have agreed on a number. We have not agreed on how to get to that number. I hope an agreement can be reached as to how we get to that number, but it will not come on the backs of middle-class families and the jobs they need, and it will not come if the other side continues to insist on unreasonable and unrealistic tea party cuts.

I appreciate Speaker BOEHNER and the rest of his Republican leadership in the House. What a tremendously difficult job they have. I am sure it is not easy trying to negotiate with the tea party screaming in their ears.

We have a lot more work to do. This country is at a crossroads in a lot of different ways. The economy is recovering—not as much and not as rapidly as we would like, but we cannot have what is going on here with the tea party demonstrating all these very harsh cuts, unrealistic riders, punishing innocent folks just for political ideology.

We have a lot more to do. I hope this latest development is the beginning of the end of this crisis because, remember, this is not the only crisis we as a country are dealing with. We have about a score of ships from our Navy trying to help the good people of Japan. We have a big situation going on in the Middle East, not only in Libya but all over the Middle East. We have a war going on in Afghanistan. As I speak, we have men and women whose lives are on the line in Afghanistan. We are trying to draw down in Iraq. We have a lot of issues we need to deal with.

We know there have to be budget cuts, and we are willing to do that. But

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

let's also understand we cannot balance our budget with what the tea party is wanting us to do. We have a huge problem in this country with deficits. We have been a pretty good example of how we can balance the budget. We did it in the Clinton years. We spent far less money than we were taking in. We were reducing the debt. We were not having annual deficits. We know it can be done, but we have to do it in the right way, as we did.

We want to work with our Republican colleagues. We have proven we can do that with the two short-term CRs we have had. But I hope everyone understands that there is only so much the middle class of this country can take. There is only so much we can do to damage the basic fiber of our children, students, teachers, our nurses, and our seniors.

Head Start is a program that has been around for decades, and it helps a lot. It helps little boys and girls learn to read and do their math that they would not ordinarily have the opportunity to do. These are really poor children. H.R. 1 cuts hundreds of thousands of little boys and girls from that program. That does not help our country.

We know cuts must be made, but they must be smart cuts, and we want to do the best we can to work together to do whatever is reasonable to reduce this debt we have. We know it can be done. It has been done in recent history.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, there will be a period for the transaction of morning business. During that period of time, Senators are permitted to speak for up to 10 minutes each. The first hour is equally divided and controlled, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

We hope to work out an agreement to vote on the 1099 and the EPA amendments to the small business jobs bill today. We have been trying to do that for several days. A number of Members of the Senate are attending the funeral for the late Geraldine Ferraro. Senators will be notified when votes are scheduled. They will be this afternoon at the earliest.

RESERVATION OF LEADER TIME

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

RECOGNITION OF THE MINORITY LEADER

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

TEA PARTY

Mr. MCCONNELL. Mr. President, anyone who follows national politics knows that when it comes to a lot of the issues Americans care about most, Democratic leaders in Washington are pretty far outside the mainstream. That is why we have one Democratic leader coaching his colleagues to describe any Republican idea as extreme, and that is why other Democrats are attempting to marginalize an entire group of people in this country whose concerns about the growth of the Nation's debt, the overreach of the Federal Government, and last year's health care bill are about as mainstream as it gets.

I am referring, of course, to the tea party—a loosely knit movement of everyday Americans from across the country who got so fed up in the direction they saw lawmakers from both parties taking our country a couple years ago that they decided to stand up and make their voices heard. Despite the Democratic leadership's talking points, these folks are not radicals. They are our next-door neighbors and our friends. By and large, they are housewives, professionals, students, parents, and grandparents. After last fall's election, a number of them are now Members of Congress.

Later on today, we will hear from many of them outside the Capitol. These are everyday men and women who love their country and who do not want to see it collapse as a result of irresponsible attitudes and policies that somehow persist around here despite the warning signs we see all around us about the consequences of fiscal recklessness. They are being vilified because, in an effort to preserve what is good about our country, they are politely asking lawmakers in Washington to change the way things are done around here. So this morning I thought we could step back and take a look at some of the things they are proposing and then let people decide for themselves who they think is extreme.

At a time when the national debt has reached crisis levels, members of the tea party are asking that we stop spending more than we take in. In other words, they are asking that Washington do what any household in America already does. They want us to balance our budget, and they do this because they know their history and that the road to decline is paved with debt. Is that extreme?

They want us to be able to explain how any law we pass is consistent with the Constitution. This means that as we write new laws, they want us to be guided by the document that every single Senator in this Chamber has sworn to uphold. Is that extreme?

They want us to cut down on the amount of money the government spends. This year, the Federal Government in Washington is projected to spend about $1.6 trillion more than it has. That means we will have to borrow it from somewhere else, driving the national debt even higher than it already is. What is more, the Obama administration plans to continue spending like this for years, so that within 5 years, the debt will exceed $20 trillion. Given these facts, you tell me: Is it extreme to propose that we cut spending?

What else? Well, a lot of people in the tea party think the health care bill the Democrats passed last year should be repealed and replaced with real reforms that actually lower costs. Is that extreme?

Here is a bill that is expected to lead to about 80,000 fewer jobs, which will cause Federal health care spending to go up, compel millions to change the health care plans they have and like, and which is already driving individual and family insurance premiums up dramatically. Businesses are being hammered by its regulations and its mandates. A majority of States are working to overturn it. Two Federal judges have ruled one of its central provisions violates the U.S. Constitution.

None of this sounds extreme to me. In fact, if you ask me, the goals of the tea party sound pretty reasonable. These folks recognize the gravity of the problems we face as a nation and they are doing something about it for the sake of our future. They are engaged in the debate about spending and debt, which is a lot more than we can say about the President and many Democrats here in Congress. They are making their voices heard and they have succeeded in changing the conversation here in Washington from how to grow government to how to shrink it.

In my view, the tea party has had an overwhelmingly positive impact on the most important issues of the day. It has helped focus the debate. It has provided a forum for Americans who felt left out of the process to have a voice and make a difference. It is already leading to good results.

It may take some time, but thanks to everyday Americans like these getting involved, speaking their minds, and advocating for commonsense reforms, I am increasingly confident we will get our fiscal house in order. Republicans are determined to do our part to advance the goals I have mentioned. That is why we have been fighting to cut spending in the near term, and that is why we will soon be proposing a balanced budget amendment. American families have to balance their budgets; so should their elected representatives in Washington. It is not too much to expect that lawmakers spend no more than they take in, unless you think it is extreme to balance the books.

That brings us to the heart of the matter. The last time the Senate voted on a balanced budget amendment, in 1997, the Federal deficit was a little over $100 billion. Today, it is about $1.6 trillion. Back then, the national debt was about $5.5 trillion. Today, it is closer to $14 trillion. Back then, the amendment failed by just one vote—just one. Today, Democrats are already lining up against it.

What is extreme is the thought that government can continue on this reckless path without consequence. What is extreme is thinking we can blithely watch the Nation's debt get bigger and bigger and pretend it doesn't matter. What is extreme is spending more than $1.5 trillion than we have in a single year. This is the Democrats' approach. That is what is extreme.

The sad truth is, as our fiscal problems have become deeper, Democrats in Washington and many others in statehouses across the country have become increasingly less concerned about the consequences. Look no farther than the ongoing spending debate in which Democrats have fought tooth and nail over a proposal to cut a few billion dollars at a time when we are borrowing about $4 billion a day and our national debt stands at $14 trillion; the President has set the debate out entirely; and Democrats have the nerve to call anyone who expresses concern an extremist. If you are wondering where the tea party came from, look no further than that.

Mr. President, I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each, with the first hour equally divided and controlled between the two leaders or their designees, with the majority controlling the first 30 minutes and the Republicans controlling the next 30 minutes.

The Senator from Washington is recognized.

TESORO TRAGEDY ANNIVERSARY

Mrs. MURRAY. Mr. President, I come to the floor this morning to mark the 1-year anniversary of a terrible tragedy in my home State of Washington, and to once again honor the memories of those who were killed.

On April 2, 2010, a fire broke out at the Tesoro refinery in Anacortes, WA, and claimed the lives of seven workers: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell.

These were men and women who were taken too young, with so much life to live and with so many people to live it with. They were workers who took on tough jobs, worked long hours during difficult economic times to provide for their families. They were people who made tremendous sacrifices and who embodied so much of what is good about the community they lived in.

They have been dearly missed. Even now, 1 year later, there is nothing we can say to make the pain go away for the mothers and fathers, sons and daughters, coworkers, and family members who still bear those deep scars of loss. But the Anacortes community is strong, and while they have endured more than their fair share of pain over the years, their resiliency and compassion have carried them forward. Over the past year, we have seen homes and hearts and pocketbooks open to the families who lost so much because this community understands the pain of a loss such as this can't be overcome or forgotten. They know these families should never have to bear that pain alone.

We owe it to the Anacortes community to honor those they have lost. We owe it to them to do everything we can to make sure that such tragedies never happen again.

State investigators have determined that tragedy could have been and should have been prevented. The problems that led to what happened were known beforehand and they should have been fixed. That is heartbreaking.

Every worker in every industry deserves to be confident that while they are working hard and doing their jobs, their employers are doing everything they can to protect them. I want you to know I will keep working to make sure the oil and gas industry improves their safety practices, because we owe that to our workers and to their families and to communities such as Anacortes all across our country.

One year after that tragedy, my thoughts and prayers and condolences remain with the families who have endured so much pain, and my profound thanks goes out to the Anacortes community that has been with those families every step of the way.

I am proud to submit a Senate resolution with my colleague, Senator CANTWELL—which we will do later today—to recognize the anniversary of this tragedy on April 2, 2011, and I urge my colleagues to join in remembering those workers in Anacortes who were taken from us far too soon.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

PUBLIC EDUCATION

Mr. BENNET. Mr. President, I wanted to come to the floor today to talk a little about the state of public education in this country, especially when it comes to the condition of poor children in the United States, in part because I think it is urgent that we fix No Child Left Behind—a law that is not working well for kids and for teachers, and for moms and dads all across the United States, and certainly in my home State of Colorado.

Sometimes people who aren't engaged in the work of teaching our kids—which I think is the hardest work anybody can do, short of going to war—don't realize how horrific the outcomes are for children in this great country of ours, especially children living in poverty. When I am on this floor, where there are 100 desks—there are 100 Senators—I sometimes think a little about what the condition of the people here would be if they were not Senators, but if these 100 people were poor children living in the United States in the 21st century.

First of all, it is important to recognize that of the 100 Senators—or the 100 kids in this great country—42 of the 100 would be living in poverty. Forty-two out of the 100 would be poor. Of those Senators—now poor children living in this country—as this chart shows, by the age of 4 they would have heard only one-third of the words heard by their more affluent peers. They are living in poverty, and they have heard 13 million words. A child in a professional family has heard 45 million words. There isn't a kindergarten teacher in this country who wouldn't tell you that makes an enormous difference right out of the chute.

Also by age 4, only 39 of the 100 children can recognize the letters of the alphabet—just 39 of 100 by age 4. In contrast, 85 percent of the children coming from middle-class families can recognize the letters of the alphabet. Again, there is not a kindergarten teacher or a high school teacher who wouldn't tell you that makes an enormous difference to kids when they come to school in terms of their readiness to learn.

But what happens when they are actually in our schools? By the fourth grade, only 17 out of 100 children in poverty can read at grade level—17. That is fewer kids than there are desks in this section of the Senate floor. The entire rest of the floor would be kids who cannot read at grade level by the fourth grade. These kids are reading at grade level. Everyone else all across this beautiful Chamber would not be able to read at grade level in America in the 21st century. Only this section can read proficiently by the fourth grade.

What happens as they stay in school? It gets worse. By the eighth grade, only 16 of our kids can read at grade level. I could wander around the entire rest of this Chamber looking for somebody who can read proficiently, and I would not be able to find them. I have been in classrooms all across my State, all across the great city of Denver, and all across this country. In my view, there is nothing more at war with who we are as Americans or who we are as Coloradoans than a fifth grade child reading at the first grade level. There is a lot of discussion on this floor about your moral right to this and your moral right to that. I cannot think of anything less American than a child in the fifth grade doing first grade math.

Speaking of math, in a world where technology and engineering and invention are going to dominate the 21st

century economy, how are we doing in math? Seventeen of our kids in the eighth grade are proficient mathematicians.

When I took the job as superintendent of schools in Denver, a district of 75,000 children, one of the greatest cities in the greatest country in the world, on the 10th grade math test that the State administers, in that district of 75,000 children, there were 33 African-American students proficient on that test and 61 Latino students proficient on the test; fewer than four classrooms of kids proficient on a test which measures—if we are honest with ourselves, which we are not—a junior high school standard of mathematical proficiency in Europe. That is what we are doing to our kids.

By the end of high school, if this Senate were a classroom of poor children in this country, only 57 of us would be around to graduate and only 25 are actually ready for college or ready for a career. That is one-quarter of this room; 75, we can just write them off, 75 of these desks.

It gets even worse after that because, of our 100 children, only 9 will graduate from college. These two rows of desks represent children coming from ZIP Codes where they are living in poverty and who ultimately make it through to graduate from college. That is it—two rows in one section of the Senate. No one in these rows will graduate from college, and no one in any of these desks from here to the other side of this floor will graduate from college. That has been true for a generation.

If we do not do things differently, it is going to be true for this generation of kindergartners, if we do not change what we do.

Sometimes people think this is someone else's problem, that it is not a question of national interest. I cannot imagine why anybody would think that, but some people do. McKinsey, the consulting group, has done a study which shows the effect of this dropout rate we have creates a permanent recession in our economy as great as the one we have been through. In other words, if we were graduating these kids from college, our economic growth would be far greater than it is right now. We can see the effect in this recession we just came out of. For people with less than a high school diploma, the unemployment rate was 15.3 percent. We can see the numbers here. But if you had a bachelor's degree or higher, your unemployment rate was 4 percent; 15 percent versus 4 percent in this recession we just went through.

But the point is also that it creates a chronic recession, a drag on our economy, not to mention the fact that if we go to the prisons of this country and we ask people did you graduate from high school, the answer is that somewhere in the neighborhood of 85 percent of the people in our prisons are high school dropouts. It doesn't take a lot of imagination to see how we might start solving that problem by actually graduating kids from high school and getting them ready for college.

Again, this is not about we are kind of sort of doing OK. Nine kids from poverty, on average, are making it through to a college degree; 91 are not. It is not as though those odds are somehow fairly distributed across the population in the United States of America.

There are huge international implications for all this as well. We can see, these are our students compared to our international peers on the eighth grade math test. We can see our Anglo kids are scoring up here—Korea, Singapore, Japan, Anglo kids in the United States of America. The U.S. average is here, so we have to go Hungary, England, Russian Federation, U.S. average. I don't know why we would not want to be first, but we are not first.

But look at how our Latino kids are doing and our African Americans kids are doing. Armenia, Australia, Sweden, Malta, Scotland, Serbia, Italy—our Latino kids, way down here. Keep going, Malaysia, Norway, Cyprus, Bulgaria, Israel, Ukraine, Romania, our U.S. African-American students—right above Bosnia, two steps above Lebanon. Think of it through the eyes of one of our African-American students living in a neighborhood in poverty in Chicago or Denver or Los Angeles or Boston. What are the odds that they are actually going to be able to graduate, that they are going to be able to contribute to the democracy, contribute meaningfully to our economy, compete in this global economy? They are long. They are long and they know they are long.

We cannot fix this problem from Washington. But we can call attention to the question. We can create policies and suggestions about how people ought to do the work differently. Having served as a superintendent in an urban school district for almost 4 years and having spent time with our kids, spent time with our teachers, I know we can succeed. The kids have the intellectual capacity to do the work. There is no doubt they do. But they are in a system that was designed deep in the last century. In fact, if we are honest about it, a lot of the way the system was designed was in colonial America.

In my judgment, it is time for the burden to shift from the people who want to change the system to the people who want to keep it the same. There were nights sometimes in the school board meetings when people would come and they would say: MICHAEL, how do you sleep at night doing this and doing that and trying to change this and worrying about that?

I would say to them: The reason I can sleep at night is that I do not think we could do any worse than we are doing. We ought to think about stopping what we are doing and figure out how to change the way we think about recruiting, retaining, and inspiring teachers in the 21 century. We ought to elevate standards so we are not kidding ourselves across the country about whether we are competing with our international rivals and stop cheating our kids by telling them they are succeeding, when they are not, compared to the kids across the globe. We have to get out of the business of measuring things that do not make any sense to anybody right now who is working in the schools. Who cares how this year's fourth graders did compared to last year's fourth graders? What we need to know is how this group of fifth graders did compared to how they did as fourth graders, compared to how they did as third graders. That is common sense, but it is not the way the law works today.

I see my colleague from Georgia, but I wish to say this first. We cannot keep No Child Left Behind the way it is. It is contributing to the problem that is out there. It is making the work harder to do, not easier to do, for our teachers, for our principals, and for our kids. Our moms and dads are right to point out it is measuring the wrong thing and thinking about data in the wrong way. We ought to take this opportunity in a bipartisan way to fix No Child Left Behind, to lift some of that burden from our kids and from our teachers and our principals.

What we have to do as we are doing that is, we have to point to the places where it is actually working to demonstrate that the fact that you are born into a ZIP Code defined by poverty doesn't mean your life is going to be defined by poverty. We need to point to examples of people who have managed to struggle through, our schools that have managed to struggle through and beat the odds and are sending 95 and 98 percent of their poor children on to get a college degree. We need to be asking ourselves why we are not achieving that at scale.

I am the proud father of three little girls. I can tell you that if anyone in this body faced the same odds for their children or for their grandchildren that poor children in America face, there is no way we would not be talking about this issue night and day. In fact, people might give up. I might give up and rush home and say: I am going to take my kids out of that place they are in and I am going to put them in a place with the finest teachers and I am going to give up this Senate floor to make sure, as a parent, that I am involved in their education.

There is no way we would accept these odds for our own children. What I would argue is, the children I am talking about are our children. Remember, 42 out of 100 are living in poverty in this country. What is our answer for them?

I look forward to working with my colleagues on both sides of this aisle to not make excuses, to not find a reason why we cannot lead, to not find a reason why we cannot fix No Child Left Behind but, instead, to create some hope for children all across our country

living in urban and rural areas who are suffering this horrible plight.

I yield the floor.

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

Mr. ISAKSON. Mr. President, I ask unanimous consent that remaining time for the majority be reserved.

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

Mr. ISAKSON. I would like to be recognized as in morning business. I guess we are in morning business?

The ACTING PRESIDENT pro tempore. That is correct.

THE BUDGET

Mr. ISAKSON. First, I wish to commend the Senator from Colorado and try to ratify what I heard him say. I came in after the first part of his speech, but I know his focus was on the Elementary and Secondary Education Act and No Child Left Behind. He is exactly right. There are reforms that do need to take place. We have gone 3 years without a reauthorization, and reauthorization, hopefully, can happen this year. When it does, we can improve the plight of our children, and we can reform the way we do some of the things we do in SEA to open new opportunities for our kids. But accepting the status quo, he is right, is not good enough. We need to make those reforms, and we need to make them now. I look forward to working with the Senator from Colorado in the Health, Education, Labor, and Pensions Committee when that issue comes up, to reform ESEA, get it reauthorized, to reempower our teachers, our students, our parents, and raise the level of education for all Americans.

I congratulate him for his great contribution to the State of Colorado and, further, to the Senate.

I wish to steal a line he just gave us 1 minute ago. When I walked in, he was saying there are some things Congress cannot do. He is right. Education does take place at the local level. There are some things we can fix in Washington, but it is primarily done at the local level.

But there is one thing Congress can fix; that is, our spending, our debt, and our deficit. For just 1 second, I wish to speak not in the tone of a politician, not as somebody who is a part of the institution, trying to talk about what he thinks, I wish to talk about what I think the people of Georgia think. The people of Georgia do not understand why we cannot do in Washington what they have had to do during the last 3 years. During the economic travails of the last 3 years, every American family has had to sit around their kitchen table, reprioritizing how they spend their money to deal with lower returns on their investments, the consequences of unemployment or underemployment. They have had to adapt to difficult economic times. Yet when they turn on the television and they look at C–SPAN, they do not see us adapting to the economic times we find ourselves in as a country. I was in the real estate business for 33 years and I do not understand a lot of things, but I understand leverage.

Leverage is a marvelous thing in capitalism. If you have proper leverage in real estate or proper leverage in business, it can make a lot of things happen. Leverage is good, but too much leverage is a death sentence and we are at a precipice in this country. We are at a precipice where we are about to fall off. If we all fall off, there is no recovery because continued deficit spending and continued increasing debts results in two things: inflating the dollar in future years to pay that debt off with cheaper dollars, which devalues every asset of every American family, and increasing the interest rates to unsustainable and unpayable amounts.

I lived through that one in the post-Carter years in 1980, 1981, and 1983 when we dealt with the Misery Index in America—double-digit inflation, double-digit unemployment, and double-digit interest rates. In my home State of Georgia today we have double-digit unemployment, 10.4 percent. Interest rates are low, but it is arbitrary, and they are getting ready to go up. The yield spread curve between 2-year Federal debt and 10-year U.S. debt is triple, which indicates the markets that are buying our debt are already looking out in the future and saying interest rates are going higher, three times what they are now, maybe more.

If you look at inflation, inflation is arbitrarily low right now. But with what is happening to food and prices, contributed by gasoline and petroleum, what we see happening in the world marketplaces, it is an inevitable factor, unless we get our arms around our debt and our deficit.

We owe about $14 trillion in debt. The deficit this year is over $1.5 trillion. Those are unsustainable numbers. We do not have to pay the debt off today. We do not have to reduce the deficit to zero. But we have to get ourselves on a glidepath to reducing our deficit and, in turn, reducing our debt over time. It means we have to sit down at our kitchen tables, the floor of the Senate and the floor of the House, prioritize what we are doing, and get to the business the American people expect us to get to.

We are playing some political games right now with short-term CRs, when the big votes, the big debates, and the big decisions loom ahead—first, the debt ceiling, later the fiscal year 2012 appropriations.

There are three things I hope we will do: No. 1 is recognize our system is broken and is not working. I did a little research. Most of my years in Congress, more dollars have been appropriated through omnibus appropriations than through legitimate debate and budget units on the Senate floor. We did not do any last year. The reason we are doing a CR this year on last year is because it was an omnibus appropriation.

We are not spending our money like the American people have to spend theirs. We are not prioritizing. We are not looking at cost-benefit analysis. We have to change our system. I am pleased to have joined with former Governor Shaheen of New Hampshire, a Democratic colleague, to introduce the Biennial Budget and Appropriations Act for the Congress, an act which mimics what 20 of our States, 40 percent of the country, already does: appropriate on a 2-year cycle rather than on a 1-year cycle; appropriate in odd-numbered years so that in even-numbered years, which also happen to be election years, we do not do appropriating, we do oversight. We spend a year not making political promises of what bacon we are going to bring home, but we spend a year looking for savings and redundancy and duplication and waste in Federal spending.

If we do not spend a minute looking back, we can never spend a minute looking forward. Right now we do not spend any time looking back and seeing where money is being spent and where it might be saved. We do not reprioritize what was introduced and established years ago. The Biennial Budget and Appropriations Act requires the President of the United States to submit a biennial budget, requires Congress to act on the independent budget units in a 2-year fashion, in the odd-numbered years, and requires the oversight in even-numbered years of every function of the Federal Government.

We do not do oversight anymore, and we are paying a terrible price for it. That is the first thing we need to do. Second, we need to understand that we need to appropriate our money the way the American people appropriate their money. They measure the benefit compared to the cost, and if the benefit to their family is not equal to or greater than the cost, they do not spend the money. But in the Congress, we do not measure cost-benefit analysis. We measure how much more we can spend in continuation than what we appropriated in a previous year. That is a broken system, and it is a broken cycle.

I commend Senator CORKER on his introduction of the CAP Act, which is the second part of what we need to do; that is, put ourselves on some type of fiscal constraint through a balanced budget amendment and through a spending cap.

A little known secret is 2 years ago the Nation of Israel confronted problems such as the ones we have today—burgeoning debt, a bigger deficit, and spending problems. Prime Minister Netanyahu and their Finance Minister sat down at their kitchen table in Tel Aviv and established a biennial budget process, 2-year appropriations rather than 1, of even-numbered year election oversight and odd-numbered appropriating.

Then they did a second thing. They put a cap on their debt, and they put a cap on spending. Do you know what happened in 2 years' time? Israel's GDP has grown by 7.9 percent. The International Monetary Fund and the World Bank have told the EU and some of the struggling countries in the EU such as Portugal and Spain that they should adopt a biennial spending process and the oversight process of a biennial budget and an appropriations act.

Well, I would say this: If 20 of our States are doing it, and they are 20 of our most fiscally sound States, beginning with New Hampshire and Nebraska and Oregon and States like that, and if Israel has done it and demonstrated, in difficult world economic times, they can grow their GDP by 7.9 percent and reduce their debt and cap their spending, and if the World Bank and International Monetary Fund are telling the European Union, which is in most difficult straits today, that it is part of the answer as to how they spend their money and getting an arm around their spending, then I think we should take a look at it, and it should be on the floor of the Senate being debated.

We have a window of opportunity. We have the chance to reform our spending process, to set ourselves on a glidepath to reducing our debt and reducing our deficit over time and sending a signal to the world market that the strong America they have known and invested in is going to be even stronger in the future.

But if we continue to dilly-dally around, trying to make political headway out of economic events, and push ourselves out in time on debt and deficit, we are going to have higher inflation, higher interest rates. We are going to devalue the assets of the American people and, worst of all, we are going to lose our place in the world.

I do not want to be a part of that. The President does not want to be a part of that. I do not think any Member of the Senate wants to be a part of that. So my encouragement to the leadership, Democratic and Republican alike, is, let's let the best ideas flow. Let's let them come to the floor of the Senate. Let's debate them. Let's invite the President to come and sit down with us and do the same thing.

Instead of taking entitlements off the table, they ought to be part of the discussion. Instead of saying there are some things we are not going to do and some things we will, we ought to be open and say we will look at everything, and then we will prioritize based on cost versus benefits. If we do that, we will do what the people of Georgia expect me to do, and I think what the people of the United States expect all of us to do.

We have a great country made great by a great people who made difficult decisions in difficult times. This is the difficult decision facing our time. I want to be one of the people who is a part of the solution, not a footnote in history at the beginning of the decline of the United States of America.

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

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

The legislative clerk proceeded to call the roll.

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

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

LIBYA

Mr. SESSIONS. Mr. President, I have a couple of things to say this morning. First, and briefly, I want to, and probably will, support the military action in Libya. I have been inclined to think that careful, surgical use of our forces can make a positive difference to the degree it would be worth the risk of that involvement. But I am not really sure of that.

As a senior member of the Armed Services Committee, these are matters with which I am not totally unfamiliar. I was very confident from the beginning that we could execute a no-fly zone very effectively, and that—there is risk but not great risk because of our military capabilities. However, I do believe that over a number of years the Congress and the American people have expressed grave concerns over the executive branch committing the United States to military actions without full participation of the legislative branch. We have not used the declaration of war mechanism, truthfully, as the defining act for most of our military actions in recent years. We have used authorization of military force resolutions that authorized the President to utilize the military force.

We spent weeks doing that before the Iraq invasion—not weeks, months. In fact, as I recall, the authorization for utilization of military force in Iraq was passed in the fall, I believe October, and the actual invasion did not occur until the next spring, in March.

During that time, we had many hearings. We had full debate. There was resolution after resolution in the U.N, but Congress was fully on top of all of it. They knew what was at stake, and we voted. Some voted no and complained and continued to complain. But for the most part, those who voted no supported the action because we had been involved in a discussion that was real about the risk and so forth.

Then we had other actions, such as Grenada and Panama, that had less debate by Congress. People have not been happy about that. They believed there should have been more. In my opinion, the consultative process for this military engagement was unacceptable. It did not have to occur in this fashion. There was ample opportunity to discuss it.

Senator SUSAN COLLINS, on the Armed Services Committee, a few days ago, we had top Defense Department officials there. Admiral Stavridis, who is the commander of NATO forces, was testifying. She said: Well, we had time, it appears, to consult and get a vote in the U.N. We had time to consult and get a vote in NATO. The Arab League apparently found time to reach some sort of consensus, but we did not have time to involve the Congress.

Well, that struck me as a very legitimate and serious statement. I think Senator COLLINS was correct. There was ample opportunity to consult Congress. This was a war, to use a phrase in recent years, of choice. It was not a military action that was demanded because we had been attacked on our soil or in our legitimate bases somewhere around the world and we had to defend ourselves immediately.

So I am not happy about it. I think it is a big mess. I think Democrats and Republicans have the same unease about it, and I believe it is time for Congress to assert itself more effectively.

We had a briefing last night, 5 o'clock, 6 o'clock. It went 50 minutes. Frankly, I did not get a lot out of it. I heard little that I had not picked up from the cable news networks. We turned on the television this morning, and we saw news about the CIA involvement there, for good or ill. I did not hear that discussed at our briefing. It would have been nice to have heard it straight from the administration's leaders, rather than seeing it on television the next morning. So this is the kind of situation we are in. It is not acceptable. Congress must assert itself.

Based on what President Obama said back during the campaign about our reluctance to initiate military force, it is sort of surprising that we have not had more consultation.

Maybe it is an institutional tendency. Once you become President, you don't want to fool with Congress. They ask troublesome questions. They slow things down, maybe, although in this instance I think we had a lot quicker response from Congress than we got from the administration. Regardless, I think we are in front of that issue. It is time for Congress in a bipartisan way to ask itself, first, what do we expect, what is a minimum amount of congressional involvement? Then we need to make sure that every President hence forward complies with at least that.

I am also not happy at the way some resolution was passed here that seemed to have authorized force in some way that nobody I know of in the Senate was aware that it was in the resolution when it passed. I am very concerned about that.

OMB NOMINATION

Mr. SESSIONS. Mr. President, we will have this afternoon a vote in the Budget Committee, of which I am ranking Republican, on the nomination of Heather Higginbottom to be President Obama's deputy budget director

at the Office of Management and Budget. OMB is a very critical part of the administration of any American government. OMB is the agency that controls, on behalf of the President, the lust of all agencies and departments to get more money for their budgets. They send up their requests. OMB is the control point for the President. He cannot sit down and negotiate every single dispute over funding. OMB handles that, controls it. If there is a real loggerhead debate between Cabinet officials and OMB, they can go directly to the President, and the President will decide it. But most times overwhelmingly decisions are made in OMB. It is that institution that is critical to contain the growing spending we have. It is a very important position.

I supported the appointment of Jack Lew for Director. He had been OMB Director under President Clinton. He was said to be the one to get credit for balancing the budget. I do remember that the House Republicans under Newt Gingrich fought over spending for months and years. Actually for a short period of time the government shut down. It looks as though it didn't destroy America. We are still operating. But they fought, and they balanced the budget. So Mr. Lew was there during that period of time. Certainly he deserves some credit. I was pleased to support him. But I was stunningly disappointed when Mr. Lew went on television and said the President's 10-year budget calls on America to live within its means, to not spend more than we take in, when over the 10-year budget, there is not a single year by the President's own budget, submitted by Mr. Lew, in which the deficit fell below $600 billion. And in the outyears the numbers were going up to about $800 billion.

Since Mr. Lew submitted the President's budget, the Congressional Budget Office, nonpartisan group, analyzed President Obama's budget and said it is far worse than that. The lowest single deficit we will have in 10 years is $748 billion. The highest deficit President Bush ever had was $450 billion.

This is unbelievable. This year the budget deficit is going to be over $1.4 billion. In the tenth year, CBO said Mr. Lew and President Obama's budget would call for a $1.2 trillion deficit, a clearly unsustainable path of surging debt in the outyears going up. That is why Mr. Bernanke, Federal Reserve Chairman, and Erskine Bowles, President Obama's chairman of the deficit commission, both said this is an unsustainable path.

Interest last year on the budget was about $200 billion. We paid out $200 billion to people in China and governments of China, Japan, all over the world and to American citizens who loaned us money so we can spend $3.6 trillion this year while we are only taking in 2.2. We have to borrow that money. We don't have that money. Forty cents of every dollar that is spent is borrowed. We get a budget for next year, blithely calling for education funding to be increased 10 percent, 11 percent, calling for the Energy Department to get a 9.5-percent increase, calling for the State Department to get a 10.5-percent increase, calling for huge increases in the Transportation Department, while inflation is 2 percent or less, and deficits are surging out of control. And what do they say? They say these are investments, but sometimes we don't have money to invest. How can I buy stock if I don't have any money? We don't have money. Reality has to break through.

The fact that the President continues to assert his budget calls on us to live within our means when it sets forth the most irresponsible surge of debt the Nation has ever seen is breathtaking. I am disappointed that Mr. Lew has mouthed the same phrases. He has said the same things.

Mr. Erskine Bowles, who cochaired the commission President Obama appointed, he and Alan Simpson a few days ago issued a statement when they testified before the Budget Committee. They said this country is facing the most predictable economic crisis in its history. When asked by Senator CONRAD, our chairman, about that, he said it could be 2 years, Mr. Bowles, maybe a little less, maybe a little more, we will have a crisis. Alan Simpson, cochairman of the commission, popped in and said he thinks 1 year; by the end of this year we could have a debt crisis. It is time to act and get on the right path and not be in denial as we are at this time.

I asked Ms. Higginbottom about some of these issues when she was before the committee to try to determine whether she understood the gravity of the situation which we are now in. I was not satisfied.

First, Ms. Higginbottom's experience level is stunningly lacking. She was a former campaign adviser to President Obama, has had no formal budget training or experience, not even a college class in economics. She said: I am not an accountant. No, she is not. She has never served on the Budget Committee. She never studied business, never ran a business, never was a mayor of a town, a county commissioner who had to balance a budget or served in a Governor's office in any way, shape, or form. She has campaigned for Senator KERRY. The highest job she has had was legislative director, not the Chief of Staff who manages the staff, but the legislative director for Senator KERRY who testified for her.

She is a fine person. I think she seems in every way to be a decent person and would be a good legislative director in the Senate. But to be the person who looks a Cabinet official in the eye and says: Secretary Smith, you are asking for X billion dollars and we don't have it. OMB says you don't get it. Who can talk to the American people and tell them we are in a fiscal crisis that could lead to a debt crisis to put us in another recession, a double dip? I don't think she has any comprehension of that. How could she? This is not her experience. She has been a political operative, a legislative operative. When pressed about it, she basically said: The President's budget is a policy document.

At this point in history, OMB needs to be thinking about dollars and cents, needs to be thinking about debt. This idea that we can spend and invest regardless of the financial consequences that will inevitably accrue is false. We need to be listening to someone like Erskine Bowles. We need someone like Erskine Bowles in charge of the OMB. When the President announced his budget, that very day, Mr. Bowles said it came nowhere close to doing what is necessary to get this country on the right track, nowhere close. We need somebody of seriousness who understands the threat this country is facing.

They say you have objected to her because she is young. I have never mentioned the word ''young.'' But she is young. But the most important thing is, she does not have the kind of experience in business or accounting or budgeting or responsibility for management that one would look for in the second in command of the OMB, the most central unit in our entire governmental structure committed to containing wasteful spending. We need somebody who will go after waste, fraud, and abuse.

Being a former Federal prosecutor, a little experience in going after criminals who are trying to steal from us wouldn't hurt. It would be of some value. But she doesn't have that.

Despite the fact that she is a person of character and a good personality and is liked, she is not the right nominee, and, in my view, the nomination should not go forward, and I object to it.

I know in the Homeland Security and Government Affairs Committee, where she also had a hearing, Senator SCOTT BROWN asked her a number of questions.

He asked:

You'll be No. 2. And if Director Lew is not there, you will be No. 1, potentially. In that respect, I would presume you would be dealing with accounting and budgeting, obviously, problems within OMB. Is that a fair statement?

Higginbottom: Sure, uh-huh.

Brown: So I guess my original question is, what type of budgeting and accounting experience do you have?

Higginbottom: I have done a lot of policymaking.

Senator Brown: All right. I understand that. But I guess I'm asking, do you have any accounting or budgetary experience aside from dealing in policy matters?

Higginbottom: I am not an accountant, but the President's budget is an articulation of his policy agenda.

I think that fails to evidence an understanding of the difficult role the OMB has.

My staff director for the minority in the Senate Budget Committee served in OMB for a while—such a wonderful person. One reason he came to my attention was because a member of President Bush's administration, whom I know well, said he had to go to him and try to ask him to approve additional funding for a department or agency, and he said he could say no, and he would do it in a way that he showed he understood what we were talking about but he would not give in, and he made you respect him for it.

Well, that is kind of the nature of the OMB. All these agencies and departments want to ask for more money for their departments—they can do all these good things—and somebody has to say: This is putting us over the limit. This is putting us over our budget. We do not have this kind of money.

I hope we can get the kind of serious leadership in that office that does not seem to be present today by virtue of the language that indicates that our OMB believes we have a good budget that lives within our means. Both Director Lew and President Obama have repeatedly said the President's budget allows us to live within our means, ''spend money that we have each year'' and ''begin paying down our debt.''

Five or six fact check organizations that analyze statements to see if they are accurate have found these statements to be false. And they are plainly, utterly false. The lowest deficit we are going to have, under the President's Budget, according to the CBO, is $748 billion in the next 10 years. The lowest annual deficit. And our interest payment will increase from $200 billion this year to over $900 billion in 2012.

Mr. President, I do not know what time is left on this side. There is no time left? I will wrap up and say it is for those concerns I have expressed that I will not support Heather Higginbottom as OMB Deputy Director, even though she has many fine qualities, as Senator JOHN KERRY set forth in his testimony on her behalf, although he was not able and did not contend that she has experience in budget, accounting, or finance.

I thank the Chair and yield the floor.

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

CLEAN AIR ACT

Mr. CARDIN. Mr. President, sometime today we are going to get back to the SBIR bill, the bill that deals with helping our small businesses with innovation and growth so we can create more jobs and continue to lead the world in innovation, so we can win that international competition the President talks about. We need to do that by outeducating and outinnovating and outbuilding our competitors. Part of that is helping our small business community with innovation. The bill that is on the floor—the authorization of the SBIR program—helps small, innovative companies in order to create jobs and help America grow.

I take this time, though, to urge my colleagues to reject all of the amendments that may be offered that would take away from the Environmental Protection Agency their ability to enforce our Clean Air Act. I say that because I truly believe—I think most people believe; and it has been proven over history—we can have a clean environment and we can grow our economy. In fact, I think if we do not have a clean environment, it is going to be more difficult for us to grow our economy.

We need to do what is right for the people of this Nation as it relates to their public health. The Clean Air Act has been one of the most important bills to protect the public health of the people of this Nation.

Carbon emissions are pollution. They are polluting our environment. They are causing respiratory ailments. They are making it more difficult for people who have respiratory illness to be able to breathe. We have children with asthma who are directly affected by the quality of the air they breathe.

It is our responsibility to take care of our children. It is our responsibility to make sure they have clean air. The Clean Air Act has helped us deal with those needs. We want the enforcement of the Clean Air Act to be based upon science, not the political whims here in Washington. We want the scientists to tell us what we can do to protect our public health. That is what the Clean Air Act and its enforcement is about, and it is being done in a way that allows our economy to grow.

There are some here who say: Well, some of these amendments are a temporary holdback from what EPA can do to enforce our laws by putting a moratorium on enforcement. Well, we all know what happens with moratoriums. We do not know whether we will ever get beyond those short-term delays. We do not want to go down that path.

What do you do if you are a business and you are trying to do what is right with the investments of your company to comply with the Clean Air Act and now you are being told, well, maybe those rules will change? How do you make the necessary investments in your company without knowing the ground rules are the ground rules? Let's not go down that path. That would be the wrong way to go.

Let me give an example in my own State of Maryland where we have seen that a clean environment is good for our economy.

In 2007, the Maryland legislature passed the Healthy Air Act. Let me tell you something, Mr. President. Since the creation of that bill, it created thousands of jobs. It created more opportunity for the people of Maryland. Constellation Energy invested $1 billion in compliance with the 2007 Healthy Air Act, reducing its SO_2, SO_X emissions by 85 percent and mercury by 80 percent. We have seen in our State of Maryland that the Healthy Air Act created jobs and has provided healthier air for the people of Maryland.

Let me tell you something, air knows no boundary. We have helped our surrounding States. The problem is, the people of Maryland are downwind from other States we wish were making the same type of commitments we are making in Maryland.

Let's at least maintain the standards of the Clean Air Act. This is the wrong bill to consider this issue anyway. Remember, I started by saying we will be taking up the small business bill to help our small business communities with innovation—SBIR: innovation and research. That is the bill we are on. Yet my colleagues want to attach to this bill amendments that would restrict the Environmental Protection Agency from doing its responsibility on behalf of the public to protect our clean air.

Let me give you by way of example—we tried this. The EPA is the cop on the beat to make sure the polluters do not pollute our air. We at one time had a cop on the beat for the financial markets, and we sort of eased that up because we said we needed to do that for business. What happened is, we had a financial meltdown.

We do not want to go down the same path on protecting the public health of the people of this Nation by removing the cop on the beat. That would be the wrong thing to do. I urge my colleagues to reject those types of amendments.

Let me tell you something: The public gets this. Seven out of ten Americans want us to enforce our Clean Air Act against the polluters. Seven out of ten Americans do not want us to weaken the laws of this country that protect the public health of the people of America.

We cannot afford to turn the clock back on our clean air policies and we cannot turn the clock back on the health of our citizens. I urge my colleagues to reject each and every one of these amendments that may be offered that would restrict the enforcement of the Clean Air Act against the polluters of America.

Let's speak out for our children, let's speak out for clean air, let's speak out for our future, and let's speak out for our economic growth which very much depends upon a clean environment.

With that, 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.

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

CONTRACTING OVERSIGHT

Mrs. MCCASKILL. Mr. President, I am honored to chair a subcommittee of

the Homeland Security and Governmental Affairs Committee that focuses on contracting oversight. I can stand here with certainty and tell my colleagues and America and Missourians that contract problems in the Federal Government are substantial, they are expensive, and they have to be fixed.

While we are all focused right now on trying to make the Federal Government spend less money and be more efficient, there are times that contracting problems have significant consequences beyond that of money being misspent or wasted. Sometimes contracting problems have human consequences. One example would be some of our soldiers who were electrocuted because of substandard contracting work as it relates to showers in Iraq when they were standing up for us in a military conflict.

Last summer, a problem surfaced relating to Arlington National Cemetery, and this was a contracting problem. So last summer, my subcommittee held a hearing on the contracting incompetence at Arlington and what the consequences of that incompetence were. As heartbreaking as it is, we learned that because of mismanagement of contracts at Arlington, graves had been misidentified and remains had been buried someplace other than where families had been told they had been buried. Obviously, this is a breathtaking revelation when we think about what Arlington National Cemetery means to the veterans of this country and to our Nation. It is sacred ground. It is the kind of place that America needs to know is being run well and that the remains of our heroes are being handled with the utmost deference, respect, and dignity, and certainly Americans have the right to know we are burying our heroes exactly where their families are told they are being buried.

In the committee hearing last summer, I estimated, based on what we knew at that time, that as many as 6,600 graves had been misidentified. The Army responded quickly and forcefully. I wish to recognize that Kathryn Condon, the Executive Director of the Army National Cemeteries Program, and Pat Hallinan, the Superintendent of Arlington National Cemetery, have been responsive and I think have been working hard to clean up this mess. However, we now have recent reports which indicate that maybe I underestimated the significance of this problem and maybe this problem is much larger than I even anticipated. At the time, when I used those numbers, people seemed to think I was exaggerating.

So we introduced a bill to make sure there is accountability as it relates to Arlington, with a number of cosponsors, including Senator BROWN, who was the ranking member of the committee at the time, along with Senator COLLINS and Senator BURR and Senator LIEBERMAN.

We introduced a bill that would aim at accountability at Arlington, requiring some reporting to us in 9 months, requiring that the Secretary of the Army continue to be held accountable on this huge problem at Arlington National Cemetery.

I think now is the time to get some interim information because information has now surfaced that potentially many more graves have been mishandled. There is now a criminal investigation because we had eight urns discovered in one grave site last fall as we were working on this legislation.

While I am glad the legislation has become law, that doesn't change the urgency of the situation. I have today written to the Secretary of the Army, Secretary McHugh, and I have asked for immediate information on an interim basis about what has happened to clean up this mess at Arlington, where they are in the process, and what is the truth about graves that have been identified, have not been identified, and potentially never will be identified.

I have asked the following information of Secretary McHugh:

First, I want to know the number of grave sites that have been physically examined to identify the remains there. I want to know how many grave sites have been determined to be incorrectly identified, labeled, or occupied, and the methodology used to make that determination. I want to know immediately how many families have been contacted regarding problems with the grave sites and the number of families who have requested that those grave sites be physically examined. I want to know what the procedure is for contacting families regarding actual or potential problems with the grave sites and how these procedures have been implemented since our hearing last July. I want to know from the Army how they will be able to correctly identify all grave sites by the end of the year and the estimated costs and time required to complete an examination of that nature.

I have asked the Secretary of the Army to respond to this letter in a week. I have asked what progress they have made. This is not something we can sweep under the rug and say we have done the best we can. This is not that kind of problem. I have veterans all over Missouri who walk up to me when I am in the grocery store, when I am at the mall, wherever I am, and say: Don't give up on fixing Arlington; it is too important to all of us.

I do not want this cloud hanging over Arlington National Cemetery. I have been honored to attend funerals at Arlington National Cemetery. I compliment the Army for the job they do in terms of the Honor Guard and the dignity those services embrace. But management has a challenge. I want to make sure this does not go off the radar screen in terms of a problem that has to be fixed. It has to be fixed because of the values we embrace in this country.

I look forward to the response from the Secretary of the Army. I look forward to continuing to work with Kathryn Condon and Patrick Hallinan, who I do know are trying, but this is something we have to continually be transparent about in terms of reporting to the public the progress we are making so every family member and every American, when they go to Arlington National Cemetery, doesn't ever have to wonder if they are showing respect to the hero at the grave site that is identified on the marker.

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.

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

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

EPA AUTHORITY

Mrs. BOXER. Mr. President, I rise today—and I am staying close to the floor today—because I am very concerned that the Senate is going to vote on some very detrimental proposals for the American people which have to do with, for the first time that I can tell in history, telling the Environmental Protection Agency it no longer can enforce the Clean Air Act as it relates to carbon pollution. We know carbon pollution is dangerous, insidious, and we know that if, in fact, the EPA is stopped from enforcing the Clean Air Act, our families will suffer, they will get asthma, they will have more heart attacks and strokes, they will miss work days, and they will die prematurely. That is the primary reason I rise this morning.

GOVERNMENT SHUTDOWN

Mrs. BOXER. Mr. President, I also wish to take some time to talk about a real crisis looming in front of us, which is the possibility of a Federal Government shutdown.

I have lived through a Federal Government shutdown, and I can tell you, whether you are someone who is trying to get on Social Security or Medicare, whether you are living near a toxic waste dump that suddenly doesn't get cleaned up, whether you are concerned about enforcement at the border—I could go on and on—there will be a lot of suffering.

If you are a Federal employee who works for a living, you will not get paid. Mr. President, for me, the issue is, if Federal employees do not get paid, then why on Earth should Members of Congress get paid? We are Federal employees. We work for the government at the pleasure of the people. Sometimes they are not so happy about it and they don't get much pleasure, but the fact is that we are elected and we work as U.S. Senators, and our paychecks come from the Federal Treasury. Why should we get paid if we

fail to reach an agreement to do the basic work of keeping this government open?

Years ago, when we faced this, it was with Speaker Gingrich, who brought it on. I hate to say that, but I am very concerned that we are going to see a repeat from the Republican House. Let me tell you the reason. We had an election—and, boy, I noticed that one in 2010 because I was in it. My Republican friends in the House are fond of saying ''we won.'' They did take back the House. They did. They won the House. Guess what. They did not take back the Senate. The Democrats have a clear majority here. The President is still the President, and he is a Democrat. People will have their say, and we will get to that in 2012.

Here is the point. There are three parts of the government that are involved in the budget showdown, the budget dialog. Those three parts are the House—and we know where they are. They came up with $60 billion worth of cuts. And then you have a bill that they wrote, H.R. 1, that not only had $60 billion worth of cuts but all of these extraneous legislative riders that proclaimed the EPA has to stop the cleanup of the Chesapeake Bay; that EPA can no longer enforce the Clean Air Act relating to certain types of pollution; that there will be no more money going to Planned Parenthood—no matter that they serve 5 million people and do all the necessary things to stop women's health problems, such as STDs—no, they are zeroed out. So there is a vendetta against them and against National Public Radio. That is what is in H.R. 1.

H.R. 1 was voted on here, and it did not pass. Now we are sitting down with our colleagues to try to work on the budget, not these extraneous riders. If you want to repeal the Clean Air Act, have the guts to come here, put it on the floor, send it through the committees, and let's see where you get. You won't get very far. That is why they are trying to do it through the back door. Let's have a budget bill.

I believe that the Democrats, although we control two-thirds of the government—a third is the House, a third is the Senate, and a third is the White House—we are willing to meet them about halfway. Well, that is fair. That is more than fair. But we have rallies by the extreme rightwing. They have every right to do it, and I welcome them with open arms, but they do not speak for the majority of the people.

I want to get back to why I think it is important that these Members of Congress who are talking very openly about a shutdown have some skin in the game. Let them have to suffer no paychecks. Why should others suffer no paychecks, whether you are someone who works the parks or someone who works at Social Security or Medicare or someone who cleans up toxic waste sites or someone who works on the border. There isn't going to be any penalty for them.

I can only say that it has been 30 days—here it is on the chart—since the Senate passed a bill that said: No budget, no pay. No raising the debt ceiling, no pay. That is what it said. We sent it over to the House, and what has Mr. BOEHNER done with that bill? Nothing. Now, that is plenty of time to talk about doing away with Planned Parenthood and about all these things they want to do to harm women's health. They want to repeal the entire health care bill. I guess now they want to refund the money or get back the money the seniors got to help them pay for prescription drugs. I guess they don't think it is good to be able to keep your kid on your policy until they are 26. I guess they think it is fine for the insurance companies to kick you out when you get sick. When it comes to saying we will not get paid if there is a shutdown, he has not taken up this bill. Thirty days.

I intend to be on this floor every day—31, 32, 33, whatever the days are. That is plenty of time.

By the way, there is a bill by Congressman MORAN. ERIC CANTOR said we should not get paid. I don't know if you know what they did, Mr. President. They wrote a bill that said we won't get paid, but in that bill, it says H.R. 1 will be deemed having passed if the Senate doesn't pass it by April 6. So they have taken the most extreme bill in American history, with cuts that experts say—including Mark Zandi, a Republican economist—will lose us 700,000 jobs, a bill that is so extreme that it tells the EPA it can't enforce the law, and then they attach to it the ''no budget, no pay.'' Not good enough. H.R. 1 is not passing. They can say they deem it passed. That is like my saying I deem every bill that I write passed.

I have written a lot of bills, including the Violence Against Children Act. Bills that I have passed give tax breaks to people who work at home. I have had bill upon bill. I would love to say that if we don't act on it, I deem it passed. What are they talking about over there? It is odd behavior. It is odd. I don't know what else to say.

By the way, we have 15 people on our bill. They are: Senators CASEY, MANCHIN, TESTER, NELSON of Nebraska, BENNET, WARNER, WYDEN, COONS, HARKIN, HAGAN, MENENDEZ, STABENOW, MERKLEY, ROCKEFELLER, and you, Mr. President, SHERROD BROWN of Ohio. We are willing to say, if there is no budget deal, we should not get paid.

I do not know whether the American people understand this, but if they did, I think they would be very upset because we have a special statute that protects our pay. Our staff is not protected. To my knowledge, the people who work here are not protected. Members of Congress and the President are protected in the case of a shutdown. There is a special statute. They get paid.

All we are saying is that is wrong. If this government shuts down, that is wrong or, if we fail to raise the debt ceiling and we start not making our payments and defaulting and America goes into a cycle we have never seen before, we do not deserve a penny of pay.

By the way, our bill says no retroactivity either. The American people have a right to expect us to work. Social Security checks must continue to arrive. Veterans must receive their benefits. Passports have to be issued. Superfund sites have to be cleaned. Oil wells have to be inspected. Export licenses must be granted. Our troops must be paid. If we fail to keep the government open because of politics, because some group is rallying—I do not care what end of the spectrum they are from—if we cave to that kind of pressure, we do not deserve to be paid. It is as simple as that. We should be treated like any other Federal employee—no better, no worse.

This is so deja vu because, in 1995, similar legislation passed the Senate. But guess what. It never passed the House.

We have a Member of Congress complaining that he does not make enough money. Let's talk about that, I say to everybody. In a video, tea party-described Republican Congressman SEAN DUFFY of Wisconsin said he could not pay his bills on his $174,000 salary.

Now listen, he has a lot of compassion for himself, but he does not seem to have that compassion for people who earn $50,000 or $60,000 or $40,000 or $20,000—a lot less than he makes. But he says it is real tough to live on $174,000. I know he has a big family. God bless each and every one of them. But let us not be so selfish. If you have compassion for yourself, have it for your fellow human beings. No budget, no pay, Mr. DUFFY. I am sorry.

If our colleagues over there who are very extreme—and I know there was a big article that Democrats are calling the budget proposals over there extreme. They are. If they are going to stand on that far right line and hurt the women of this country and hurt the families of this country and hurt the children of this country and hurt the seniors of this country and they are not willing to meet us halfway when they only control one-third of the government and they do not agree and this government shuts down, yes, Mr. DUFFY, you should not get your pay. We need to have the same pain inflicted on us as is inflicted on others.

The Speaker and ERIC CANTOR can say anything they want over there. They can say whatever they want. Free speech, absolutely. But their actions speak louder than their words. When they say, oh, they don't think they should get paid, but they fail to pass a freestanding bill as we did, they are not serious at all. They put it in a bill that is ridiculous on its face. I never heard of passing a bill that says another bill is deemed law. Yes, it is hard for me to explain that.

Anyone who studies how the Federal Government works knows we pass

these bills and then we send them to the President and then they are the law. What he says is, even though we already voted down H.R. 1, if we do not pass something else, H.R. 1 is deemed to have passed and then it goes to the President. This makes no sense. It is a new way of passing bills that is made up by the Republicans in the House.

It is interesting that the Members whose paychecks the Speaker is protecting are the same ones who are saying we should have a government shutdown. Today we know the tea party is holding a rally demanding a government shutdown if H.R. 1, with all its political vendettas against women and children and families—that, in fact, there ought to be a shutdown if H.R. 1 does not pass, even though a leading Republican economist, Mark Zandi, said it would cost us 700,000 jobs.

The Senate voted down H.R. 1. It only got 44 votes. Wake up and smell the roses. It is gone. H.R. 1 will never rear its head again. So if you are rallying for a bill that only got 44 votes, that makes no sense. Why not rally to call on us to come together, to meet in the middle, to compromise? That is what the American people want. Do you think I want to meet the Republicans in the middle and slash the type of programs we have to slash? No; I am very unhappy about it, but I am willing to do it for the good of the country. Then let the American people decide in the next election if these are the priorities they share.

H.R. 1 would kick hundreds of thousands of kids out of Head Start. It would stop tens of thousands from getting grants to go to college. How does that make us stronger? It does not.

Representative TOM ROONEY, a Republican from Florida, said: I don't see how we can avoid a shutdown. I have news for him. We can by working together, by crafting a budget where the numbers are right in the middle, and then any of these political vendettas should come back in the form of other legislation.

Congresswoman MARTHA ROBY said yesterday the tea party ''would not settle for a split-the-baby strategy,'' which I guess means she is not for compromising. It is my way or the highway. I want to ask the American people rhetorically: Is that fair? The people who run one-third of the government want 100 percent of it their way. I do not think so. I do not think it would work that way in a family. That is not right. They control one-third of the government and they want 100 percent of what they want. It is not right on its face.

Seventy-three percent of the American people say a government shutdown would be a bad thing for our country. So when the tea party says: Shut down the government if we don't get 100 percent of what we want, they are out of touch.

We will do our part. I am glad Speaker BOEHNER is back at the negotiating table, but I have to say, we are not going to get anywhere if anyone says at that table: My way or the highway. That is over.

H.R. 1 is gone—because you pass a bill that says if the Senate does not act and pass the bill it is deemed law sounds like an April fool's joke. Today is the 31st. Maybe that is what it is, an April fool's joke. Again, I do not know how they came up with this idea.

Where we are is very clear. We are in a situation where we hope the government will not shut down, but yet there are Members in the House who are threatening a shutdown. We have a situation where 30 days ago we passed no budget, no pay for Members of Congress and the President, and they still have not taken it up.

We sent a letter to Speaker BOEHNER. I ask unanimous consent to have printed in the RECORD the letter to Speaker BOEHNER.

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

U.S. SENATE,
Washington, DC, March 30, 2011.

Hon. JOHN BOEHNER,
Office of the Speaker,
Washington, DC.

DEAR SPEAKER BOEHNER: Nearly one month has passed since Democrats and Republicans in the Senate came together and unanimously passed S. 388, legislation to prohibit Members of Congress and the President from receiving any pay during a government shutdown.

Despite the Senate's bipartisan effort, and requests from members for immediate action, you have taken no steps to hold a vote on this important legislation.

As you know, in the event of a government shutdown, Members of Congress and the President would be treated differently from millions of other Federal employees. While Federal employees would not get paid, Members of Congress and the President would still receive a paycheck because we are paid through mandatory spending, rather than through annual appropriations.

Recently, a number of House Republicans have publicly stated that a government shutdown is unavoidable, and have gone so far as to significantly downplay the negative impact it would have on our economy.

Since members of your caucus are openly predicting a government shutdown, the time to pass this bill is now. Members who want to shutdown the government should not continue to receive a paycheck while the rest of the nation suffers the consequences. Members of Congress and the President should be treated no differently than every other federal employee; we too should have to face the consequences of our actions.

While appearing on the CNN program ''Crossfire'' in 1995, you offered your support for a bill that is identical to S. 388, so it is unclear why you have not scheduled a vote. The closer we get to the expiration of the Continuing Resolution without passage of this legislation, the more it becomes apparent that your primary interest is in protecting the paychecks of your colleagues.

It is essential that we work together to avoid a government shutdown, but if we cannot do our jobs and keep the government functioning, we should not get paid.

We again request that the House immediately take up and pass this legislation in the same bipartisan spirit demonstrated by the Senate. We ask for your immediate response.

Sincerely,

Barbara Boxer; Debbie Stabenow; Jon Tester; Ron Wyden; Michael F. Bennet; Sheldon Whitehouse; Robert P. Casey, Jr.; Robert Menendez; Joe Manchin, III; Jeff Merkley; Claire McCaskill; Daniel K. Inouye; Barbara A. Mikulski; Mark Begich; Jeanne Shaheen; Richard Blumenthal.

Mrs. BOXER. Mr. President, we call on him and say: It has been 30 days, let's get our act together. We need to feel the pain ourselves just as all the others will feel the pain.

CLEAN AIR ACT

Mrs. BOXER. Mr. President, the reason I am staying close to the floor today, more than any other reason, is the fact that, for the first time in history, Congress is going to play scientist, Congress is going to play doctor, Congress is going to decide what to do in terms of enforcing the Clean Air Act. This runs counter to the American people.

Leading public health groups are saying: Please do not stop the EPA from enforcing the Clean Air Act. They are the American Lung Association. I ask: When we think of the American Lung Association, what do we think about? We think about doctors who want to help patients, who do not want to see little boys, such as this boy, gasping for air. It is our job to stand for the health of the people.

If I ever had any other reason for being here—and I have been here a while, thanks to the good people of California—it is to make sure our people are protected to the best of our ability. We look at Japan, at what is happening there, and we know how it felt when we had the BP oilspill and how we all did everything in our power to make things better.

One way we have made things better over these years, since the Clean Air Act passed—and I will show a graph of Los Angeles—one way we have made things better for the people is the Clean Air Act. We all know we do not always do things perfectly around here. We are only human, and we make mistakes. But I have to say, I was not here when the Clean Air Act was signed. It was signed by Richard Nixon. I have a lot of issues with Richard Nixon on a lot of other issues, but Richard Nixon set up the EPA. That was a Republican effort, and now our Republican friends are literally taking a dagger to the Clean Air Act.

The Clean Air Act is supposed to be based on science, not politics. If the scientists tell us and the health experts tell us carbon pollution is a danger to our families and they pass an endangerment finding and the Supreme Court says, once an endangerment finding is passed, you must act to clean up the air, if that is what happens, Congress should keep its nose out of it for two reasons: One, it will lead to little boys, such as this little boy, having to

gasp for air if we interfere with the Clean Air Act; two it works. The Clean Air Act works.

On this graph, in 1976, there were 166 days in Los Angeles where people were urged to stay indoors. There was a health advisory. When you can see the air, that is bad, and you could see the air on those days. That is what happened in the 1970s. Through the years, because of the work of the Environmental Protection Agency and local people and State people who worked with them, we wound up with no health advisories in Los Angeles in 2010. What an unbelievable record.

Now Members of Congress want to mess with that. It is ridiculous. If it isn't broke, why are we fixing it? It works. They say they are doing it because of jobs—it is going to cost jobs. Well, we know for a fact that was the same thing that was said in the 1970s and we have had the greatest track record of job creation. If we took the job creation from the 1970s into 2010, and we looked at how many jobs there were created, it is huge. We have had, of course, some of the greatest expansions in our history, notwithstanding the fact that we had a very fine Clean Air Act in place.

And guess what. When you clean up the air, you create jobs. You actually create jobs. There is no doubt about it. Clean energy businesses are created. We became the world leader in many environmental technology categories, and we are the world's largest producer and consumer of environmental technology, goods, and services. How proud are we of that? We should be proud of it. Instead, we may be facing a series of votes today or Monday—I don't know exactly when—that would, in fact, interfere with EPA's functioning.

Some of the amendments are worse than others. The McConnell amendment is the worst of the worst of the worst. Guess what it does. It says forevermore the EPA cannot ever enforce the Clean Air Act as it pertains to carbon. That is the worst of all. But all of them would stop the EPA in its tracks right now from enforcing the law.

Look at the environmental technology industry. It is pretty impressive. We have 119,000 firms that generate $300 billion in revenues, $43 billion in exports, and support 1.7 million jobs. We have small- and medium-sized companies that make up 99 percent of these private-sector firms. That is the issue, because we have small- and medium-sized firms that want to see us keep on cleaning up the air, versus the very large, old energy, big polluters—huge polluters—the chemicals, the oil, the coal, et cetera.

I want to work with all companies, small and large, because we are going to need a mix of energy sources, but it has to be cleaner, and that is what the EPA has done over the years with its work. It has made sure the industries get cleaner and cleaner. And every time they say: Don't do it, we will lose jobs. We will lose business. We will go into recession. But the opposite has proven to be true.

In a letter dated March 29, numerous clean energy and conservation organizations said:

> Stopping the EPA from doing its job now means more Americans will suffer ill health; not fewer; more clean energy jobs will be outsourced overseas, and fewer American jobs will be created at home.

Health experts oppose amendments that weaken the Clean Air Act. They are against all of these amendments. They say these amendments would interfere with EPA's ability to implement the Clean Air Act—a law that protects public health and reduces health care costs for all.

It is an obvious point: If someone never gets asthma, their health is better and costs are lower. Simple as that. So everyone who is a leader on health care ought to understand when people get sick because you voted to weaken the EPA's enforcement of the Clean Air Act, that has a cost. It has a cost to these kids.

I will show another picture of a little girl, a beautiful little girl, who is suffering and struggling and gasping for air. That, to me, is the picture of what this debate is all about. Whose side are we on, her side or the biggest, most powerful polluting industries in the country? It is a choice we have to make.

The Republicans in the House have taken the worst of these environmental bills and they have put them on H.R. 1, and they want H.R. 1, H.R. 1, H.R. 1—pay back all the big polluters in the country who supported them. But it doesn't make sense on any level. It doesn't make sense on jobs, doesn't make sense in terms of the health of our people, and it is politically unpopular.

Let us take a look at a recent poll that was done. This was done all across the country by a Republican polling firm and a Democratic polling firm, and let me show what came out of it: 69 percent say the EPA Clean Air Act standards should be updated with stricter air pollution limits. People want cleaner air. They see their kids gasping.

I said the other day, if you go into any school in your State and ask the children how many of you have asthma, probably about a quarter of them will raise their hands. And if you say, how many of you know a child with asthma, it is about 50 percent of the crowd.

Asthma is a very difficult condition. I listen to Senator LAUTENBERG all the time talk about how it is with his grandson, who has bad asthma. His mother, every time she takes him to play a baseball game or she is away from home, has to make a search to see where is the nearest emergency room. This isn't a benign situation. It is a serious situation for children and adults. So that is why the American people are saying, well, wait a minute; we want the EPA to clean up the air. We don't want Congress involved. The American people are smart.

Look at what this poll says. Remember, this was taken February 16 of this year. This is the height of politics in this country, fighting this side and that side. The poll says that 68 percent believe Congress should not stop EPA from enforcing Clean Air Act standards, and 69 percent believe EPA scientists, not Congress, should set pollution standards.

People are smart. If they have a problem with a tooth, they go to a dentist, they don't go to a Member of Congress—unless they are a dentist. People know scientists and doctors are the ones who should guide us on the Clean Air Act, not politicians. Look, I am proud of my work. I love what I do, and I think I have learned quite a bit about a lot of things, but I don't decide what level of ozone is healthy, what level of small particulate matter in the air is healthy, what amount of radiation in the milk is okay. That would be ridiculous. The experts have to determine that. But this Senate is about to vote on a series of amendments which will stop the EPA in its tracks and say we, Members of Congress, know better.

EPA Administrators under Presidents Nixon, Reagan, and George Bush opposed attempts to weaken the EPA. Listen to this. This is signed by William Ruckelshaus and Christine Todd Whitman. This is a quote from their op-ed piece—two Republicans. So I say to my Republican friends here, listen to the people whom you respected when they were head of the EPA. What did they say?

> It is easy to forget how far we have come in the past 40 years. We should take heart from all this progress and not, as some in Congress have suggested, seek to tear down the agency that the President and Congress created to protect America's health and environment.

That is powerful. And they went on to say:

> Today the agency President Richard Nixon created in response to the public outcry over visible air pollution and flammable rivers is under siege.

They are right. These two former Republican Administrators of the EPA are right, the EPA is under siege and not because it hasn't done its job. It has done its job magnificently. I have shown that.

I will show the stats on how many premature deaths were averted as a result of the EPA's action. I think it will stun you. The Clean Air Act, in 2010 alone, prevented 160,000 cases of premature deaths. By 2020, that number is projected to rise to 230,000.

I say to my colleagues on both sides of the aisle here, if you saw a child—maybe your child, maybe your grandchild—about to be run down by a car, and you knew you could save them, you would do it. You would save them. My colleagues, we can save 230,000 people from facing premature death. That is a fact. That is what the science shows. Yet we are going to weaken the very agency that can do this.

There were 1.7 million fewer asthma attacks in 2010 because of the Clean Air Act. If we keep going, and we don't interfere with the EPA, by 2020 there will be 2.4 million fewer asthma attacks.

Let us take a look at that child again. I am saying to America and to my colleagues, this is a baby who is struggling for breath. If you knew you could save him, if you knew you could save another child from this, you would do it. By leaving the Clean Air Act alone, by letting the EPA do its work, it is a fact—it is not fiction, it is a fact—that more than a million kids won't have to do this.

I don't know any colleague, I don't know one, who doesn't love children—love their own, love everybody's, love their constituents' kids, love their grandkids. I hardly know anyone who doesn't talk about our kids, whether it is in the context of our debt or their health or any context. I am saying right here and now if you love our kids, don't support weakening the EPA, because our kids are the most vulnerable to dirty air. Why? Because they are little, because the breath they take in takes up so much of their body. What they breathe in is more potent because they are so little and they are developing.

So again, whether it is business groups, whether it is former EPA Administrators, whether it is these incredible groups that have come together with nothing on their agenda except the health of the people—groups such as the American Lung Association or the Physicians for Social Responsibility—I have given a lot of facts to back up what I have said. And, believe me, they are irrefutable facts. They are facts.

The reason given for stopping the EPA from enforcing the law is: Oh, it hurts the economy. I have shown that argument has been made by big business forever and it never was accurate. I guess they have stopped saying the EPA doesn't have a successful track record, because I have shown specifically how many early deaths were averted, how many asthma attacks were averted. Let's go back to that again—how many missed days of work were averted. We have the facts, so they can't argue that.

So what do they argue? Oh, it is a recession. Well, let me say, if you want people to work, I have got news for you: If they can't breathe, they can't work. That is a fact. That is irrefutable. The Clean Air Act in 2010 alone prevented 130,000 acute heart attacks. By 2020 it will avert 200,000 acute heart attacks.

Again, put yourself in the position of somebody who sees somebody about to be hurt, and you know you could pull that person back from the cliff, or you could pull that person back and make sure they are safe, and don't vote for these amendments because we know it is our constituents who will suffer.

In 2010, the Clean Air Act prevented 3.2 million lost days at school. Why is that? Because when a kid is gasping for air, they are not going to go to school. That number is projected to rise to 5.4 million lost days at school. Do you know why we have these facts? Those who are skeptical demanded that the EPA do this study. So EPA did the study and we found out.

I would challenge anybody in the Senate to show me an agency that can boast of this kind of result. It explains why almost 70 percent of the American people say to us: Keep your hands off the EPA. Don't mess with success. Let them do their job. Let them protect our health. Let them protect our kids' health. EPA has a great record.

They are up against the biggest, most powerful interests in this country—they are. They took a full-page ad yesterday, those big interests: Stop the EPA.

OK, I ask rhetorically, why stop an agency that is preventing the deaths of the American people? Why stop an agency that has this kind of track record?

I will close with this: There is a series of these amendments, the worst of which is the McConnell amendment because the McConnell amendment says forevermore the EPA can never, ever do anything to protect our people from carbon pollution. It says never, ever can the EPA set standards for tailpipe emissions from automobiles. That is what it does.

The American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the Physicians for Social Responsibility, the Trust for America's Health—this is what they say about the McConnell amendment:

> The McConnell amendment would strip away sensible Clean Air Act protections that safeguard Americans and their families from air pollution.

With whom do we stand? This is the question we all ask in our campaigns. Whose side are you on? With whom do you stand?

I made a decision, a strong one. I am going to stand with the kids. I am going to stand with their families. I am going to stand with these leaders who are working day and night just to protect our health. I am not going to stand with a rightwing ideological amendment. I am not going to stand with amendments that are ''McConnell lite'' because if it is not broken, don't fix it.

No agency is perfect, we know that. The EPA is not perfect, but the record is clear. Actions by the EPA along with local and State officials have saved countless lives. If we leave our hands off of it they will continue to have a stellar record.

I will be back on the Senate floor when these amendments come up for a vote. I hope and pray people will think about this very hard before they cast their votes.

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

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

The bill clerk proceeded to call the roll.

Mr. KIRK. 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. KIRK. I ask unanimous consent to speak for up to 20 minutes.

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

LIBYA

Mr. KIRK. Madam President, this morning our former National Security Adviser, Chairman of the Joint Chiefs of Staff, and Secretary of State Colin Powell will visit the White House, and I expect they will discuss the current mission against the Qadhafi dictatorship in Libya.

When we look at this mission, I think it is important to review the wise words of General Powell in his recommendation in considering any military mission for the United States in her coming years. When we think about his advice—many times, it has been called the Powell doctrine, and it was memorialized in a 1992 article in Foreign Affairs magazine called ''U.S. Forces: Challenges Ahead.'' This article became known very much as the Powell doctrine, with two additions that the public and press often put on his thoughts about military missions for the United States.

In short, the Powell doctrine includes answers to a number of questions that any President, Secretary of State, or Secretary of Defense should answer prior to or at the very least during a military mission involving the United States. Those questions are as follows:

Is the political objective we seek important, clearly defined, and understood?

Next, have all other nonviolent policy means failed?

Third, will military force achieve the objective?

Fourth, at what cost?

Next, have the gains and risks been analyzed?

Finally, how might the situation that we seek to alter, once it is altered by force, develop further and what might be the consequences?

Added to this, the press and public have offered two more additions often called part of the Powell doctrine: Can we hit the enemy with overwhelming force, and can we demonstrate the support of the American people for the mission as shown by a vote of the U.S. Congress?

When we look at the current Libyan mission and apply the Powell doctrine, we see a mixed picture, one that should be fixed by a rigid application of its questions and answers to them reported back to the American people.

I support our mission in Libya, and I think the President's address to the Nation was a good start. But I think we

would serve our troops well if we proceeded to answer the Powell doctrine questions rigidly.

First, is the political objective we seek to achieve important, clearly defined, and understood?

I think the end of the Qadhafi regime is important. I think the protection of civilians from an impeding massacre is also important. And I think it would be clearly understood by the American people. But in practical terms, we cannot protect, for example, the people of Benghazi unless we stop the killer, and the only way to stop him is to disarm him and remove him from power. I think that objective would be clearly understood, would be welcomed by our European and Arab allies, and would bring about the long-term protection of the civilian communities by which the administration first justified this action.

Secondly, have all nonviolent policies means failed?

There is a 30-year record of diplomacy with regard to the Libyan dictatorship. Muammar Qadhafi has shown himself to be one of the most violent, corrupt, and at times even crazy leaders from the continent of Africa. While the United States has had difficulties with him for three decades, while Secretary Gates has referred to the imposition of Jersey barriers here in Washington, DC, as early as 1983 when there were reports of potential Qadhafi threats to our President—at the time, President Reagan—it took several decades for the rest of the world to lose patience with Muammar Qadhafi.

The decision by the United Nations and Arab League and surrounding nations not just to support resolutions in internal forums but then for some of those nations, numbering over a dozen, to take military action, shows that finally the international community has broken with Muammar Qadhafi and feels that diplomacy and nonviolent means no longer can work with regard to managing him and the threat he poses.

Will military force achieve the objective?

I think it can. But here is a situation that is somewhat mixed. If air power is only applied to a combat air patrol to enforce a no-fly zone, there is the potential for Libyan armor and artillery to overwhelm what is a very disorganized and rag-tag civilian army that initially made gains against Qadhafi, then lost them and stood at the gates of Benghazi, then retook key communities, such as al-Bayda, Brega, and came to the outskirts of Sirte, then relost nearly all of those gains this week.

When we look at how we should support the end of this dictatorship and the final protection of civilians in Libya, we should understand that the provision of close air support to take out Libyan armor and artillery is essential to this mission and that we should develop the means to command, control, and direct this effort.

I am concerned that today, I am unsure—maybe uninformed but unsure—as to how the close air support mission is handled. Originally when this mission was undertaken, it was falling under the command and control of standard U.S. military doctrine. Since Libya is part of the AFRICOM combatant command area of operations, this operation, as I understood it, fell under the command of the President of the United States, to the Secretary of Defense, to GEN Carter Ham, commander of AFRICOM. As the United States then moved to more internationalize internalize the military effort, it sought to transfer command to the North Atlantic Treaty Organization, NATO, and its commander, who also happens to be an American, Admiral Stavridis, who stands not only as the commander of U.S. forces in Europe but as Supreme Allied Commander of NATO.

I understand the administration has put forward a task force to be commanded potentially by a senior Canadian general who would command this operation. I understand that diplomacy went well with regard to the command of the anti-air operation in this endeavor, but the negotiations with regard to the provision of close air support were much more difficult.

Today, I am not exactly sure who is in command of those operations. Is it General Ham at AFRICOM? Is it the Canadian general at the joint task force? Is it Admiral Stavridis, as the Supreme Allied Commander of Europe? My hope is that we identify one key allied commander who is not just in charge of combat air patrol enforcing a no-fly zone but also close air support to ensure that the rebels are not defeated, to attrite armor and artillery from Muammar Qadhafi's army, and to eventually achieve a lasting victory, which, in my mind, could only mean the end of the Qadhafi dictatorship.

I am particularly concerned today about key weapons systems that are available to the United States and not to other countries, particularly the A–10 Warthog and the AC–130 gunship. These are unique assets, critical in the ability to take out Libyan tanks and artillery.

If we internationalize this conflict and as I have heard potential talk of removing combat platforms of the United States from executing close air support missions, my question is, Would AC–130 gunships and A–10s be available for these missions? They are uniquely effective and would make this conflict shorter and more likely to end victoriously. And my hope is that they would continue to be provided to the allied commander so that the progress could move forward on eventually ending this conflict.

General Powell also asked that we estimate the cost of this operation. My understanding this morning is that this operation has cost roughly about $500 million and would likely entail greater cost if it lasts for a long time.

We should estimate this cost, and we should also tell the Congress how we are going to pay for it. My understanding right now is that the administration will not seek a supplemental and will take this out of the core budget of the Department of Defense. What implications does this have for procurement, for military construction, for pay and benefits, and for other critical operations of the United States, led, in order of importance, the Afghan mission, the Iraq mission, and the dozen-plus ships that are now providing the critical humanitarian relief and nuclear recovery of our allies in Japan?

General Powell also asked us to ask the question, have the gains and risks been thoroughly analyzed?

While they may not have been thoroughly analyzed, I am comfortable with the administration's answers to those questions. Had Qadhafi taken Benghazi, had he defeated the rebel government, I think he would have then moved, over time, to destabilize the new government in Egypt.

An end to the Camp David peace accords would be a strategic reversal for the United States. It would put at jeopardy the operations of the Suez Canal. It would have increased the dangers to our allies in the State of Israel. And I think the administration was wise to see a tremendous additional risk had Qadhafi won this war. Now, at least we know the rebels are likely not to be defeated, but a stalemate is also not in our interest. And I would hope we would recall the advice of General Sherman, who said that we should make this as rough and as difficult as possible to the enemy so that, ironically, in most humanitarian terms, it ends, and it ends on the terms of the United States, our allies, and the new rebel government.

Powell also asked us how we might see the situation, once it is altered by force, further develop and what consequences there are there.

My hope is that we would quickly follow the direction of the French Government and recognize the Jalil government, to see that government as a growing potential partner for the United States and the allies so that the people of Libya would see who their potential transitional leaders are and so that we would have clear political authority for them. My hope is that a U.S. envoy would deal directly with the Jalil government and that we would follow the suit of our allies and we would make sure there are clear lines of authority, not just on the military side for combat air patrol and close air support but also political direction for the potential new leaders of Libya.

Added to the Powell doctrine are the two other points often included. One is, can we hit the enemy with overwhelming force?

I strongly support the administration's limitation on no combat boots on the ground. I think that is a wise decision by the United States, and I think we can still direct terrific, tremendous, overwhelming, and decisive

force to end this conflict as quickly as possible. My understanding is that other allied governments may not be so completely constricted on their ability to provide especially the critical role of forward air controllers, who will direct allied air power to the most effective targets to attrite and eventually eliminate the Libyan military. My hope is, though, that we bring all combat assets to bear of the United States and our allies so that we quickly eliminate especially Qadhafi's armor and artillery force and so that this comes to a quick end on the military battlefield.

Finally, the Powell doctrine often has included a final point, which is, Can the support of the American people be demonstrated?

I think in this case we have fallen short. While the Congress and the Senate have adopted a resolution calling for a no-fly zone in Libya, cosponsored by myself and the Senator from New Jersey, Mr. MENENDEZ, I think this is inadequate in fully demonstrating the American people's support for what our troops are doing over in Libya.

I think it is clear that our mission is sustained, and the critical political will of the United States is enhanced if we can formally express support for what our men and women are doing overseas. This has been done in some pretty tough conflicts in the past, particularly Afghanistan and Iraq.

For this conflict, the administration should call for a resolution of approval, and the elected representatives of the American people should vote. In general, I support the President's policy and would vote for this resolution. But I think it is essential for those who are on the field to understand that the Congress is formally with them in a vote cast up or down for this mission and for all of its unintended consequences, potential upsides or downsides.

As Colin Powell leaves the White House today, I hope he carries this advice. I hope all of us recall the key points he laid out. He has wisely put forward for past Presidents and this President a key checklist that all of us as citizens, or those of us who are Senators, as policymakers, can have in reviewing the Powell doctrine.

In the end, the Powell doctrine is a key checklist to use to make sure we resist the call for military action until absolutely necessary; but once necessary, that we hit the enemy with everything we have; that we make the conflict as short and, therefore, as humanitarian as possible; that we demonstrate the full support of the American people for the men and women of the Army, Navy, and Air Force; and that we give them a clear mission with one allied commander. I hope the President gets this advice directly from the general today. I hope the President and the Senate follow it.

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. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

CREDIT UNION LENDING

Mr. UDALL of Colorado. Madam President, I urge the Senate to free up capital for small businesses to allow them to grow, expand, and begin hiring again. Unfortunately, there is a burdensome Federal regulation that currently limits the number of small business loans credit unions can make to family entrepreneurs. Credit unions have money to lend, and they know small businesses in their communities. They know these businesses desperately wanted to jump-start the economy by taking out new loans to grow their companies and hire more workers.

Two weeks ago I came to the floor to ask consideration of a bipartisan amendment, No. 242, which I offered to the underlying bill to raise this cap I have alluded to on small business loans. The amendment would simply get government out of the way and allow credit unions to increase small business lending in their communities without costing American taxpayers a dime.

I wish to repeat that. It would not cost American taxpayers a single dime.

When I spoke previously in support of this amendment and asked for the amendment to be considered, the chairman of the Small Business Committee, Senator LANDRIEU, objected to my request and indicated that Senator JOHNSON, chairman of the Senate Banking Committee, opposed the amendment. I wish to clear up some misinformation the American people may have heard at that time and thank Senator LANDRIEU for removing from the CONGRESSIONAL RECORD her assertion that Chairman JOHNSON opposed my amendment.

I understand that as new chairman of the Banking Committee, Senator JOHNSON has an interest in revisiting this legislation which I negotiated with the Treasury Department, the National Credit Union Administration, and the previous chairman of the Banking Committee, Senator Chris Dodd. But I wish to make it clear in the CONGRESSIONAL RECORD that Chairman JOHNSON does not in fact oppose the amendment.

I also wish to clear up some confusion related to the $30 billion small business lending fund established as a part of the Small Business Jobs Act which arose when I tried to call up my amendment 2 weeks ago. As I pointed out in my original remarks, banks were given access to the small business lending fund, but credit unions have not been allowed to expand their small business lending because of the very cap on loans my amendment addresses.

In our discussion on the Senate floor, it was pointed out to me that credit unions had been asked if they wanted to participate in the small business lending fund, but the credit union industry had turned down the invitation. I was unaware of such an offer; I appreciate being told of it. But unlike many banks, most credit unions do not need extra capital in order to make loans, which is what the small business lending fund intended to provide. Rather, as I have said, most credit unions currently have capital to lend to small businesses, but, unfortunately, they are being prevented from making those loans due to the arbitrary cap limiting their small business lending to no more than 12.25 percent of their assets.

It is no wonder credit unions didn't have an interest in the $30 billion bank fund because they don't need the money and couldn't use it anyway because of this burdensome cap that is put on small business loans.

I appreciate the opportunity to discuss the confusion about amendment No. 242. I thank the chairman and ranking member for their great work on the underlying bill which is important to my home State of Colorado.

I wish my amendment would get a vote today, but regardless of what happens I will continue to work with Chairman LANDRIEU, Ranking Member SNOWE, and the rest of my colleagues to find innovative means to free up credit for small businesses in a responsible way.

On a final note, the Presiding Officer hails from a great State that has significant banking and credit union sectors. We know they don't always see eye to eye, which is the root of the objection to my amendment. Yet they still manage to operate side by side to serve the community's credit needs. They both make up the fabric of America and continue to grow our economy. It is simply the way we do business in the United States.

I wish to highlight that spirit, which is in stark contrast to the kind of divisive politics that have been brewing in America; one that furthers disagreements and draws ideological lines in the sand and, frankly, sows disrespect at the expense of shared interests and collective prosperity. The American people are seeing a disappointing example of that today. There is a vocal minority outside this very Capitol demanding acrimony and a combative approach for Members of Congress which I believe—and many of us believe—in the end will further disable our capacity to get the economy back on its feet.

While this is happening outside, many of us are inside doing the people's business. We treat each other with respect, and we are working on a bill to help small businesses invest in R&D. We are also negotiating a compromise to keep our government running.

That is the American way I have always known. I applaud my colleagues who remain committed to working together.

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

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

INTERCHANGE FEE REFORM

Mr. DURBIN. Madam President, I rise to speak about the issue of swipe fees. Most people do not know what a swipe fee is, but it is almost part of your daily life. The next time you reach into your wallet or purse and pull out a piece of plastic to pay for something—such as my debit card—and present it at a retailer or a restaurant or a hotel or a gas station, understand what is happening in that transaction. There are several things that are not even visible.

What is happening in that transaction is, you are paying that merchant and your bank is going to honor that payment from your account on your debit card, but then the bank and credit card company are going to charge the merchant for the transaction.

In days gone by, if we paid in cash, obviously, there was no fee involved. If we paid with a check—which was done for a long time and is done less and less now—there were pennies charged to process the check. Whether the face amount of the check was $1 or $100—pennies to process the piece of paper through the system.

A much more efficient system is being used with debit cards, where we actually are withdrawing money from our own account to the credit of the restaurant or the retailer. Unfortunately, there is a fee involved charged to the merchant or retailer called the swipe fee—accurately called the swipe fee because what has happened is, these major companies—Visa and MasterCard and the banks that issue their cards—have established how much each transaction will pay in this swipe fee or interchange fee.

The Federal Reserve recently did an analysis and found something interesting: They found that the average swipe fee across America is 44 cents for each transaction. Then they said: Well, what does it actually cost to process this debit account movement of money from one place to another? The answer was: 10 cents or less.

So there is a substantial charge involved in the hundreds, thousands, tens of thousands, millions of transactions that go on every single day, and it has a direct impact on the places where we do business. It means there is an added cost to the retailer or merchant that we are doing business with for the use of the debit card that goes beyond the actual cost to the bank involved.

You say to yourself: Well, that is business, isn't it? If you are going to take these cards, and you want the convenience of using these cards, you have obviously negotiated 44 cents and that is the way it goes. Wrong. There is no negotiation involved. The retailers and merchants literally have no bargaining power in what that fee will be, and over the years, that swipe fee, or interchange fee, has been creeping higher and higher. For many businesses across America, it is the second or third most expensive item in doing business. That is right. Beyond the cost of personnel and workers and beyond the rental and utilities paid or health insurance comes the swipe fee—the fees charged by credit card companies for the use of debit cards and credit cards.

What we said last year, while we were debating financial reform, was, this price fixing by the credit card companies—and there are two giants, Visa and MasterCard, that control 80 percent of the card transactions in America—this swipe fee that is being charged by them should be reasonable and proportional to the actual cost of the transaction. They should not be able to force feed and price fix an excessive swipe fee, or interchange fee, on retailers and merchants across America.

We said to the Federal Reserve: Take a look at this and try to figure out a way to establish a reasonable, proportional fee since the credit card companies and the big banks are not going to negotiate. The Fed is in the process of doing it.

We also said any bank or credit union with less than $10 billion in assets will not be affected by this. Our object was to make sure the hometown banks, the local banks, the local credit unions, could continue to receive interchange fees without any type of oversight by the Federal Government. Some people said: Why didn't you include them? Well, we tried to give them an opportunity to continue to do business because, frankly, those who are closest in the communities are the ones we ought to be mindful of and protective of.

Perhaps I have a little prejudice involved too. The biggest banks in America—the top 1 percent of banks in America—are the ones that do almost 60 percent of this card business. I am talking about the same Wall Street banks that ended up getting a bailout from the Federal Government, to the tune of hundreds of billions of dollars. I do not have a lot of sympathy for them. They made some stupid mistakes and the taxpayers came to their rescue. From my point of view, we should not be subsidizing them or creating an opportunity for them to fix prices when it comes to merchants and retailers across America.

This passed last year with a strong bipartisan vote of 64 Senators, and the biggest banks in America and the biggest credit card companies in America have been working nonstop ever since to stop this from going into effect. They have poured more resources into this effort than I have ever seen, and I have been around this place for a while. They want to stop this because they hate swipe fee reform like the devil hates holy water. For them, it is a dramatic loss of money. How much? Each month—each month in America—these debit swipe fees generate $1.3 billion—$1.3 billion—for the banks at the expense of merchants and small businesses and large businesses, too, for that matter, across America. But not just at their expense. These swipe fees are being paid every time a person uses a debit card or a credit card to pay the government, to pay a university, to make a charitable contribution. That is a reality, and $1.3 billion a month—most of it going to the biggest banks in America—they believe is worth fighting for.

So the fight has been joined, and Senators have come to the floor and submitted an amendment to postpone this swipe fee reform for 2 years—2 years—to study it. Let me see, 24 months times $1.3 billion—over $30 billion they want in a handout to the biggest banks and credit card companies in America. I do not think that is fair. It is sure not fair to the small businesses that had asked me to introduce this and ask me to continue to fight for it. It is not fair to these businesses or their customers.

You see, our reform efforts are not just supported by the businesses. They are supported by the Consumer Federation of America, the largest consumer advocacy group in the United States. They understand that if you are dealing with a competitive business—let's assume you have gas stations across the street from one another and you make more profitability at one gas station, they can lower prices and be more competitive with the gas station across the street. The same is not true when it comes to big banks and credit cards. When it comes to credit cards, we have not a monopoly but a duopoly—two monopolistic companies, very little competition between them. There is a lot of competition in small town America and Main Street America.

Some people ask me why I tackle some of these issues that involve the big banks and credit card companies and others. They say: Don't you understand these operations you are fighting are pretty large in terms of their resources and their political might? There is truth in that. The banks are a $13 trillion industry in America, according to the American Bankers Association—$13 trillion—and last year the banking industry in America made over $87 billion in profits.

Visa and MasterCard were spun off from big banks a few years ago and now are multibillion-dollar companies that control nearly 80 percent of the payment card market.

People tell me these financial industry giants have unlimited resources,

and they are going to fight when there is $1 billion a month on the table.

Well I do not think the people of Illinois sent me—or sent from their own States other Senators—to hand the keys of this country over to big banks and credit card companies. They sent me to make sure Wall Street banks follow the same rules of the road that Main Street businesses follow every single day.

There is nothing wrong with fees charged for services provided, as long as those fees are transparent and are set in a competitive market environment. Don't tell me you are for a free market and then say but Visa and MasterCard can fix prices. Don't tell me you are for a free market and then say those prices they fix have to be concealed and hidden from the public.

When markets are characterized by transparency, competition, and choice, consumers benefit. But consumers do not benefit when fees are hidden, changed without warning or set by agreement between competitors. Sadly, that describes many of the fees banks and card companies have charged in recent years.

We passed the Credit CARD Act of 2009 and then the Dodd-Frank Wall Street Reform Act last year and the Consumer Financial Protection Act was also included. We targeted many of the hidden fees consumers pay in America. If we do not do it, ladies and gentlemen, if the Senate does not do it, I would say to my colleagues: It will not be done.

These powerful economic business entities in America need to be watched closely. Do not take my word for it. Take the word of those who analyze the recession which we are dealing with. Left to their own devices, these entities will go to extremes when it comes to profit taking, and that is what is happening when it comes to these big banks and credit card companies today. If we do not stand for consumers and small businesses on the floor of the Senate, shame on us. Who else is going to do it?

By making fees transparent and helping to inform consumers, our laws will help the financial services market work better for all Americans.

This swipe fee, or interchange fee, reform amendment I added to the Dodd-Frank bill also addressed an anti-competitive market failure in the debit card system. For years, the banking industry has engaged in a collusive practice. The banks that issue the cards have let Visa and MasterCard fix the interchange fee rates banks receive from merchants every time a debit card is swiped. The banks get the fees, but they do not set the fees. Their friends at Visa and MasterCard set the fees that will be charged. This is price fixing, purely and simply, by Visa and MasterCard on behalf of thousands of banks, and this price fixing is currently unregulated.

Of course, every bank in the country is going to tell us the interchange system is working just fine, Senator. That is because with centrally fixed interchange rates, banks do not have to worry about competition. Each bank knows the bank down the street is getting the same fee they are. But there are two fundamental problems with Visa's and MasterCard's fixing of these interchange rates and swipe fees.

First, centralized rate fixing gives the card-issuing banks no incentive to manage their operational and fraud costs efficiently. All banks in the Visa network are guaranteed the same Visa price-fixed interchange rate whether they are efficient or not. There is no competition and the fees literally subsidize inefficiency.

Second, because Visa and MasterCard, the credit card giants, control nearly 80 percent of the debit card market and merchants can't realistically refuse to accept them, Visa and MasterCard have the incentive to constantly raise interchange rates to encourage banks to issue more of their cards. So fee rates keep going up and the merchants are helpless to do anything about it.

I have heard so many speeches on the floor of the Senate about how we love our small business, and we should. It is the backbone of the economy of America. This interchange fee goes to the basic survival of small businesses across America. If this Senate is going to decide that it is more important to protect the big banks and credit card companies than small businesses, shame on us. We should accept the reality that it means these small businesses will struggle, will not be as profitable, will not hire as many people. Can that make us a better country? Can that help us out of the recession?

Merchants can't say no to Visa and MasterCard because of the market power of these two credit card giants and because swipe fee rates are fixed by the networks. A merchant doesn't even have the option of negotiating a better deal, so merchants are stuck with whatever the increase is in swipe fees, which is then passed along to consumers in the form of higher prices for gasoline and groceries. Consumers, and particularly low-income and unbanked consumers, pay for the debit interchange system to the tune of $16 billion a year.

Incidentally, do my colleagues know what the interchange fee is in Canada charged by Visa and MasterCard—the same fee I have been talking about here—through the banks in Canada? Zero. There is no interchange fee. Do my colleagues know what it is in Europe? A fraction of what it is in the United States. Why is that the case? Why would these credit card giants say they can't survive oversight of their interchange fees in the United States and charge zero in Canada and pennies in Europe? Because the Canadian Government came to them and said, We are not going to let you rip off our small businesses. We will regulate you. They said, Never mind, we won't charge an interchange fee in Canada. In Europe, the same thing happened. If we are silent, exactly the opposite will occur. The credit card companies will continue to increase these fees at the expense of American consumers and small businesses and large businesses alike.

Some people out there apparently trust Visa and MasterCard to price fix in a fair and benevolent way. They don't see the need for reform. If you believe the giant credit card networks can be trusted to fix interchange prices in a way that is fair for banks, merchants, and consumers, then you should be fine with the status quo and have no problem prolonging it for years.

That is exactly what the amendment coming before us will do. It will postpone for 2 years and put in a study of this issue. Well, we should study things before we act on them, that is for sure. But let's look at the record. We have had nine different congressional hearings on this issue and three separate studies already. We have studied this one to death. What the banks and credit card companies want us to do is to keep on studying so they can collect $1.3 billion every single month. That is their strategy.

I don't place my trust in Visa and MasterCard, and I am not alone. Last year, a strong bipartisan majority in Congress said we better stand up for small business and retailers and consumers, and we passed this law. The banks and credit card companies are pulling out all the stops. I learned yesterday that Chase, which is one of the major issuers of these debit cards across America, sent a letter to their customers in a number of States and said, If you don't repeal the Durbin amendment, we are going to end up in a position where we won't be able to give you all of the rewards which we are offering you on your debit and credit card.

First, this relates to debit cards which don't carry the big reward programs. Secondly, this kind of veiled threat from these credit card companies should not be taken seriously by any consumer across America.

The last time we had credit card reform, we unfortunately waited months before it became law. The credit card companies saw it coming. So what did they do? They dramatically raised their interest rates on consumers across America during that period of time. Don't expect any favors from this industry. If we do not regulate the credit card industry and the banks that issue these cards, trust me, the consumers will continue to lose time and time again.

As for Chase, I don't think there are going to be any poppy flowers sold on their behalf on street corners. If I recall correctly, their last earnings report showed a 48-percent increase in profits over their previous year. They are doing quite well. Now it is time for

them to give small businesses and consumers across America a break when it comes to the fees they are charging.

Congress said that if banks are going to let Visa and MasterCard fix the interchange rates that merchants pay banks, then the rates fixed on behalf of the biggest 1 percent of banks must be reasonable and proportional—reasonable and proportional. This is a narrowly targeted reform through the Federal Reserve. The new law will provide a constraint on ever-rising interchange fees that the current broken market does not provide.

We have given this job to the Federal Reserve. They have put out draft rulemaking and they are soliciting comments across the country. Chairman Bernanke called me a couple of days ago and said they needed an additional few weeks to come up with the rule that will still go into effect in July of this year. I understand that. I want him to do his best. I want him to follow what this law says—exempting credit unions and community banks with less than $10 billion in assets.

The Fed has taken this job seriously, and I am glad they have. The Fed knows that many small banks are concerned the reform might affect them even though the law clearly exempts them. Last week Chairman Bernanke told all those small banks at a meeting that he understands their concerns and will work with them to make sure the final rule addresses them.

I urge my colleagues to stand up for the reasonable reform Congress passed last year. We don't need another study. A study is an excuse for the credit card companies and the biggest banks in America to take $1.3 billion a month out of the economy and away from small businesses.

I want my colleagues to know there is broad support for debit interchange reform. I have received many letters in recent days from individuals, small businesses, and organizations that support reform. I will readily concede that the big box retailers are also benefitted by this. I am not trying to hide that. That is a fact. But the simple fact of the matter is this has been generated by a lot of local people and a lot of local businesses.

Let me tell my colleagues, this is hardball as far as the big banks and credit card companies are concerned. I happened to mention that I was brought to this issue 4 or 5 years ago by a good friend of mine, a very conservative gentleman who has been very successful in downstate Illinois, named Rich Niemann from Quincy, IL. He owns a bunch of grocery stores and has expanded all across the Midwest. He is a hard-working guy the like of which is hard to find. He and I disagree on a lot of things, but I always turn to him when I have a business issue because I know he will give me an honest analysis. When Rich told me that he started accepting plastic at his grocery stores, it went from just a small number of transactions to now almost half of the transactions at his grocery stores are with plastic and he says, They are killing me with this interchange fee. The credit card companies and debit card companies are charging him this fee and he has no voice or bargain in the process. They charge whatever they want to charge and he pays it. He is a man who is trying to create jobs in small-town America. I thought he had the right approach to this. They should be able to recover their reasonable, proportional costs for using a debit card, but why should they be able to penalize a business such as Rich Niemann's grocery stores? I said this publicly a couple of days ago and, not surprisingly, some folks on the other side decided to go after and attack Rich Niemann as a businessman. I will stand with him. From my point of view, he is a good man. I don't think he votes for a lot of Democrats. I hope once in a while he might vote for me, but notwithstanding that, I respect him so much and I am sorry he had to take this beating in the press from the other side. He can take it, though. He has been a tough guy who has stood up for his family and his business all his life.

Incidentally, on March 18 I received a letter from the American Council on Education and nine other national associations representing colleges and universities and here is what they said:

> Debit card swipe fees have been a hidden expense for students and families paying for college for which they receive no benefit. As a result of the law enacted last year and the Federal Reserve's proposed rule, we believe colleges and universities will see reduced debit card costs which they will be able to pass on to students through lower costs as well as increased resources for institutional grant aid and student services.

We don't think about that. We think about gas stations. But the fact is students use plastic for everything, and the universities and colleges end up paying these swipe fees to the big banks and the credit card companies and debit card companies as a result.

On March 15 I got a letter from the Consumer Federation of America. Some of the folks on the other side said this will never help consumers. These businesses are going to take all the savings that would otherwise go to the big banks and credit card companies and they are going to take those and go home. Well, I disagree, and so does the Consumer Federation of America, the leading consumer advocate in this country. Here is what they said on March 15:

> The current interchange system is uncompetitive, nontransparent, and harmful to consumers . . . CFA does not support delaying implementation of the new law.

That is what the amendment on the floor today suggests.

On March 15 I received a letter from the consumer groups Public Citizen and U.S. PIRG, and here is what they said:

> The Durbin amendment was designed to curb anticompetitive practices in the payment card market . . . we do not support legislation calling for delay of the Durbin swipe fee amendment.

Yesterday I received a letter from Americans for Financial Reform, a coalition of over 250 national, State, and local groups, including consumer, civil rights, investor, retiree, labor, religious, and business groups. Here is what they said:

> From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump. . . . We oppose efforts to delay the implementation of the Durbin amendment through Congressional action.

Make no mistake, the big banks and card companies want to stop this rule before it is issued, because they are afraid that once it is issued and once people realize the savings to business and consumers across America, they will never go back. So they are pouring it on to try to move this amendment as quickly as possible to stop the Federal Reserve from issuing the rule which the law requires them to issue.

On March 17, the Hispanic Institute sent me a letter and here is what they said:

> Sixteen countries and the European Union regulate swipe fees and their experience demonstrates that regulation benefits consumers in lower fees and lower cost of goods. There is no evidence that swipe fee regulation will lead to an increase in other consumer fees.

The National Small Business Association—as I said, we spend more time on the Senate floor venerating small businesses than almost anything other than our troops. Here is what the National Small Business Association said in a statement on March 23:

> The Durbin amendment and the proposed Fed rule are beneficial to America's small businesses. Further delay, equivocation, and another big-bank handout are not.

I also received a letter from 185 national and State merchant trade associations representing 2.7 million stores and 50 million employees.

Let me say at the outset, the coalition I am representing is not nearly as powerful or as large politically as the big banks and the credit card companies. They can't match them in terms of their political power, the number of lobbyists they hire, the number of letters they send, and all the rest. For the most part, they represent a lot of small businesses that are trying their best to get fair treatment. Here is what they say:

> We have repeatedly sought to negotiate with the card companies to reform this broken market and bring savings to our customers. Fifteen years later, we have concluded that normal market forces cannot and do not work in a broken market with price-fixing among banks controlled by a duopoly.

They mean Visa and MasterCard.

They urged Congress to oppose any efforts to delay swipe fee reform.

The United Food and Commercial Workers, a union which I used to belong to when I was growing up, said:

Delaying swipe fee reform will also delay the creation of thousands of jobs each year that will result in reduced interchange fees. This reform is long overdue for working Americans everywhere.

The National Community Pharmacists Association and the National Association of Chain Drug Stores sent me a letter and said:

We request any assistance you can provide in ensuring the timely completion of the final regulations and enforcement of the Durbin amendment.

The National Association of College Stores and 20 State associations wrote and said:

Credit and debit purchases account for more than $100 million annually in interchange fees paid by college bookstores and their student and parent customers.

Let me repeat: $100 million a year paid by college bookstores and their student and parent customers in interchange fees to the banks and credit card companies.

They go on to say:

Excessive swipe fees that would otherwise be returned to students through lower prices, grants, and student services are being misdirected toward credit card companies and large banks. . . . Every month of delay means higher costs for students and parents at a time when schools are being asked to do more with less funding.

I ask unanimous consent that these letters be printed in the RECORD.

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

AMERICAN COUNCIL ON EDUCATION,
Washington, DC, March 18, 2011.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: I write on behalf of the higher education associations listed below to oppose efforts to delay, amend, or repeal the debit card swipe fee reforms enacted last year in the Dodd-Frank Wall Street Reform and Consumer Protection Act (''Dodd Frank Act'') and regulatory implementation of these reforms by the Federal Reserve. We strongly support these needed reforms, which will provide real relief to students, their families, and colleges and universities across the country.

Debit card swipe fees have been a hidden expense for students and families paying for college for which they received no benefit. As a result of the law enacted last year and the Federal Reserve's proposed rule, we believe colleges and universities will see reduced debit card costs which they will be able to pass on to students through lower costs as well as increased resources for institutional grant aid and student services. In addition, implementing this reform will create an opportunity for institutions to offer discounts to students for payments made with checks and debit cards.

During this time of economic insecurity, steps like those undertaken in swipe fee reform will help students and their families manage the costs of college with increasingly strained budgets.

We urge the Senate to stand up for students and the colleges and universities that serve them by ensuring that these debit card swipe fee reforms are fully implemented in a timely manner.

Sincerely,

MOLLY CORBETT BROAD,
President.

CONSUMER FEDERATION OF AMERICA,
March 15, 2011.

DEAR SENATOR: As Congress assesses the impact on consumers of debit interchange legislation it enacted last year, the Consumer Federation of America would like to share with you the conclusions we have reached:

The current interchange system is uncompetitive, non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, CFA does not support delaying implementation of the new law.

The Federal Reserve should ensure that financial institutions are reimbursed for legitimate, incremental debit card costs as it finalizes rules implementing new interchange requirements. If such compensation does not occur, these institutions could increase debit card and other related banking charges on their least desirable and most financially vulnerable consumers: low- to moderate-income account holders.

Once the law is implemented, the Federal Reserve should also pay close attention to how it affects the financial viability of small depository institutions, especially credit unions, which often provide safe, lower-cost financial products to millions of Americans.

Although CFA did not take a position on the interchange provisions of the Dodd-Frank Act, we have carefully examined the law and filed comments with the Federal Reserve on how to implement it fairly and effectively. For example, we urged the Federal Reserve to consider increasing its proposed interchange pricing standards as allowed under the law to include several specific, debit-related expenses incurred by financial institutions. CFA also recommended that the Federal Reserve launch a broad, balanced study upon implementation of the effects of the rule on consumers.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans are required to subsidize. The new law gives the Federal Reserve authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services.

Sincerely,

TRAVIS PLUNKETT,
Legislative Director.

MARCH 15, 2010.

CONSUMER GROUPS OPPOSE DURBIN AMENDMENT DELAY

TO THE BIPARTISAN CONGRESSIONAL LEADERSHIP: U.S. PIRG and Public Citizen write in support of the timely implementation of the Federal Reserve swipe fee regulation as prescribed under the Durbin Amendment of the Dodd-Frank Wall Street Reform and Consumer Protection Act enacted last summer. The law provides numerous reforms to financial industry practices beneficial to consumers, depositors, investors and taxpayers. Included in the Dodd-Frank Act is the Durbin Amendment, which limits the interchange swipe fees charged to retail merchants on debit card transactions. The Durbin amendment was designed to curb anticompetitive practices in the payment card market.

It is our understanding that there has been proposed legislation introduced to delay the implementation of the Durbin amendment. We do not support legislation calling for delay of the Durbin swipe fee amendment. While we have urged the Federal Reserve Board of Governors to modify its proposed rule implementing parts of the Durbin Amendment (parts have already taken effect), the rulemaking process, not further legislation, is the appropriate venue for any changes. In addition, consideration of a delay in the Durbin amendment could otherwise imperil timely implementation of the Dodd-Frank Act's other provisions designed to remediate the economic crisis caused by risky, unregulated Wall Street practices.

We appreciate your consideration of our views urging that the Durbin amendment be implemented by the Federal Reserve, not delayed in the Congress.

Sincerely,

U.S. PIRG AND PUBLIC CITIZEN.

AMERICANS FOR FINANCIAL REFORM,
Washington, DC, March 30, 2011.

DEAR SENATOR/REPRESENTATIVE: We write to express Americans for Financial Reform's continued support for the Durbin swipe fee amendment which we supported and was included in the Dodd-Frank Wall Street Reform and Consumer Protection Act. The current interchange system is uncompetitive, non-transparent and harmful to consumers. It is simply unjust to require less affluent Americans who do not participate in or benefit from the payment card or banking system to pay for excessive debit interchange fees that are passed through to the costs of goods and services. As a result, AFR does not support Congressional delay of implementation of the new law.

As you know, Americans for Financial Reform is an unprecedented coalition of over 250 national, state and local groups who have come together to reform the financial industry. Members of our coalition include consumer, civil rights, investor, retiree, community, labor, religious and business groups as well as renowned economists.

We oppose efforts to delay implementation of the Durbin amendment through Congressional action. The new law gives the Federal Reserve adequate authority it can use without delay to make sure that the debit interchange reimbursement financial institutions receive covers their legitimate, incremental costs for providing debit card services.

From a consumer point of view, the current interchange system is not defensible. Feeble competition in the payment card marketplace has led to unjustifiably high debit interchange fees that the poorest Americans, generally cash customers, are required to subsidize at the store and at the pump.

Thank you for your consideration of our views. If you or your staff have any questions, please contact Ed Mierzwinski at U.S. PIRG.

Sincerely,

AMERICANS FOR FINANCIAL REFORM.

THE HISPANIC INSTITUTE,
Washington, DC, March 17, 2011.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
U.S. Capitol, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATORS REID AND MCCONNELL: On behalf of The Hispanic Institute, I urge you to oppose Senate Bill S. 575, House Bill H.R. 1081, and any other effort to delay, amend or repeal the Durbin amendment which passed last year as part of the Dodd-Frank Wall Street Reform Act. Delaying implementation of the Durbin amendment hurts consumers, especially low- income consumers.

The Hispanic Institute's mission is to provide an effective education forum for an informed and empowered Hispanic America. We have already studied the impact of swipe or interchange fees on Hispanic America. In fact, we have been studying the problem of swipe fees for years and have found that the market for these fees is broken and that Hispanic American consumers and businesses are harmed as a result.

In 2009 we published a study, ''Trickle-Up Wealth Transfer: Cross-Subsidization in the Payment Card Market,'' that broke new ground by showing that hidden swipe fees imposed on credit and debit cards result in a reverse transfer of wealth and make low-income Americans subsidize high-income Americans—without them even knowing it. We also found that these fees are part of the prices consumers pay every day and that when fees are lower, prices are lower for consumers. Our ground-breaking work has since been cited by the Boston Federal Reserve.

On February 17th, we submitted testimony to the House Financial Institutions Subcommittee of Financial Services, along with U.S. PIRG and Public Citizen, voicing support for the Federal Reserve rule to deal with the problems we have found. Unfortunately, the banking industry is fighting to stop these needed reforms. If the banking industry is successful in delaying or repealing reform, consumers and the American economy will pay. Studies indicate that consumers will pay an extra $1 billion to banks every month that reform is delayed, and the more than 95,000 new jobs that reform would create each year will be shelved. This should not happen.

As we noted in our testimony:

The current swipe fee market is broken and all consumers pay more for less because of escalating swipe fees;

Sixteen countries and the European Union regulate swipe fees and their experience demonstrates that regulation benefits consumers in lower fees and lower costs of goods;

There is no evidence that swipe fee regulation will lead to an increase in other consumer fees; and

Reductions in swipe fees should result in substantially lower prices for all consumers.

The Durbin amendment and Federal Reserve rule allow banks to compete on swipe fees and avoid regulation. Reasonable limits are only imposed when the banks centrally fix their fees. If they would compete, all American consumers and businesses would be far better off. We urge you to oppose S. 575 and H.R. 1081, and press for the Federal Reserve's rule to be finalized and take effect in order to address the terrible problems with swipe fees that the Hispanic Institute has identified. Thank you for your consideration.

Sincerely,

GUS K. WEST,
President, Board Chair.

[From National Small Business Association, Mar. 23, 2011]

BILLS INTRODUCED TO DELAY SWIPE FEE REFORM

The U.S. Federal Reserve (Fed) in Dec. 2010 proposed new rules limiting the size of the fees banks can charge businesses every time a debit card is used to pay for a good or service. The Fed was required to address debit-card swipe fees thanks to an NSBA-supported amendment, introduced by Sen. Whip Dick Durbin (D-Ill.), to the Restoring American Financial Stability Act (S. 3217). The final rule is expected by April and currently is set to take effect on July 21, 2011.

The Fed proposed a number of options that would result in reduced swipe fees for debit-card transactions. One option would allow issuers to set a flat fee of seven cents per transaction. A second option would allow a sliding scale, based on the purchase price, with a maximum fee of 12 cents per transaction. The proposed rule exempts banks with less than $10 billion in assets and does not apply to credit cards.

Although NSBA supports no interchange fees being charged on debit-card transactions—since they clear, like checks, at par—the proposal represents significant progress. Currently, merchants pay, on average, debit card processing fees of about 1.3 percent. According to the Fed, the average swipe fee last year was 44 cents. This means that even the highest option would result in swipe fees more than 70 percent lower than the 2009 average.

The proposed rules also still present issuers with a large profit margin. According to one bank, a swipe-fee cap of 7 cents per transaction still would produce a profit margin of about 8 percent, compared to the retail industry's average profit margin of one to three percent.

While the proposed rule was a significant victory for small businesses, retailers, and consumer groups, it was met with immediate howls by the banking industry, which collected $16.2 billion from debit-card swipe fees in 2009. Arguing that the proposed rule represented governmental interference in the private market (and ignoring the fact that the previous system differed greatly from any notion of a competitive ''market''), the banking lobby responded to the proposed rules with a multi-million advocacy campaign aimed at undermining them.

Last week, they achieved their first success in this effort, when Sens. Jon Tester (D-Mont.), Bob Corker (R-Tenn.), Jon Kyl (R-Ariz.), Ben Nelson (D-Neb.), Tom Carper (D-Del.), Pat Roberts (R-Kan.), Chris Coons (D-Del.), Mike Lee (R-Utah), and Pat Toomey (R-Penn.) introduced legislation, the Debit Interchange Fee Study Act (S. 575), that would suspend the implementation of the Fed rule for two years.

The bill also mandates that a study on debit interchange fees be conducted by the Fed, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the National Credit Union Administration. The outcome of this study is virtually guaranteed to be flawed, given the parameters outlined by the bill.

Companion legislation (H.R. 1081) has been introduced in the House, by Rep. Shelley Moore Capito (R-W.Va.) and 27 cosponsors.

NSBA is ardently opposed to these efforts, which clearly are aimed at preventing the rules from going into effect rather than illuminating the issue. The swipe-fee system already has been the subject of three separate U.S. Government Accountability Office reports and nine Congressional hearings.

The Durbin amendment and the proposed Fed rule are beneficial to America's small businesses. Further delay, equivocation, and another big-bank handout are not.

FEBRUARY 28, 2011.

To: Members of the United States Senate; Members of the United States House of Representatives

From: The 185 undersigned national and state trade associations on behalf of the companies and customers we represent

Re: Debit Card Swipe Fee Reforms—Allow Implementation to Move Forward

The Merchants Payments Coalition, representing 2.7 million stores and their 50 million employees, urges you to oppose any efforts to amend, repeal or delay swipe fee reform. Derailing swipe fee reform would take more than $10 billion per year out of consumers' pockets and kill more than 95,000 new jobs.

Big credit card companies have created a prim-fixing regime that benefits the largest banks, including ''too big to fail'' institutions that have received hundreds of billions of dollars in federal bailout money, at the expense of Main Street merchants and consumers.

Small merchants in your community are powerless against the big credit card duopoly. The card companies and big banks have not and will not negotiate with businesses over swipe fees. As a result, these fees:

Have tripled over the last 10 years;

Largely benefit the 10 biggest banks;

Are the second highest expense many small merchants face after labor costs; and

Are rising faster than health care costs.

This issue is unlike any other we have faced in business. We have repeatedly sought to negotiate with the card companies to reform this broken market and bring savings to our customers.

Fifteen years later, we have concluded that normal market forces cannot and do not work in a broken market with price-fixing among banks controlled by a duopoly. So we reluctantly came to Congress.

After seven hearings in the House, two of which were held since passage of the debit card reforms, a bi-partisan markup in the House, and two hearings in the Senate on the issue, legislation passed the United States Senate last summer by a strong bi-partisan 64 to 33 vote with 17 Republicans supporting the amendment. Changes were negotiated and adopted during the conference process before the bill was signed into law.

The law directs the Federal Reserve to prescribe regulations regarding interchange swipe fees on debit card transactions and requires that the Federal Reserve establish standards for assessing whether an interchange swipe fee is reasonable and proportional to the cost incurred by the issuer with respect to the transaction. After a lengthy and thorough process conducted by the Federal Reserve of survey design and collection, conference calls, meetings with various groups, and survey analysis, the Board of Governors voted unanimously in favor of publishing a proposed rule on this subject. We see the proposed rule as a compromise of the ideas advanced by the banks and networks and the ideas advanced by the merchants and consumers.

The statute further directs the Fed to publish a final rule by April 21, which would take effect on July 21. The Fed has indicated that it intends to meet these deadlines unless Congress directs otherwise, We strongly urge you not to support delay and to allow the rule to take effect as scheduled.

Swipe fee reform has been a key vote for each of our associations every time it has been considered and will continue to be. We would urge you to learn more about the issue, listen to all sides, and not sign letters or support legislation that seek to delay; repeal or modify the proposed rule.

We urge you to stand with your small Main Street merchants and their customers and allow swipe fee reforms to take effect on time.

Sincerely,

THE UNDERSIGNED NATIONAL AND STATE TRADE ASSOCIATIONS.

UFCW,
Washington, DC, March 28, 2011.

To All Members of the United States Senate

DEAR SENATOR: On behalf of the United Food and Commercial Workers International Union (UFCW) and our more than 1.3 million members, we encourage you to oppose any effort to delay or repeal the implementation of ''swipe'' fee reform, also known as interchange fee reform.

More than one million of our members work in the supermarket and retail industry where swipe fees are a growing cost of business and a concern for the continued success of this important industry. Each time that a UFCW cashier swipes a debit card, the supermarket is charged a percentage of the sale. That fee, hidden from customers, is reflected in higher prices, which in turn impacts our members and customers each day.

The banks and card companies want these fees to remain hidden so that they can continue to reap large profits and subsidize the costly benefits and rewards that they give to their wealthiest cardholders. Make no mistake, the banks and card companies want to delay the swipe fee reforms so that they can continue to charge more than $1 billion in swipe fees for each month of delay.

But most importantly, delaying swipe fee reform will also delay the creation of thousands of jobs each year that would result from reduced interchange fees.

This reform is long overdue for working Americans everywhere. Our members have paid the price for rising interchange fees for far too long.

A bipartisan group of 64 Senators courageously passed this important swipe fee reform in 2010. UFCW respectfully asks that you oppose any efforts to delay these reforms and allow the Federal Reserve rule to take effect on schedule later this year.

Sincerely,

JOSEPH T. HANSEN,
International President.

MARCH 8, 2011.

Hon. JOHN BOEHNER,
Speaker, House of Representatives,
Washington DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington DC.
Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington DC.

TO THE BIPARTISAN CONGRESSIONAL LEADERSHIP: The National Association of Chain Drug Stores and the National Community Pharmacists Association are writing in support of the implementation of the Durbin Amendment, which was included in the Financial Reform legislation enacted last year. The Durbin Amendment limits the fees charged to retail merchants on debit card transactions (known as ''swipe fees'') to a level that is ''reasonable and proportionate'' to the costs incurred by the banks and credit card associations to process these transactions. The amendment also allows retail merchants options on how their debit card transactions are routed for processing, which provides market competition for this part of the process.

The law requires the Federal Reserve to write rules to enforce the ''reasonable and proportional to cost'' requirement by July 2011, although the precise date for enforcing the routing rule is left to their discretion. At this point, the Federal Reserve has issued draft regulations on what is to be considered reasonable and proportionate, and they have closed the comment period on the rules.

We believe it is imperative that this process of writing and issuing final regulations continue as required by the law. Debit and credit card interchange fees currently total close to $50 billion annually for retailers. The timely promulgation and enforcement of the regulations will assure the beginnings of reform for both debit and credit cards to assure that fees are ''reasonable and proportionate'' for retailers and the customers they serve in a highly competitive marketplace.

We request any assistance you can provide in ensuring the timely completion of the final regulations and the enforcement of the Durbin Amendment, and ask you to communicate that position to the Federal Reserve.

Please contact either Paul Kelly or Anne Cassity if you have any questions.

Sincerely

STEVEN C. ANDERSON, IOM, CAE,
President and Chief Executive Officer, National Association of Chain Drug Stores.
KATHLEEN D. JAEGER,
Executive Vice President and Chief Executive Officer, National Community Pharmacists Association.

NATIONAL ASSOCIATION OF COLLEGE STORES,
Oberlin, OH, March 18, 2011.

DEAR SENATOR, On behalf of the National Association of College Stores and the undersigned associations, I am writing to ask you to not co-sponsor and to oppose S. 575, the Debit Interchange Fee Study Act of 2011. This legislation would delay and effectively kill debit card fee reforms scheduled to go into effect this July; reforms that will have a positive impact on colleges, universities, elementary and secondary schools, and the students and parents they serve.

Headquartered in Oberlin, Ohio, NACS is the professional trade association representing the collegiate and K–12 retailing community. We represent more than 3,100 collegiate and elementary and secondary bookstores including school owned and operated bookstores, non-profit student owned cooperatives, small privately owned bookstores, and contract managed bookstore companies. NACS member stores serve nearly 95% of America's 17.5 million college students while supporting the academic missions of education institutions.

Last year Congress enacted reasonable and measured reform to the swipe fees that colleges and universities, K–12 schools, and other non-profits, and small family owned businesses pay Visa and MasterCard and the big banks every time a student, parent, or alumni pay or donate at these institutions and at collegiate and K–12 retail stores. In fact, according to a recent report by the National Association of College and University Business Officers found nearly ⅓ of all tuition and fee payments made to colleges and universities and nearly half of all tuition and fee payments made at community colleges in 2009 were subjected to excessively high interchange swipe fees.

Credit and debit purchases account for more than $100 million annually in interchange fees paid by college bookstores and their student and parent customers. Excessive swipe fees that would otherwise be returned to students through lower prices, grants, and student services are being misdirected towards credit card companies and large banks.

Congress established a lengthy, deliberative, fair, and open process for the Federal Reserve to carry out needed debit swipe fee reforms and that process is still ongoing through July, yet S. 575 is an attempt by the big banks to derail this process indefinitely. Every month of delay means higher costs for students and parents at a time when schools are being asked to do more with less funding.

We strongly encourage you stand up for education institutions, collegiate and K–12 retailers and our student and parent customers by not co-sponsoring S. 575, the Debit Interchange Fee Study Act of 2011, and also opposing any efforts to move this bill in the Senate.

Sincerely,

BRIAN E. CARTIER, CAE,
Chief Executive Officer.

Mr. DURBIN. In closing, I know what I am up against. Don't take on Chase and all the big banks of America—the ones that have the lion's share of these debit cards—and Visa and MasterCard and not get suited up for battle. This is a darn important battle. It will test beyond the wisdom or justice of this proposal; it is going to test who owns the United States Senate. Is this a Senate that is willing to stand up for small business across America? Is this a Senate that is willing to say we will fight for consumers even at the expense of the profits of the banks and credit card companies?

I think consumers across America know on which side we should be. I hope we will be. We were last year, with 64 Senators, Democrats and Republicans, joining to stand up for small businesses and large businesses alike, retailers and merchants. I know the big banks and credit card companies have enormous resources, and they have a reach in every direction. I know they are running commercials and sending an army of lobbyists to Capitol Hill. They also have allies in the Senate. They will pull out all the stops to roll back any effort to curb their abusive practices.

I want my colleagues to know I think Main Street is worth standing up for—certainly, when it comes to their fights with Wall Street. Small businesses, consumers, universities, labor unions, and merchants are sick and tired of the banking industry's tricks, traps, and hidden fees. They want fees they can see, and they want them set up in competition, not fixed by credit card companies. They want the Wall Street banks to play by the same rules of the road that the Main Street businesses play by every day, and I want that too. I hope the Senate does as well.

I urge my colleagues not to let the big banks and credit card companies avoid accountability for 2 more years. In the name of a study, do not give a $30 billion handout to the biggest banks and credit card companies in America. That is exactly what the amendment filed on the Senate floor will do. Do not delay interchange reform. Do not delay swipe fee reform. Don't give those banks another multi-billion-dollar handout with no strings attached.

I urge my colleagues to let the Federal Reserve do the job that was sent their way. Let them move forward with the important process of swipe fee reform.

On behalf of businesses and merchants all across America, they are counting on the Senate to be on their side to help them in reaching profitability and making sure their savings are passed along to consumers and in being the No. 1 engine for the creation of new jobs in America. Our question

is, Whose side are you on? I am on the side of small business and Main Street. I hope my colleagues will be as well.

I yield the floor.

The PRESIDING OFFICER (Mr. COONS). The Senator from Massachusetts is recognized.

APPROPRIATIONS

Mr. BROWN of Massachusetts. Mr. President, I enjoyed the previous speaker's presentation. I come to the floor to talk about the ongoing negotiations between the White House, Speaker BOEHNER, and my colleagues in the Senate regarding the appropriations for the current fiscal year.

Since the beginning of the 112th Congress, the House and Senate have been trying to find common ground to finish the appropriations for fiscal year 2011. Instead of reaching a long-term compromise, we passed no fewer than six short-term continuing resolutions.

Not only does that disrupt our military men and women who are trying to serve but also every other facet of government and people's lives throughout this country. The funding resolutions that provide little in the way of addressing our staggering deficit have little certainty with our trading partners and absolutely no certainty whatsoever to the world market in terms of our ability to manage our Nation's finances.

Sadly, rather than reaching a workable, bipartisan solution, responsibly addressing our staggering deficit, which is expected to reach $1.5 trillion this fiscal year, our leaders have repeatedly given us false choices between continuing resolution proposals that don't go far enough to reduce Federal spending and proposals that I believe establish the wrong priorities for me and my State and many other people as well throughout this Chamber.

I believe many of the choices that were made disproportionately affect low-income families and seniors. One of my Senate colleagues, if you remember, characterized this process as a ''Hobson's choice.'' I agree. The world right now is looking for two things—the world markets, financial markets—and the people who invest in this country are looking for two things. They want us to do a lean and mean budget, get our fiscal and financial priorities in line now. They are also looking for us to tackle entitlements, whether it is military, Social Security, Medicare, Medicaid, et cetera. Then they will know that, in fact, they can invest here.

When they invest, the money will be safe and they are actually going to get a good return. When Pimco doesn't even do more bonding with America, that is a sign. When we have other countries throughout the world being downgraded by the bonding services, it is a problem. We are in this financial kind of roll to negativity. We have to get our fiscal and financial house in order right away.

I have been absolutely disappointed, and I know everybody listening in the gallery and those watching today have been absolutely disappointed by the pace of negotiations between the two Chambers. We have had FAA legislation. I want to fly in a safe plane. I get that. We have done the patent bill, and I want safe drugs and everything. I get that. We are on the small business bill now, and the Senator before me spoke—I am on the committee. I am happy to do it, and I get it. But are you kidding me? We are in the biggest financial mess we have ever been in, and we are doing everything but dealing with the financial mess.

Here we are with over a $14 trillion debt. For people listening, when I came here, we had an $11.5 trillion national debt. Now it is over $14.3 trillion and counting. The deficit, unfortunately—despite passing six different CRs and an understanding that passing it would move our negotiations further along, we are once again faced with the likelihood of a government shutdown.

I never, ever thought I would be a Senator from Massachusetts and come here and say: Oh, my gosh, I was here when they shut down the government. What do I tell the staff and the people back home? I am not going to participate in that. I am going to be a problem solver. If you are liberal or conservative, Republican or Democrat—I don't care what your party is—I am going to find solutions to try to avoid any type of government shutdown. I don't want one. Nobody I am talking to wants one.

We have to get these negotiations in perspective. We have to actually express to our leaders, as I just did, that, hey, we are concerned. I want to make sure we tackle these issues.

While the Federal budget is only a small part, gosh, I can't tell you—and Senator CARPER is here. How many times have we been in committee hearings and they are talking about wasting billions and billions of dollars—$76 billion just through one program that we are attacking.

I was in the military budget hearing the other day. It is $104 billion over budget for one weapon system. Are you kidding me? Really? It is phenomenal.

We are debating cutting, I guess, $61 billion, give or take, but we don't have a problem with going over budget $100-plus billion in various programs and wasting billions of other dollars. So, on one hand, we are fighting about a small, minute part of what we are doing, and on the other hand, we are giving away the money.

There was just a report that came out that said we are wasting billions of dollars on duplication. Executive order No. 1: Let's fix it so we don't have to worry about that, and that money we save can be used for seniors, kids, Pell grants, and all of the things people are fighting about right now. I will say, however, a government shutdown absolutely serves no purpose and is in nobody's best interest—not our country's, not the workers', and it is not in the global economy's best interest.

I, for one, stand ready to work with any Senator or any Congressman or member of the administration who wants to get together and solve these very real problems. However, I am encouraged about the recent developments in the negotiations, which was the news breaking yesterday that a possible deal is close. That is great. They are talking about $33 billion. I just cited $104 billion in one military program. In Medicare, $76 billion goes out every year just because—I am happy doing it, but the world is looking for that fix, the lean and mean budget, but also for us to get entitlement reform, eliminate the waste and abuse—commonsense things that every person in this Chamber and everybody listening does in their homes and businesses.

Why can't we treat the Federal Government like a business for once? This makes no sense to me. I am not the new guy anymore. You are the new guy, Mr. President. Congratulations for being the Presiding Officer today. Being the new guy, I hope you agree with me that we have to kind of work together—and we have tried to do that, you and I, Senator CARPER, and others—to try to find that common ground. I think we agree on the number. It is just a question of do we tackle it here or there.

I am from the approach of let's do a little of everything and satisfy every special interest and political interest and just get the problem solved. It will take real choices, tough choices right now. Everybody listening now absolutely understands that everything is on the table. We have to be fair and judicious in our cuts. How do we go from A to Z overnight? There is no transition period or no consideration for jobs, and, actually, the safety of people in some of these cuts.

I stand ready to work with each of you to do what it takes and put politics aside. Listen, is there an election this year? I don't think so, because I am looking at 2011 right now—2011, as the one year, the one chance we have to actually solve problems, folks. In 2012, we can do whatever we do in the political season. I get it. For right now, we have a great opportunity to send a message to all those folks who say Washington is broken. In Washington, it is like, you are great, you are great, everybody is great. Senator CARPER is great. He is one of my best friends here. But, listen, outside Washington, they have no clue what we are doing. They don't trust us or think we are addressing the real problems that affect our great country.

Our collective work begins by having a clear understanding of the seriousness of our budget concerns. I know we have had bipartisan meetings. I am so encouraged, as a relatively new Member, that we have had about 60, 65 people come together to hear the number. Is it fact, fiction, or real? What is it?

We agree we are in trouble. So why aren't all the leaders of this great country—and there is plenty of blame to go around—getting together and seriously letting us know what the priorities are? Why doesn't the President call my office, or anybody else, and say: Scott, these are my priorities. I challenge you to work with me to get them done.

What are his priorities for cuts? Does anybody up there know? I don't know. If he called you or me, I know we would give him the respect the office deserves, and we would go out and say: I will work with my colleagues, Mr. President, or Mr. Leader, or Mr. Minority Leader, and we will find those common things we can do. We can start with the report that just came out and eliminate all that duplication. In some instances, I think it was 26 agencies doing the same thing. Are you kidding me?

I believe the responsibility we have been given is huge. Look at these young people. A lot of them came to the charity basketball game we had last night. It was so exciting to see their faces. They are excited to be here. Every one of them is saying: Oh, my gosh, I have been in the Senate, working for these people. We look up to them, and we expect them to do better and be better. They challenge us on a daily basis just by those bright eyes, the fact they are out back studying when they have a few minutes—some more than others, I might add—and they are looking for us to solve problems. It is really not even them we are worried about; it is their great-grandchildren.

If we do nothing—is that what you want us to do, folks, nothing? I am not going to be part of the do-nothing caucus. I am going to look to find commonsense solutions and work toward commonsense goals, regardless of the outcome. If I lose, whatever, but I will have played a role in history. Right now, at this time, we need to make a difference, a change.

I am so hopeful and I am an optimist. I believe we can do it better. I believe we have an opportunity to do it better right now. With our leadership and that of the other Senators who are going to be here soon, we can get together and solve the problems. We can battle in 2012. The country is looking at us now to make a difference. I hope we will find the ability to do so. If we don't, then we will have missed a great opportunity to solve problems.

Thank you. I appreciate the Chair's patience and his occasional smirks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I wish to say to the Senator from Massachusetts, I saw no smirks on the face of this Presiding Officer.

Mr. BROWN of Massachusetts. It was a good smirk.

Mr. CARPER. He is a breath of fresh air and so is the Senator.

I wish to follow up. I was not planning on doing this. I wish to talk a little bit about clean air and the responsibilities the Environmental Protection Agency has to meet the Clean Air Act. I wish to follow up on a point or two Senator BROWN has mentioned.

He talked about the deficit. I go back a little over 2 years ago, when then-Senator Barack Obama stood right over there and gave his farewell address to the Senate. It was a good time. A bunch of us were here to hear what the next President of the United States had to say.

When it was over, he went down to where all the pages were sitting. Senator Obama went down and shook hands with the pages. He walked up this aisle to walk out. I walked over to him—as he was speaking, I had written down six points I thought he should focus on to reduce the deficit during the time he is President. He looked at my list and said: I can't read your writing, TOM. I said: I will send you an e-mail.

By the end of the day, I sent him an e-mail amplifying on the six points I mentioned. Among the points I suggested is, we have a lot of improper payments in this government. We are overpaying billions of dollars, mistakes, and we need to do something about it.

I told him we have a lot of fraud in Medicare and Medicaid. We need to, once we identify the fraud, have private sector contractors recover the money, get it back for the Treasury.

I told him we have a problem with surplus property. There is a lot of property. We own thousands of pieces of property and land we do not use. We should sell it and stop paying utilities and security for that property.

I said: We have cost system overruns for major weapons systems, and we need to do something about that. I said that in 2000, a major weapons system cost about $42 billion. By 2005, a major weapons system cost about $200 billion. By 2007, it was like $295 billion. I said: We have to do something about major weapons systems cost overruns. That should be on your to-do list, if I can be so bold.

I mentioned taxes. There is a lot of money owed by companies to the Treasury not being collected. The IRS thinks it is over $300 billion a year.

That is a pretty good bucket list for a new President-elect. I urged him, when he put together his administration, to focus on those points.

Everything I just mentioned, the Committee on Homeland Security and Governmental Affairs has been working on. Federal financial management—everything I just mentioned we have been working on, not every day but every week. We have been working on this list.

Last month, we had a top official from the Department of Health and Human Services before our committee. Their responsibilities include overseeing Medicare and Medicaid. It turns out that improper payments, honest mistakes made in Medicare, were about $45 billion last year—$45 billion. Overall in the government, not counting the Department of Defense, it is $125 billion. This is not fraud. These are mistakes, accounting errors—$125 billion. About half of it was Medicare. The administration testified before our committee about 1 month ago and said with regard to the improper payments for Medicare, which last year were $50 billion: We promise to cut that in half from $50 billion to $25 billion—a huge reduction.

Eric Holder, our Attorney General, reports that in Medicare, he thinks the annual fraud numbers could be as much as $60 billion. Last year, the Attorney General recovered about $4 billion in fraud. The good news is that is more than we have ever recovered in any other year since keeping records. The bad news is there is $56 billion more cash on the table we need to get.

We also put in the affordable health care law a number of tools for the Department of Health and Human Services and the Attorney General to reduce improper payments, reduce fraud, and get the money that has been misallocated and fraudulently taken. Those are a couple things.

It is not as if no one is doing nothing. Some of us are doing a whole lot. One of the things we are trying to do in our subcommittee—and Senator BROWN is the ranking Republican on that subcommittee. We have ROB PORTMAN, CLAIRE MCCASKILL, and TOM COBURN—people who do care about spending and trying to make sure we spend the taxpayers' money more effectively.

What we are trying to do is replace what I call a culture of spendthrift with a culture of thrift, to look at every program, whether it is domestic programs, defense programs, entitlement programs, tax expenditures, tax loopholes, tax credits, to make sure we are getting the best bang for our bucks and, where we are not, to do something to fix it. We are actively involved in that and actually getting some results. We obviously need to do a whole lot more. I was not planning on speaking to this issue, but I wanted to mention that.

Second, I wish to follow up on the comments of our Democratic whip, Senator DURBIN, who authored legislation called the interchange amendment. He talked about it before Senator BROWN did.

There have been times in my life as Governor and a former naval flight officer and in the Senate when I did things that had unintended consequences. I had the best intentions, but there were unintended consequences to what I did. In my view, flowing from the interchange amendment we adopted and adopted in conference are unintended circumstances. The intent was good, which was to try to make sure that more of the money from the fee that is collected from swiping our debit cards went to the

consumer, not to the banks and not to the merchants. There is reason to believe consumers may not benefit from this at all. There was an effort to try to protect credit unions and smaller banks in the interchange amendment. As it turns out, the people who have been lobbying the loudest and pressing the most are the credit unions and small banks, community banks, saying there are unintended consequences.

My hope is we can slow the process down, hit the pause button for 1 year and figure out what the unintended consequences are and see if we cannot let cooler heads prevail and avoid unintended consequences and do something that actually may be good for consumers.

CLEAN AIR ACT

Mr. CARPER. Mr. President, what I came to the floor to talk about—and I would like to do that now—deals with clean air, it deals with jobs, it deals with the responsibilities the EPA has with respect to clean air and to make sure that as they execute their responsibility, they are mindful of jobs.

A lot of people think we cannot have cleaner air without destroying jobs. As it turns out, we can have both. We can have cleaner air. We have had it for years. We adopted the Clean Air Act in 1970, with major amendments to it in 1990. We literally created millions of jobs from that act to reduce the emissions of sulfur dioxide, nitrogen oxide, mercury, and other forms of pollution that, in many cases, have killed people—hundreds of thousands of people—over the years. We not only save lives, we improve health in the country. We put a lot of people to work coming up with new technologies that reduce harmful emissions. We have a lot of people working in this country to reduce emissions from our cars, trucks and vans and doing it in a way that gives us better gas mileage.

When I filled up my car with gas over the weekend, it was about three and a half bucks per gallon. As the Presiding Officer knows, we are going to start building by the end of next year in our old GM plant new cars, Fisker, cars that drive about 80 miles per gallon. They are beautiful. Chevrolet is selling the Volt and will sell more in the years to come. They are making huge improvements in mileage. We are getting this greater improvement in mileage and reducing our dependence on foreign oil, cleaning up the air, and putting a lot of people to work. This is one of the deals where we can have our cake and eat it too.

I just came from a Bible study group. There were very nice comments, Mr. President, about you yesterday at the Prayer Breakfast. Before that I did a telephone townhall. Initially, I learned this from BOB CORKER, a Republican Senator from Tennessee, who shared this idea with me a couple years ago. You get a big conference call with people in your State. We had 5,600 people on the call. We spent about an hour together. They raised all kinds of issues.

One of the ladies on the call asked me: Why are we letting EPA tell companies what they can do with respect to their emissions? We are going to destroy jobs. As it turns out, the premise is not correct. It is not that the EPA wants to do this; it is their job. The EPA is being told by the U.S. Supreme Court that under the Clean Air Act, if the EPA can show through good science that there is harm to our health or to the welfare of the people by virtue of our pollution, EPA has no other choice but to regulate it if we will not pass laws to do that.

We have not passed laws. Some people say: Why don't we put a tax on carbon, on things we burn and that have carbon in them to make it more expensive and maybe people will use less of it. We are not going to put a tax on carbon around here. I don't know that too many people have the political courage to do that.

We argued about what President George Herbert Walker Bush did to reduce acid rain, reducing dramatically through market systems sulfur dioxide. We met our reduction targets in one-half the time at one-fifth the cost. People do not talk about acid rain anymore. There is an effort to take that approach and apply it to carbon dioxide. There are not the votes here to do that either.

EPA has basically little choice when the Supreme Court interprets the Clean Air Act. They have to do something. We have not done our part, so the job of EPA is to pass commonsense regulations which will be mindful of their impact on jobs. As it turns out, we are going to create a lot more jobs by virtue of cleaning up our air than we are going to lose in terms of employment opportunities.

The last point I wish to say, if I may, is the Presiding Officer and I live in Delaware, the first State to ratify the Constitution. We are enormously proud of our State, as our colleagues are of their States. In Delaware, we do not have mountains. One does not find the Blue Ridge Mountains or the Rockies there. We are a pretty flat, low-lying State, just north of Maryland, just south of Pennsylvania, and just west of New Jersey.

I joke with people. I say the highest point of land in Delaware is a bridge, and that is not much of an exaggeration. We are a low-lying State. Something is happening in our lovely little State. We do not have a lot of land. We are starting to see the sea level rise. It is not just on the Delaware beaches and shores, it is happening up and down the East Coast, in the gulf, and over on the West Coast as well.

We have great beaches—Rehobeth, Bethany, Dewey, and others. We used to replenish our beaches maybe every 5 or 6 years. The waves come in, storms—nor'easters, maybe an occasional hurricane. We have to replenish our beaches. We have to do it more frequently now, not because of storms but because the sea level is actually starting to rise.

As the Presiding Officer knows, just north of Rehobeth Beach—a great little beach town—just north of Rehobeth Beach, about 10 miles, is a beautiful natural wildlife refuge called Prime Hook. It is right on the Delaware Bay. Prime Hook has a number of beautiful freshwater wetlands and marshes. It is a great place for people to hike, watch birds, and do all sorts of activities. It is a real national treasure. We are starting to see saltwater intruding and taking over what had previously been freshwater marshes and wetlands.

If we look at the Delaware River from the Delaware Bay, north up the Delaware Bay, it becomes the Delaware River and we head up to Pennsylvania and into New York. As we go farther and farther up the Delaware River, in recent years, we find that instead of turning from saltwater to brackish to freshwater, that line moves farther north.

Something is going on. Maybe people do not want to recognize or acknowledge that, but something is going on. We are seeing strange kinds of tornadoes, frequency of tornadoes, thunderstorms in the middle of winter. Out of the 10 hottest years on record, 9 of them have occurred in the last decade. Something is going on here. EPA is trying to figure out if there is some way we can gradually reduce the emission of greenhouse gases into our air and do so consistent with a strong economy and creating jobs, not destroying. I think we can do both. We have to be smart to figure that out and have a partnership with the executive branch, businesses and the legislative branch and be consistent with what the Supreme Court has ordered EPA to do.

One last, quick point. We spend more money for health care than Japan, by far. We spend more money on health care than any other nation on Earth, by far. In Japan, they spend half as much as we do for health care and get better results, everything from higher life expectancy to lower infant mortality. They cover everybody. Think about that: They spend half as much, better results, and they cover everybody. How can they be that smart and how can we be that dumb?

One way we can spend less money on health care is to, frankly, have cleaner air. We cannot only save billions of dollars—we have already made great progress—but we can save tens maybe hundreds of billions of dollars in health care costs by continuing to clean our air, to make it cleaner.

With that, I am happy to conclude. It is a joy to be here and see you, Mr. President, presiding in this Chamber and with all these young people to recount one of my favorite stories about Barack Obama and the six points I gave to him 2½ years ago to reduce the deficit. We are actually starting to do that, knowing we need to do a whole lot more.

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

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

DEBIT CARD INTERCHANGE FEES

Mr. TESTER. Mr. President, I rise today on behalf of rural America. All of Montana is rural America. Despite good intentions, rural America too often gets overlooked when we pass bills here in the Senate.

That is what happened when this body passed an amendment limiting debit card interchange fees last year. It was an attempt to address a problem. But like people on both sides of the aisle, I voted against it. I knew it was a mistake because it had unintended consequences that would hurt rural America.

It is a mistake now. Since we took that vote, the regulators have said that the small issuer exemption for banks and credit unions with assets of less than $10 billion—which is what that amendment said and the reason why many Members supported the amendment—simply won't work.

In a Banking Committee hearing back in February, Chairman Bernanke said:

> We are not certain how effective that exemption will be. There is some risk that that exemption will not be effective and that the interchange fees available through smaller institutions will be reduced to the same extent that we would see for larger banks.

At that same hearing, FDIC Chairwoman Sheila Bair, referring to small banks and credit unions, said:

> I think it remains to be seen whether they can be protected with this. I think they're going to have to make it up somewhere, probably by raising fees that they have on transaction accounts.

The Acting Comptroller of the Currency has said that the Fed's proposed rules have ''long-term safety and soundness consequences—for banks of all sizes—that are not compelled by the statute.''

The regulators who have been tasked with implementing these rules have said they simply cannot guarantee that small issuers can be exempted from these rules—small issuers being community banks and credit unions. Market forces will drive rates down for the community banks and credit unions that are supposed to be exempt from these rules.

A lot of my colleagues, Republicans and Democrats, agree. Fortunately, we have the opportunity to fix things. I am asking for your help to apply the brakes so we can stop the unintended consequences that come with allowing the Federal Government to set the price of swipe fees on debit cards.

This morning, someone asked me: Why is a farmer from Montana leading the charge on an issue such as this? Well, it is simple, really. I am not in this fight for the big banks. I don't think these rules are going to help the consumers one lick. The cost of a hamburger isn't going down by a few cents if this is enacted. And there are no assurances that retailers would pass these savings on to consumers. Let's just say there is a reason Walmart is dumping in a ton of money to fight against this.

I am stepping into the middle of this fight because when the government sets prices on debit card swipe fees, it is the little guys who get hurt. Rural America pays the price. Community banks and credit unions get socked. We can't afford to let that happen, and we can prevent it.

Community banks and credit unions are a critical part of America's economic infrastructure. Without them, small businesses or family farms and ranches in America would go by the wayside. When farmers and ranchers need to invest in a new piece of equipment or buy feed or diesel fuel, who do they turn do? To the community banks and credit unions; organizations such as the Stockman Bank, the Missoula Federal Credit Union, the First Interstate Bank, or Yellowstone Bank. The list goes on and on.

America's community banks and credit unions are the backbone of our small businesses. These financial institutions are the ones that help small businesses grow, help small businesses create jobs, and help keep rural America growing—not the Wall Street banks.

These rules do not allow community banks or credit unions to cover legitimate costs associated with debit card transactions. These are guys who simply don't have the means to eat the cost of debit card fees that are limited by the Federal Government—and they don't have the volume to make up this revenue elsewhere, as the big guys do.

For community banks and credit unions, this rule will only add to banking costs, and it will prevent community banks and credit unions from being able to compete with the big guys. If they can't compete with debit products, they will lose customers.

It will also limit the use of debit, pushing folks toward credit instead. Already community banks are talking about limiting debit cards to $50 or $100, or ending free checking, or adding new fees to ATM withdrawals—measures that will, in the end, cost customers.

This rule will further consolidate the financial industry, and that is the last thing we need in this country. But in rural America, what financial consolidation means is that community banks and credit unions will have to compete with Wall Street, with one hand tied behind their back. Not only will that hurt Montana's farmers and ranchers and small businesses, not only will that hurt the ability for rural communities' businesses to create jobs, it could result—and I think it will result—in community banks going out of business altogether. The same is true with credit unions.

That is not what anyone would call ''reasonable and proportional.'' Yes, there is supposed to be a ''carve out'' in this rule for community banks and credit unions. But both Chairman Bernanke and Chairwoman Bair tell us this exemption simply will not work.

Only in Washington will you get criticized for trying to make sure that legislation actually does what it is supposed to do. Only in Washington does this mean you are trying to ''kill the bill.''

Some have said this means billions in interchange fees that multimillion dollar box stores will have to pay. But truly, these rules are going to put community banks and credit unions out of business—the same institutions that are the lifeblood of rural America.

It is a fact that the folks who are going to be hurt—and this is the bottom line with this—will be the small businesses, the community banks, and the credit unions, not the big box retailers.

That is why Senator CORKER and I and a whole bunch of our colleagues on both sides of the aisle voted to stop this rule and take a look at the unintended consequences. Let's slow down, let's study the issue, and let's find a thoughtful and careful solution. If we do not do that, we will see our critical community banking infrastructure disappear. This issue is not about picking sides; it is about making sure we do not trample on the financial infrastructure rural America needs to stay in business.

I ask my colleagues for their bipartisan support on a responsible bipartisan bill. Our economy cannot afford to let this rule go into effect until we study its impacts, both intended and unintended.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

EPA AMENDMENTS

Mrs. FEINSTEIN. Mr. President, I rise to speak in morning business.

This afternoon, quite possibly, or another time, quite possibly, we will have very significant amendments that will strip EPA of its mandate to protect the American public from pollution which threatens our public health and welfare by inducing climate change.

Specifically, I strongly oppose the McConnell amendment, which would be a complete stop-work order for the EPA to reduce carbon pollution.

I also oppose Senator STABENOW's amendment number 265, which would strip California of its right to impose tailpipe emission standards beyond Federal standards. California has had the right to go beyond the Federal standards to protect its citizens from dangerous pollution since 1970. That is 40 years.

I oppose Senator ROCKEFELLER's proposal to prevent EPA from studying, developing, improving, or enforcing Clean Air Act greenhouse gas regulations for at least 2 years. I oppose these amendments because they would allow polluters to keep polluting, they would endanger public health and welfare, and they would increase our dependence on oil. This is exactly the opposite of what we should be doing.

As the lead author of the bipartisan Ten-in-Ten Fuel Economy Act, with Senator SNOWE and Senator Ted Stevens, which passed this body by voice vote, I would like to explain why the McConnell amendment would undermine fuel economy and lead to less efficient vehicles in the United States.

The amendment would legislatively prevent EPA from acting to reduce vehicle emissions that threaten our public health after 2016, and it would also strip California of its right to protect its own citizens from dangerous pollution. The prohibition would undermine the bill we sought to pass and did pass, and it was signed by President Bush; that is, 10 miles of increased fuel efficiency in 10 years. It directed the Environmental Protection Agency and the Department of Transportation to work cooperatively to increase fuel economy and decrease pollution. This was a big win.

I began in 1993 with Senators Slade Gorton and Dick Bryan—no longer in the Senate; one from Washington and one from Nevada—and we sat right over there and tried to draft some language for a sense of the Senate—something as benign as a sense of the Senate—to begin to work on automobile fuel efficiency, and we could not get it passed.

Then Senator SNOWE and I got together on an SUV loophole closure bill. That went on for several years, and we could not get that passed.

Then there was the ten-in-ten fuel efficiency bill, and, voila, we were able to get it passed. It is going well. Cars are more fuel efficient, and the corporate average fuel-efficiency standards are being established in a much more constructive way based on science. As a result of the law, the administration has put forward the most aggressive increases in vehicle efficiency since the 1970s, increasing fleetwide fuel economy to 35 miles per gallon by 2016. The final rules will save about 1.8 billion barrels of oil and reduce greenhouse gas emissions by nearly 1 billion tons over the lives of the vehicles covered. It seems to me that is very good public policy. As a result, American consumers benefit. They will have more efficient vehicles, and they will pay less for gas. And those savings are considerable.

This single program to reduce oil consumption and greenhouse gas emissions under the Ten-in-Ten Fuel Economy Act and the Clean Air Act results in an aggressive policy to advance the goals of both laws. The regulations also demonstrate that strong Federal standards are the best means to ensure that California and other States are not legally obligated to enforce more aggressive standards to protect the health of their citizens—a right Californians have had since 1970.

Bottom line: These harmonized standards demonstrate the success of ten-in-ten fuel economy. Despite the tremendous success of this first round of joint fuel economy and tailpipe regulations, the McConnell amendment would prevent the EPA, the Department of Transportation, and California from pursuing cooperative and coordinated standards again. Similarly, the Stabenow amendment number 265 would prevent California from participating in this process. This would halt an ongoing cooperative process to set a single set of cost-effective standards for cars, trucks, and SUVs from 2017 to 2025 which will increase fuel economy, which will reduce pollution, and which will save Americans billions of dollars.

It is backward public policy. EPA and the Department of Transportation have already conducted the technical assessment which demonstrates the significant increases in fleetwide fuel economy—6 percent annually—which is both technically feasible and cost effective for consumers. They are working to complete a single set of standards in full cooperation with California. But the McConnell amendment and Senator STABENOW's amendment number 265 would stop this effort because the auto industry would prefer to sell gas guzzlers that continue our dependence on oil, and the amendments prevent waivers that have been a part of the Clean Air Act for decades, preventing leading States such as California from doing anything beyond the national standard. So it both handcuffs and cripples corporate average fuel efficiency. It stymies it. It stops it.

California has 38 million people. We are our own pace setter. We want to work with the rest of the States to have a unified standard so that we are not our own economy, so to speak, with fuel efficiency. That is the right thing to do, and it is happening now. This would put an end to it.

The amendments prevent waivers, as I said, that have been part of this act for decades. That means that never again, no matter what the situation is, can there be a waiver for greenhouse gas emissions. It would turn back the clock on historic efforts to improve the efficiency of the Nation's automobiles and slow any future effort to reduce pollution and improve fuel economy.

Bottom line: A vote for this amendment is a vote to increase our susceptibility to oil market price spikes, let there be no doubt, a vote to increase how much Americans will spend at the pump for decades to come—it will be much more—and a vote to increase pollution that threatens our public health.

Unfortunately, these amendments not only stop the vehicle rules, the McConnell amendment strips EPA of its authority to enforce the Clean Air Act with regard to pollutants that EPA scientists have conclusively determined endanger public health, an endangerment finding that the Supreme Court ordered EPA to make in the 2007 Massachusetts vs. EPA decision. The Stabenow and Rockefeller amendments similarly delay this action. Polluters would be able to continue to pollute, and the agency charged with protecting us from this pollution would be powerless to stop it or even limit it.

Blocking the Clean Air Act and its lifesaving protections makes no sense. This act has had a long and successful track record of reducing pollution and protecting the health of our children and our families. Since its passage in 1970, the act has sharply reduced pollution from automobiles, industrial smokestacks, utility plants, and major sources of toxic chemicals and particulate matter. In its first 20 years, the act made real strides in reducing pollution, and that provided enormous benefits for public health. In 1990 alone, the act prevented 205,000 premature deaths, 674,000 cases of chronic bronchitis, 22,000 cases of heart disease, 850,000 asthma attacks, and 18 million child respiratory illnesses.

The Clean Air Act continues to provide benefits for our children and our families. Emissions of six common pollutants have dropped 40 percent. In 2010, 1.7 million asthma attacks were prevented and 130,000 heart attacks and 86,000 emergency room visits. That is in 1 year alone, this past year. And it provides economic benefit to the United States.

Thoroughly peer-reviewed studies have found that for every one dollar spent on clean air protections, we get $30 of benefits in return. In 2020 alone, the annual benefit of the Clean Air Act's rules is estimated to be nearly $2 trillion.

Advocates for these amendments argue the United States cannot afford environmental protection. They continue to say we must poison our air and water in order to develop our country. I don't believe that. Pollution is a burden on our economy. It is not a force for good. Cost-effective reduction makes our Nation stronger, not weaker. We harm our economy when we ignore pollution. Time and time again, the people of California have demonstrated that we are unwilling to choose between a healthy environment and a healthy economy, because we choose both. And so should the United States.

I strongly encourage my colleagues to reject these misguided amendments,

whether they come up this afternoon at 4 o'clock or another time, that would let polluters off the hook, that would increase our dependence on oil, that would decrease the mileage efficiency of automobiles and light trucks and would harm the environment.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

EPA REGULATIONS

Mr. ROCKEFELLER. Mr. President, all of my colleagues, I think, know by now, after all of these months, almost years, how deeply I feel about the need to stop EPA regulation for a period of time so Congress can have the time we need to develop a smart energy policy, which we have not. It is enormously important to the people of West Virginia.

Having said that—and I will say quite a lot more—I cannot tell you how strongly opposed I am to the McConnell-Inhofe amendment, not only because it goes too far, not only because it eviscerates EPA from some fundamental responsibilities it has—for example, CAFE standards—but it has absolutely no chance whatsoever of becoming law—none. Mine does. Theirs does not.

Do we think we are going to pass, and the President is going to sign, something that eliminates EPA forever? Oh, they will say: Well, we can always change that in a couple years. No, it is not that. It is a theological decision to pick out a campaign issue for 2012, and that is fine because that is the way things go. But to destroy the EPA permanently is an act I have not seen since I came here. There will be people in many States, including my own, who think that is a wonderful idea, but I would ask them to think more deeply.

The McConnell-Inhofe amendment makes a point, but it doesn't solve a problem. I am here to solve problems. So is the Presiding Officer. The amendment would take away EPA's ability to address greenhouse gas emissions forever. It doesn't make any difference what happens 5 years, 10 years from now—all the nuances that have to be made in policy or in regulation; if the air starts cleaning up, maybe things can lighten up a little bit; if it doesn't clean up, maybe we have to do something. But they want to take away and put out of business forever the EPA, which looks out for the health and the safety of everyone who lives here, and it would be permanently banned from doing its job. Is this an adult amendment? It can't be.

People must only be looking at the next election, or they must be afraid. To be afraid of voters is not a good thing. That is a quick way to lose. Telling the voters the truth—the Presiding Officer is pretty good at this—is what is more important in public policy. So they burn EPA forever. They can't do anything, no matter what we know or what we learn in the future about greenhouse emissions. They want the total elimination of EPA's role, with no other structure in place. Having nothing in place is irresponsible, unrealistic, and immature.

What we need is a timeout to stop the imposition of EPA regulations—regulations that don't allow for the development of clean technologies, and that would hurt the economy at a critical time in our recovery, but to do it in a way that keeps us all focused and working on a long-term energy policy which doesn't say close down. We should have a pause here, the pause that hopefully refreshes our ability to do clean energy policy. My bill would be effective from the date of its passage, were it to pass, so it would be 2 years. That is plenty of time to be able to come up with an energy policy. We have avoided doing that for so long now, and I think a lot of that is politics, and it is very sad.

The Environmental Protection Agency, I have to say, including to my own constituents, is not a frivolous agency. It is the object of much scorn in my State and a lot of States that produce coal and probably in the minds of a lot of Senators. It was created to regulate pollution. We think back to wartime London where people couldn't see 5 feet in front of their faces. I think back to when I was a student in Japan for 3 years at the end of the 1950s, and we couldn't see 3 feet in front of our faces. Now all of a sudden we can see for thousands of miles, so to speak, because the air is clean.

Again, the Environmental Protection Agency is not a frivolous agency. It was created to regulate pollution. That is its job. Does that make it uncomfortable? Yes. Does that make me want to pass my amendment? Yes, to have a stop for a period of 2 years where they cannot go to stationary sources and others and say that you can't do anything. It is a pause, but at the end of the pause, it doesn't put EPA out of business—that would be crazy.

It is Congress's job to legislate, and that includes energy policy—granted, stipulated. I think the Presiding Officer would say that is lawyer's speak: It is stipulated. It makes it a fact. Congress passed the Clean Air Act in 1970 and has updated it in the decades that followed. Is the Clean Air Act perfect? Certainly not. Certainly not. Very few laws ever are, which is why we are always open to making them better. But eviscerating the EPA's ability to do its job forever is nonsense. It is childlike: I will take my football and I am going home. It feels good.

Some folks will get up and cheer, standing up for coal. We know what this does. This is standing up for natural gas. We have a lot of natural gas in West Virginia. Natural gas has 50 percent of the carbon dioxide that coal does. So people think that by doing this, people are going to go ahead and burn coal in powerplants and other places. They are not. North Carolina already has 12 powerplants which are being switched from coal to natural gas—probably more by now. That was about a year ago. Ohio is doing some of the same. Other States are doing some of the same. Natural gas is abundantly plentiful. I like natural gas. It is a terrific thing. It is 50 percent as dirty as coal, but it is less dirty and it is cheaper. So powerplants are going to that.

I am trying to figure out in my mind, How does that help West Virginians? How does that help West Virginia coal operators or, more importantly to me, coal miners? If people are suddenly making up their mind that they are going—and I have had the president of American Electric Power tell me this directly: Of course we will switch to natural gas. He put it more succinctly. He said: I would use banana peels if they could produce heat. They don't stay with coal out of loyalty. They have to deal with certainty. Here we create permanent punting about what the landscape is going to be for energy use and the making of electric power in our country.

Again, may I please bring up once again that this bill has no chance of becoming law—the McConnell-Inhofe bill has no chance of becoming law. So why do they do it? They have to know that. I don't think it will pass here. It certainly isn't going to pass at the White House. In politics you can say, Oh, I wish there were a Republican President in the White House. There isn't. There is a Democratic one. He is not going to let this happen. He is not going to have an executive agency with an enormous amount to do with CAFE standards and all kinds of regulations obliterated, eviscerated, eliminated. He won't do that. He will veto it if it should ever get that far.

So what is going on in their minds? What do they think they are doing? Are they trying to impress their constituents, holding high a banner saying, Look, I am courageous; I will get rid of this whole EPA thing and we can all celebrate together? Pretty shortsighted, I would say. Pretty shortsighted. Feel good? Yes. Do good? No.

I think it is well known in West Virginia we have very serious disagreements with EPA. I say all kinds of things about the EPA constantly in all kinds of situations, but people do care about clean air. They do care about clean water also. It is not a sin. Sometimes in America you can get the best of both worlds. We want a strong future for clean coal and we want a national energy policy that protects and promotes clean coal.

Let me make a point. When I say the words ''clean coal,'' the only hearing of that is ''coal.'' People don't hear the word ''clean.'' So I have to make a

point here. Don't blame coal miners for this. Coal miners go into the mines every day in these unbelievably difficult situations and they mine the coal that is there. It has been there for a billion years that God put there. That is their job. Maybe it is high ash; maybe it is low ash. Maybe it is high sulfur; maybe it is low sulfur. They mine what is there, and then that gets shipped to a powerplant or to other countries for steel-making purposes.

One of the ironies about all of this is some of the loudest anti my amendment—my little 2-year amendment that stops at the end of 2 years—comes from coal operators who actually don't ship much coal to powerplants. They ship most of their coal, because it is low sulfur, overseas to the growing market in South Korea and China and a lot of other places, including Japan. So what difference does it make to them? None. But they want to be in the chorus so they join the chorus about let's get rid of EPA. They are not affected. They are mainlining it right overseas and making tons of money because it is very low sulfur coal and very good for making steel.

We know if coal is frozen in time the way Senators MCCONNELL and INHOFE are proposing, it will be rapidly eclipsed by other energy sources. Oh, yes, most especially natural gas. We have so much natural gas in West Virginia that you could swim in it if you could get about 10, 15 feet underground. I like natural gas. It is a great asset to have it in Marcellus Shale. The problems of fracking can be solved, and will be through technology. But that is what is going to happen. Then our coal miners are going to look at some of their representatives on both sides of the aisle here and in the House and they are going to say, Now wait a second. I thought you were protecting me. How come I am not mining coal? How come some of these powerplants have now switched to natural gas, in the majority, let's say, a few years from now?

So McConnell-Inhofe as an amendment codifies the vicious uncertainty that is threatening coal today. Electric utilities are right now making, as I have indicated, investment decisions based upon that uncertainty. It is a bad place from which to make a decision. And with very few exceptions, logically—that means they are not building or rebuilding coal-fired plants—natural gas will overtake coal. West Virginia wins in either case because we have so much coal, we have so much natural gas. But in this particular amendment, I am trying to protect coal miners and their jobs by having carbon capture and sequestration, by having a policy, and there are others that are out there. We already have two in West Virginia which are taking more than 90 percent of the carbon out of coal. They are at work. American Electric Power Company, Dow Chemical Company, they are both doing that, both making money out of it, and yes, the government helps. But they are taking more than 90 percent of the carbon out of coal. Doesn't that turn coal into clean coal? Isn't clean coal what we want? Isn't that what we have to have?

This is all part of a drive for an energy future for West Virginia coal miners and others, other people around the country, for a clean energy future. In effect, my amendment is a timeout. It is the timeout we need. It is the only option on the table that can pass. It can pass. It is fine to bring an amendment here which makes us feel good—muscular, antigovernment, let's make government smaller; let's get rid of government—and swell your chest and feel good and put out a great press release, but then it ends up not passing the Senate or it ends up getting vetoed. One of the two is going to happen. So it is a nonstarter.

I think a lot of those on the other side of the aisle are going to throw the vote for political purposes, as I indicated. If we can remember back to the Omnibus Act in December of last year, the Chamber of Commerce, the National Association of Manufacturers, the coal association, all Republicans had agreed to vote for my 2-year amendment.

It was a timeout amendment. All of them. The papers calculated who it was, how we would get the 60 votes, and we got there. And then what happened—and this is a little bit in the weeds, and I apologize for that—but all of a sudden, nine Republicans withdrew from that omnibus agreement, so there was no way for it to come up. Why? I don't know. Was that the beginning of a massive plan of thinking that we are going to make this an issue for the next 2 years so we can wipe out more Democratic seats? It certainly doesn't have anything to do with energy policy.

As I say, my amendment said that for a period of 2 years, the EPA will not have the power to enforce greenhouse gas rules on stationary sources, including powerplants, manufacturers, and refineries. So they cannot do anything for a period of 2 years—regulatory—about powerplants, manufacturing companies, or refineries—for 2 years. The moratorium would last for 2 years, and then it would stop. Why? Because 2 years is, in fact, enough time, if we can get ourselves together around here, for serious people to come up with a serious energy policy that includes clean coal and everything else on the face of the Earth that works to get our country off of foreign oil.

Two years is enough time to develop a plan to build the carbon capture and sequestration technologies and get them accepted by Wall Street, which will fund them endlessly once they are convinced they are working on a sufficient scale. As I say, this is being demonstrated by the American Electric Power Company and the Dow Chemical Company in West Virginia right now. I will repeat that they are taking 90 percent of the carbon out of coal. It sounds like a good deal, to me. Natural gas has 50 percent carbon. Clean coal would have 10 percent carbon. Which is a better deal? I think the second one is. My amendment would lead to that.

I would say 2 years is enough time to get past this pointless debate about whether climate science is real and find common ground and find solutions that create jobs, protect the air we breath, and make us energy independent.

Two years is enough time to take the big decisions about greenhouse gases out of the hands of the regulators at EPA and put them back in the hands of Congress. Greenhouse gas emissions are an enormously important issue, but they are not the only problem we face, and they cannot be allowed to take precedence over every other matter that affects our people. We really can find ways to solve this problem, protect our core industries, and lessen the costs.

The joint CAFE rule—it is a big deal—between the EPA and the Department of Transportation is a case in point and relevant to the debate today because it is also undermined by the McConnell-Inhofe amendment. The CAFE rule saves Americans billions of gallons of gasoline and reduces our dependence on foreign oil. It does it very explicitly. It keeps going up. The air gets cleaner. I think the figure is that transportation overall is something like 50, 60—maybe a little more—percent of our air pollution problems. CAFE standards become very important.

Most of us believe strongly that we need to make our cars more efficient, not just for the environment but also because of the high cost of gasoline and its impact on every American family, not to mention our national security. But under the McConnell-Inhofe amendment, EPA could never again work on fuel-efficiency standards. The recent progress we have made, which is so widely supported by industry and the American people, could be undermined. This is not a solution; it is a permanent punt—or maybe a stunt. I will not support that.

Last year, my colleagues on the other side of the aisle overwhelmingly declared their support for my amendment, as I said. The daily newspapers had come out on the Hill and calculated the 60 votes that I had to overcome a filibuster. The U.S. Chamber of Commerce was all for it.

Suddenly, some seem to want to have a fight more than a policy, and they want to have a fight for the next election more than a policy, more than they want to work together to solve the problem. Suddenly, they say: Stopping the EPA for 2 years isn't good enough; we can stop them permanently. Folks back home would love that. They say they would rather stand by and do nothing if they can't stop the EPA forever. In effect, that is correct. They think the American people will not see through that.

My amendment has been around for over a year now. People know what it does. So to call this a cover vote is disingenuous at best.

EPA's regulations that came into effect this year say that if a company wants to retrofit an existing one or build a new powerplant or factory, they now have to find ways to reduce greenhouse gas emissions. Because of these new rules, companies won't build that new factory, that new powerplant, or employ some of the millions of Americans who are out of work. That is why I believe these regulations need to be suspended. That is in my amendment.

Senator INHOFE has repeatedly argued that Congress needs to make these decisions. I agree with that. My bill would give Congress the time it needs to discuss the options, and my approach creates a reasonable timeout. Doing away with EPA authority doesn't give clarity; it indefinitely kicks the can down the road. My amendment, which unfortunately will come whenever it comes, no doubt won't do particularly well because all of the folks on the other side and some, unfortunately, on this side will vote for that because they think it sounds kind of neat. It probably won't do very well, but that doesn't mean it is not right.

Let's have real solutions, such as clean coal that must play a role in meeting our energy needs, and let's be sensible and bipartisan about it. West Virginia is ready to provide that coal, and so are a lot of other States.

I urge my colleagues to support my amendment and quickly turn to a discussion about our Nation's energy future.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

GLOBAL WARMING

Mr. SESSIONS. Madam President, briefly, with regard to the debate over the limitations of CO_2, global warming gases, and the Environmental Protection Agency, Congress has never made a decision on this. The way it came out, in my view, is an example of judicial activism and a dangerous end run around popular sovereignty in America.

Forty years ago, Congress passed the Clean Air Act. That act was designed to deal with particulates and mercury and NO_X and SO_X—things determined to be pollutants. There was no thought at that time that carbon, or CO_2, was a warming gas that would create global warming. It was before the global warming discussion really ever was generated.

Congress had no intention whatsoever to say that carbon dioxide, which is a plant food, which is not harmless to human beings and had never been classified as a pollutant, would be placed under the total control of the Environmental Protection Agency. But later an activist Supreme Court—5-to-4—seemed to say, but not with perfect clarity, that because now we know or we think some say that CO_2 is a global warming gas that could cause global warming, the EPA must regulate what really is a plant food and had never been considered to be a pollutant.

I think Congress needs to act. I think Congress needs to assume responsibility. We need to say: No, we are not prepared to direct that the Environmental Protection Agency control all CO_2 emissions in the country. We never intended that. We are not prepared to do that. If we want to start down that road, we in Congress will figure out how we should start down that road and how much ought to be done. But no group of bureaucrats should be empowered to regulate every farm, every apartment building, every schoolhouse, every automobile, every vehicle, every train, much less every electric-generating plant in the country.

It is a big deal about reality and power in America. It is just one more example of how judges and bureaucrats are utilizing powers really never intended to be given to them. Really, they sort of create that to impose their agenda on the rest of the country. I believe we should back away from that. That is why I support Senator INHOFE in his view.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

EPA AMENDMENTS

Mrs. SHAHEEN. Madam President, I am here to join my colleagues who have been on the floor of the Senate today, with the leadership of Senator BOXER, to oppose amendments that would undermine the Clean Air Act. The Clean Air Act has been one of the greatest public health success stories we have ever had in this country. In 1970, Republicans and Democrats came together to pass this landmark legislation to address air pollution that was leading to countless deaths and lifetimes spent battling chronic illness, illnesses such as asthma and emphysema. That legislation, back in 1970, was signed into law by President Richard Nixon.

It is very clear that the threat of greenhouse gas emissions to public health is real. Two years ago the EPA found that manmade greenhouse gas emissions threaten the health and welfare of the American people. Their decision was not made in a vacuum and, despite what some of the supporters of these harmful amendments may claim, EPA's decision was based on the best peer-reviewed science. They were guided by the best science protecting the public health, not politics. The American Lung Association, the American Public Health Association, the Trust for America's Health and the American Thoracic Society—some of our Nation's leading public health experts—all opposed these misguided efforts to stop EPA from protecting our clean air.

We have heard the same story from polluters over and over. Today they tell us that reducing carbon pollution through the EPA will wreck our economy. Back in 1970, and then again in 1990, they said the Clean Air Act would wreck our economy. Time and again we have heard the same arguments, and they have not been true. It reminds me of Aesop's fable of the boy who cried wolf.

Since we passed the Clean Air Act of 1970, we have dramatically reduced emissions of dozens of pollutants. We have improved air quality, and we have improved the public health. The EPA estimates that last year alone the Clean Air Act prevented 1.7 million asthma attacks, 130,000 heart attacks, and 86,000 emergency room visits.

This is particularly important to us in New Hampshire and in New England because we are effectively the tailpipe of this country. In New Hampshire we have one of the highest rates of childhood asthma in the country because we are still phasing out some of the coal-fired plants in the Midwest that are causing these air emissions.

During the same period—since the Clean Air Act saved all of those illnesses and deaths last year—we have been able to grow our economy. Our gross domestic product has more than tripled, and the average household income has grown more than 45 percent. So we know we can protect public health, we can save our environment, and we can grow our economy.

I recognize that as Governor of New Hampshire when, back in 2001, we passed the first legislation in the country to deal with four pollutants because we understood that we needed to clean up our air and that we could do that and protect public health and keep a strong economy all at the same time. I wish that same can-do spirit and bipartisanship that led to the passage of the Clean Air Act in 1970 and then later the Clean Air Act amendments in 1990—I wish that same can-do spirit existed today to address carbon pollution. Instead of debating amendments to undercut the Clean Air Act, we should be working together to enact commonsense legislation to reduce carbon pollution and to continue to grow our economy.

I have no doubt that the American people have the ingenuity and the competitive spirit to solve our energy challenges. What they need from us in Washington is leadership.

I urge my colleagues to reject these amendments and then to work together to craft energy policies that can help move us away from a carbon economy and transition to a clean energy economy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

BUDGET TALKS

Mr. SCHUMER. Madam President, I rise to speak about the current status of the ongoing bipartisan budget talks. We are in a much better place than we were 2 weeks ago. The two sides are much closer than we might be able to tell from the public statements. After 3 months of back and forth, two short-term continuing resolutions containing cuts, and one near collapse of the talks last week, we are finally headed for the homestretch.

Last night, we had a very good meeting with the Vice President. Afterwards, he confirmed that the House Republicans and we in the Senate are, for the first time in these negotiations, working off the same number. As the Vice President said last night, there has been agreement to meet in the middle, around $33 billion in cuts. The Appropriations Committees on both sides are now rolling up their sleeves and getting to work to figure out how to best arrive at that number.

Today, Speaker BOEHNER said: Nothing is agreed to until everything is agreed to. That is a fair and reasonable position to take. He need not publicly confirm the $33 billion number. But as long as both sides keep their heads down and keep working, a deal is in sight. We are right on the doorstep.

But there are outside forces that do not like this turn of events. Outside the Capitol today, there was a tea party rally staged to pressure Republican leaders not to budge off H.R. 1. They want Speaker BOEHNER to abandon these talks and hold firm, even if that means a government shut down on April 8. This is a reckless, and, yes, extreme position to take.

Earlier today, the Republican leader came to the floor to defend the tea partiers rallying outside this building. Let me say this. I agree with some of his points. For instance, I agree that the fact that the tea party is so actively participating in our democracy is a good thing. They have strongly held views and they joined the debate. This is as American as it gets.

But the tea party's priorities for our government are wrong. Their priorities are extreme because they are out of step with what most Americans want. Every poll shows Americans want to cut spending but with a smart, sharp scalpel, not a meat ax. They want to eliminate the fat but not cut down into the bone. They want to focus on waste and abuse. They want to cut oil and gas subsidies. They want to end tax breaks for millionaires.

They do not want to cut border security or port security funding that keeps us safe. They do not want to take a meat ax and cut vital education programs. They do not want to end cancer research that could produce research that saves many lives. Most of all, unlike the tea party, most Americans do not want the government to shut down. They want both sides to compromise.

A deal is at hand if Republicans in Congress will tune out the tea party voices that are shouting down any compromise. These tea party voices will only grow louder as we get closer to a deal, and our resolve must remain strong. If the Speaker will reject their calls for a shutdown, we can pass a bipartisan agreement. Many conservatives whom I would otherwise disagree with, agree with me on at least this point.

It was very interesting to see on FOX News yesterday three commentators all on the same show, plainly agreeing it is time to accept a compromise with Democrats to avert a shutdown. Charles Krauthammer was adamant that a shutdown would be avoided and that if the government did shut down, the Republicans would be blamed.

Kirsten Powers, a conservative columnist, said: ''What really should happen is if Boehner could strike a deal with the Blue Dogs and the moderate Dems and just go with the 30 billion with the Senate and just move on.''

Bill Kristol agreed that while Republicans may like to pass a budget solely on their terms with only Republican votes, the reality is, the Speaker would need Democrats to get a deal done.

The tea party may have helped the Republicans win the last election, but they are not helping the Republicans govern. The tea party is a negative force in these talks. But we are close to overcoming this force and cutting a deal.

As the negotiations enter the homestretch, here is how we should define success: First and foremost, a government shutdown should be avoided. We should all agree on that. It bothers me when I hear some on the other side of the aisle or in the tea party say: We should shut down the government to get what we want.

Second, the top-line target for cuts should stay around the level described by the Vice President and that both parties are working off of. This makes complete sense, since $33 billion is the midpoint between the two sides, and it is what Republicans originally wanted in February before the tea party forced them to go higher.

Third, the makeup of the cuts, as I suggested a few weeks ago, should not come only from domestic discretionary spending. We cannot solve our deficit problem by going after only 12 percent of the budget. Mandatory spending cuts must be part of the package, and the higher the package goes, the more the proportion should be tilted in favor of mandatory rather than discretionary spending.

Fourth, the most extreme of the riders cannot be included. There are some riders we can probably agree on. But the EPA measure is not one of them, neither is Planned Parenthood or the other extreme riders that have been so controversial.

I believe we can settle on a few measures that both sides think are OK. But the most extreme ones do not belong in this budget bill. Those are issues that should probably be debated but not as part of a budget and not holding the budget hostage to them. If we can adhere to these tenets, we can have a deal both sides can live with. Time is short, and we need to begin moving on to the pressing matter of the 2012 budget.

Speaking of the 2012 budget, let me say a quick word about that. I saw today that House Republicans planned to unveil their blueprint next week. Interestingly, the report said Republicans no longer plan to cut Social Security benefits as part of that blueprint. They are admitting it is not a major driver of our current deficits. That is true, and this is a positive development.

It comes after many of us on the Democratic side, including Leader REID and myself, have insisted that Social Security benefits not be cut as part of any deficit-reduction plan. It is good to see that Republicans, including the House Budget chairman, according to the reports in the paper, now agree with us. His original plan called for privatizing the program. I hope we are not going to bring up that again because it will not pass.

But if the House Republicans instead simply insist on balancing the budget on the backs of Medicare recipients instead of Social Security recipients, we will fight them tooth and nail over that too. There has to be give on all sides—shared sacrifice, not just in any one little area.

A lot is at stake in the current year's budgets. But in another sense, it is simply a prelude to the larger discussions ahead. We urge the Speaker to resist the tea party rallies of today and the ones that are to come, to accept the offer on the table on this year's budget, and let us tackle the larger topics that still await us.

Mr. NELSON of Florida. Would the Senator yield for a question?

Mr. SCHUMER. I would be happy to yield to my friend from Florida.

Mr. NELSON of Florida. In the Senator's opinion, why would the Republicans, particularly from the House of

Representatives, want to cut Social Security, since the Social Security system has little, if any, effect upon us getting our arms around the deficit and moving the budget toward balance over the next 10 years?

Mr. SCHUMER. My friend makes a good point. In fact, by law, the Social Security system and its pluses and minuses and the Federal Government's budget and its pluses and minuses must be separate. So by definition, by law, the two are separate. Social Security has its liabilities and assets, a big pile of assets over here, and the Federal Government has its liabilities and assets. The twain don't meet. One would think, particularly those who are saying privatize, that their opposition or desire to include Social Security in large-scale budget deficit talks, which we need and which are good—and I commend the group of six for moving forward in this direction—one would think that is an ideological agenda because they simply don't like Social Security and want to change it, privatize it, whatever, rather than any motivation about the deficit.

Then when we see that some of them may want to extend tax breaks for millionaires permanently, which would increase the deficit by a huge amount, and yet at the same time they say: Let's deal with Social Security, let's privatize it, which doesn't have anything to do with the deficit, one scratches one's head and says: I don't think deficit reduction is what is going on here.

Mr. NELSON of Florida. I thank the Senator for his erudite analysis.

Mr. SCHUMER. I thank my colleague for his erudite question.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. I ask unanimous consent to speak in morning business for 20 minutes.

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

DEBT AND DEFICITS

Mr. WHITEHOUSE. Madam President, Abraham Lincoln began his famous ''house divided'' speech with simple, homespun advice that we should first ''know where we are and whither we are tending,'' before we ''judge what to do and how to do it.'' We are embarked on a journey of great consequence regarding what to do about our Nation's budget and how to do it. This is a vital conversation. We simply must reduce our annual Federal deficits and our Nation's debt. But it would seem wise at this important time to take President Lincoln's advice and examine where we are and whither we are tending as we go about making these decisions.

I will touch on a few factual landmarks that may help orient us to where we are and help us learn whither we are tending. The first and most obvious is that we just weathered the worst economic crisis since the Great Depression. Few of us who were here then—I know the Presiding Officer was—will ever forget the animal fear and desperate urgency displayed by Treasury Secretary Paulsen and Federal Reserve Chairman Bernanke as they, having looked into that abyss, came to this building, to the LBJ room, and pleaded for our help to save the world economy. We are now past the worst depths of the financial and economic crises.

As this chart shows, the economic recovery measured in jobs is proceeding, though all too tentatively and all too slowly. In Rhode Island, we are still at 12 percent unemployment in the Providence metropolitan area and over 11 percent statewide. To Lincoln's question where are we, well, gradually trending in the right direction. But no one can yet rule out a double dip back into deeper recession.

Into this gradual and tepid recovery, the Republicans want to inject H.R. 1. What can we know about that? Mark Zandi, an economic adviser to Senator MCCAIN's 2008 Presidential campaign, says this legislation, the House bill, will cause 700,000 job losses. That wipes out about half of the recovery, if that number is correct. Goldman Sachs, the Wall Street investment bank, says that bill, H.R. 1, could lower GDP growth by two full percentage points in the remaining two quarters of the fiscal year. Goldman Sachs is no fool where economic numbers are concerned. It would be a perilous choice to dismiss their warning. Our present rate of economic growth is only about 3 percent. So reducing that by a full 2 percent over a year could wipe out more than half of our economic recovery. Of course, economic growth correlates to Federal revenues so the cuts' damage to economic growth would in turn create revenue loss, so there would be less deficit reduction. That is one landmark of where we are. We are in a too-slow economic recovery from what was nearly a second great depression, and we face a bill from the House that threatens that too-slow recovery.

Another mark of where we are and whither we are tending relates to the balance between regular Americans and corporate America's respective contributions to our Nation's revenue. In 1935, regular Americans and corporate America evenly split the responsibility to fund our country's obligations. Then in each of these indicated years, it broke through the following ratios: humans twice as much as corporations in 1948; three times as much in 1971; four times as much in 1981; and recently the ratio broke through 6 to 1, individual Americans contributing more than six times the revenue that corporate America contributes. When people say how overtaxed corporate America is, it is worth looking at the facts of where we actually are and whither for decades we have been tending—ever diminished corporate contributions to our Nation's revenues.

Look next at how we collect revenues. Look at the landmarks of our dysfunctional Tax Code. Start with what it takes to comply with our beast of a code. The National Taxpayer Advocate, an independent office within the IRS, has calculated that Americans spend 6.1 billion hours of time engaged in tax compliance each year. Think of what could be invented, what could be built with 6 billion hours of human work. Instead, it is all consumed, every year, in the economic dead weight loss of tax compliance. In terms of where we are, that is an important fact, and it is an abysmal place to be.

Let me take my colleagues to another place. Here is a picture from our Budget Committee Chairman KENT CONRAD taken in the Cayman Islands. This nondescript building doesn't look like much. It certainly doesn't look like a beehive of economic activity. But over 18,000 corporations claim this building as their place of business. It gives a whole new meaning to the phrase ''small business'' when we think of 18,000 corporations claiming that building as their place of business. As Chairman CONRAD has pointed out, the only business going on here is funny business, monkey business with the Tax Code, tax gimmickry. This is estimated to cost us as much as $100 billion every year. For every one of those dollars lost to the tax cheaters, honest tax-paying Americans and honest tax-paying American corporations have to pay an extra dollar or more to make up the difference.

Here is another building with a tax story to tell about where we are as we look at our budget debate. This is the Helmsley building New York City. This building is big enough to be its own zip code so that the IRS reports of tax information by zip code can tell us a lot about this building. Here is what this building tells us from actual tax filings. The well off and very successful occupants of that building paid a lower tax rate than the average New York City janitor paid. It seems extraordinary, but it is not a fluke. The average tax rate of the New York City janitor is 24.9 percent of their income. Of a New York City security guard, is 23.8 percent of their income. And of the occupants of that wonderful building, 14.7 percent of their considerably larger incomes. That seems as though it must be extraordinary, but it is not a fluke.

The IRS reports that the tax rate actually paid by the highest income 400 Americans—the story is the same—the highest earning 400 Americans, in the IRS's most recent calculation, each earned an average of $34 million-plus a year, over a third of a billion each and every year, 400 of them. I truly applaud their success. It is a magnificent thing. But here is the rub. They actually paid on average only a 16.7 percent total Federal tax rate. I asked my staff to calculate the wage level where a regular single worker starts paying 16.7 percent in total Federal taxes. It is at a salary of $28,650. A representative job

at that income level in my home State, in the Providence labor market, is that of a hospital orderly which the Bureau of Labor Statistics calculates pays $29,100 a year. At that point, they are paying the same as the 400 biggest taxpayers who each earned over a third of a billion dollars, 16.7 percent. So it is not just the fortunate and successful residents of the Helmsley building who pay a lesser share of their income to support their country than does the janitor, it is also the top 400 income earners, those averaging over a third of a billion in income, who contribute a lesser share of their income than the hospital orderly pushing his cart down the halls of Rhode Island Hospital at night.

Where are we? Well, it seems to me we are upside down as far as this is concerned. I believe no less an economic titan than Warren Buffett, the fabled ''oracle of Omaha,'' agrees with me that this needs to be corrected.

The corporate Tax Code makes little more sense. Decades of lobbyists have carved it into a Swiss cheese of tax loopholes, of earmarks for the rich and powerful. The result? We have a nominal corporate tax rate of 35 percent. But here is what the New York Times reported last week. General Electric, one of the Nation's largest corporations, made profits of over $14 billion last year and paid no U.S. taxes. In fact, it actually received a $3.2 billion refund from the taxpayers. Maybe that was a 1-year anomaly. But a previous analysis by the New York Times of 5 years' worth of corporate tax returns found that Prudential Financial only paid 7.6 percent; Yahoo, 7 percent; Southwest Airlines, 6.3 percent; Boeing, 4.5 percent; and what looks to be our tax avoidance champion, on $11.3 billion of income, the Carnival Cruise Corporation paid 1.1 percent in Federal taxes. One recent paper actually calculated their cash effective tax rate at 0.7 percent on $11.3 billion in income. Carnival lines is not just taking us for a cruise, they are taking us for a ride.

But wait, there is more. Don't forget that we make the American taxpayer subsidize big oil to the tune of $3 billion a year, and big oil has made a trillion dollars in profits this decade. Indeed, on an effective tax rate basis, the petroleum-gas industry pays the lowest rate of any industry.

These are all noteworthy landmarks and each should inform us about where we are and whither we are tending as we face our budget. But the big landmark, the Mt. Everest of landmarks casting its vast shadow over the entire budget discussion, is health care.

I agree with Congressman PAUL RYAN. He said:

> If you want to be honest with the fiscal problem and the debt, it really is a health care problem.

He is dead right. And the landmark feature of this landmark problem is this. The health care cost problem is a health care system problem. Our national health care costs are exploding. The health care system is driving the costs of Medicare. The health care system is driving the costs of Medicaid.

The health care system is driving the costs of private insurance. The health care system is driving the costs of the military's TRICARE system. No one is exempt. The health care system is what is driving the cost problem in public and private programs alike. So we have to address the health care system problem if we are going to get our health care costs under control.

How do we solve this? We actually have a pretty good toolbox that has five major tools in it.

One, quality improvement. Quality improvement saves the cost of errors, misdiagnosis, disjointed care, and so forth. For example, hospital-acquired infections alone cost about $2.5 billion every year, and they are virtually entirely avoidable. They should never be events.

Two, prevention programs. Prevention programs can avoid the cost of getting sick in the first place. More than 90 percent of cervical cancer is curable if the disease is detected early through pap smears.

Three, paying doctors for better outcomes rather than for more and more tests and procedures can save money while improving the outcomes.

Four, a robust health information infrastructure has been estimated to save $81 billion a year by the RAND Corporation, and that number may very well be low as the system builds itself out.

Finally, five, the administrative costs of our health care system are grotesque. The insurance industry has developed a massive bureaucracy to delay and deny payments to doctors and hospitals. The doctors and hospitals have had to fight back, so they have had to hire their own billing departments and consultants.

In the little Cranston community health center, which I visited a few months ago, half of the staff are dedicated to trying to get paid, and they have to spend another $200,000 a year on consultants. All of that—the entire war over payment between insurers and hospitals and doctors—adds no health care value—zero. We have heard that on the private insurance side, anywhere from 15 to 30 percent of the health insurance dollar gets burned up in administrative costs. We know we can do better because the costs of administering Medicare are closer to 2 percent of program expenditures. Add this all up, and the numbers here are enormous.

The President's Council of Economic Advisers has stated that 5 percent of GDP can be taken out of our health care system without hurting the health care we receive. That is about $700 billion a year. The New England Healthcare Institute says it is $850 billion a year. The well-regarded Lewin Group has estimated the probable savings at $1 trillion a year, a figure echoed by former Bush Treasury Secretary O'Neill.

Not only are the numbers enormous, but the results are a win-win. Consider the five strategies: higher quality care with fewer errors and infections; prevented illnesses, so you do not get sick in the first place; secure, complete health records that are there when you need them, electronically, so your doctors, your lab, your pharmacy, your hospital, your specialists all know what everybody else is doing; payment to doctors and hospitals based on keeping you well and getting you well rather than on giving more procedures and things to you; and finally, not so much infuriating insurance company bureaucracy, hassling both patients and doctors. Those are not bad outcomes even without the savings.

So what do we draw from this if we keep all these landmarks in mind, landmarks of where we actually are in this budget debate? Well, our colleagues on the other side, particularly our House Republican colleagues, say they are determined to reduce our annual deficit and our national debt, that it is their top priority. But in evaluating that claim, look at H.R. 1, which spends all its cost-cutting fury on only 12 percent of the budget—the nonsecurity discretionary spending—and zero percent on the revenue side.

If they are really serious about deficit and debt reduction, why risk destroying 700,000 jobs when job destruction only adds to the deficit and to our debt through lost economic activity and revenue?

If they are really serious about deficit and debt reduction, why is not one corporate tax loophole on the chopping block—not one? Why is the Tax Code off limits in this discussion, as it burns up 6 billion of our precious hours every year and makes that hospital orderly, pushing that cart down the linoleum hallway at midnight, pay a higher rate than those fortunate and able Americans who made more than $1/3 billion each in a single year?

If they are really serious about this, if deficits and debt are really the most important thing we face, why is there no discussion of corporate America's ever-diminishing contribution as a share of our national revenue?

If our friends are really serious, why is there no plan for even one of the 18,000 corporations in that phony-baloney headquarters in the Cayman Islands to pay its proper taxes?

Finally, if they are really serious, why is there so much pure political nonsense about ObamaCare and socialized medicine instead of a mature discussion about using and improving the tools in the health care bill to address our grave national health care system problem?

Further, why is it necessary to throw Planned Parenthood and Head Start and every single idealistic young kid in City Year and Teach for America under the bus? Not one kid in an American school doing Teach for America can be spared, and yet we must keep our full deployment of 57,000 troops in Germany? Is it necessary to single out the

Environmental Protection Agency for the gutting that polluters long have lusted for? Why go after Social Security, which has never contributed a nickel to America's debt or deficit?

It just seems to me that until one, just one, corporate tax loophole is on the table; until one, just one, subsidy to big oil is on the table, one, just one, subsidy to big agribusiness; until we are even beginning to talk about billionaires contributing Federal revenue in the same share of their income as that hospital orderly; until our friends are not so casual about threatening 700,000 jobs and perhaps $20 billion in related tax revenue; until the cuts and all those riders in H.R. 1 make it something other than a Republican Trojan horse of political favors and ideology, then count me a skeptic about their real priorities.

I have always found that you get a better read looking at what people actually do rather than just believing whatever they say. If you look at what H.R. 1 actually does, it is the same old Republican agenda—attacking programs that help the poor, attacking women's right to choose, attacking national voluntary service, helping polluters get around public health measures, reducing the share of revenues paid by corporations and very high income individuals. It is the same old song. And most important, if you go that road, it is just not adequate to meet the serious problems at hand. We need to look throughout the budget and across all of our opportunities to bring down our Nation's deficits and to bring down our Nation's debt.

I look forward in the months ahead to a serious, fair, and sensible discussion, a mature discussion of how to reduce our deficits and our debt.

I thank the Chair, and 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.

Mr. HARKIN. 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.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate recess subject to the call of the Chair.

There being no objection, the Senate, at 6:21 p.m., recessed subject to the call of the Chair and reassembled at 6:54 p.m. when called to order by the Acting President pro tempore.

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

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

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING RICK CURRY

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to the life and accomplishments of one of the Commonwealth's most outstanding citizens, Mr. Rick Curry, who passed away on November 17, 2010, at the age of 65. Rick made significant contributions to his hometown of Corbin, KY, as an active citizen, an entrepreneur and the coowner of one of Corbin's most popular nightspots and downtown attractions, The Depot on Main restaurant. I am honored to have called him my friend.

Originally from London, KY, Rick graduated from London High School and attended the University of Kentucky before enlisting in the U.S. Air Force. After being stationed in Japan and completing his military service, he attended Cumberland College and later became the president of Curry Oil Company in London, and Petro Haulers Inc., a fuel hauling business. Not only was Rick a successful businessman, he was also involved in property development and owned key commercial properties.

Aside from his successful business endeavors, Rick had always dreamed of owning a restaurant. In 2004, he began to make that dream a reality when he purchased and renovated an old department store building in downtown Corbin. This once blighted and vacant building soon turned into a beautiful and thriving restaurant; The Depot on Main. It was Rick's pride and joy.

This renovation was not only significant to Rick personally, but also to the Corbin community. It came at a time when economic vitality was suffering and few people dared to make investments. But Rick did. His investment encouraged business development in downtown Corbin.

Many people who had the privilege of knowing Rick remember the remarkable recovery he made after suffering a stroke in 2007. He handled that crisis, as he did everything else, with such a positive attitude and indomitable spirit. Those qualities, as well as the bonds he forged with so many in the community through his work, through the restaurant and in his life will be what Rick Curry is remembered for.

My thoughts go out to his wife Holly, the citizens of Corbin, and many other beloved friends and family members for their loss. Rick was an upstanding gentleman and an irreplaceable citizen of the Commonwealth. He will be greatly missed.

Mr. President, the Corbin News Journal recently published an article honoring Rick and the legacy he left behind. I ask unanimous consent that the full article be printed in the RECORD.

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

DEPOT ON MAIN OWNER DIES AT AGE 65

(By Trent Knuckles)

To those who knew him best, local businessman Rick Curry was the kind of guy who lived life to the fullest—destined to enjoy every moment he was given.

Curry, owner of The Depot on Main restaurant in Corbin, died in the early morning hours last Wednesday at the University of Kentucky Medical Center in Lexington after suffering a brain aneurysm. He was 65-years-old.

''I can't say enough about Rick and what a good person he was,'' said Bruce Carpenter, Director of Economic Development for Corbin and part owner, along with his wife Teresa, of The Depot on Main with Rick and his wife Holly. ''He was a good-hearted person. He always wanted to have a good time and have fun. I feel so fortunate to have known him the last six years.''

Curry was president of Curry Oil Company, in London, and Petro Haulers Inc., a fuel hauling business. He also was involved in property development and owned key potential commercial properties in London and Corbin.

Carpenter said he first met Rick and Holly in 2004, shortly after voters in the city of Corbin approved a measure that allowed that sale of alcoholic beverages at qualifying restaurants in the city limits.

Curry always had the dream of owning a nice restaurant and saw opportunity in Corbin.

He was one of the first entrepreneurs to take advantage of the new law.

Curry purchased the old Daniel's Department Store building and began renovations on what would eventually become The Depot on Main.

At the time, Carpenter was beginning a push to create a Main Street Program in Corbin dedicated to revitalizing the city's central business district.

''When I found out what he was doing, I got very excited about it. He was taking an older building and totally renovating it and making it something beautiful. I thought it was a great opportunity to jumpstart downtown,'' Carpenter said. ''It was a tremendous amount of work. He made a big investment in our community. That is what always excited me about Rick was his investment and belief in our downtown.''

Corbin Mayor Willard McBurney said news of Curry's death was sad and that the city had lost a valuable advocate and ally.

''He sure took a void on Main Street and turned it into one of the nicest restaurants in this area,'' McBurney said. ''It was a blighted building and he made it something to be proud of. He invested a lot of money into our Main Street. He will be missed.''

Curry told the News Journal that construction of The Depot on Main cost about $800,000. Carpenter said his family and the Curry's became close over the years. In 2007, Curry suffered a serious stroke, but made a remarkable recovery.

''He always had such a positive attitude and a good support system around him. Once he was on the road to recover, I think he just fed off that. He will be greatly missed,'' Carpenter said.

According to his obituary, Curry was a London native who attended grade school at Saint William Catholic Church. He graduated from London High School and was a member of the school's football team.

While a student at the University of Kentucky be joined the U.S. Air Force and was stationed in Japan. After leaving military service had attended Cumberland College.

Funeral arrangements for Curry were handled by House-Rawlings Funeral Home.

A celebration of Curry's life was held Saturday at St. William Catholic Church in London.

TRIBUTE TO DR. RICHARD STOLTZFUS

Mr. MCCONNELL. Mr. President, I rise today to honor the extraordinary career accomplishments of one of the Commonwealth's most talented and devoted medical professionals. Dr. Richard Stoltzfus, who has provided thousands of Kentuckians with his medical expertise as an internal medicine physician at the Daniel Boone Clinic in Harlan, KY, will retire at the end of April after 35 years of dedicated service.

Although born and raised in Pennsylvania, Dr. Stoltzfus always knew life held something different in the cards for him. After completing his medical degree at Hahnemann Medical College in Philadelphia, practicing internal medicine in Darby, PA, completing his residency training at Mercy Catholic Medical Center in Philadelphia, and volunteering at Hospital Grande Riviere du Nord in Haiti for 6 years, Dr. Stoltzfus decided to pursue his goal of providing medical care to residents in rural towns where he believed it was needed most. This belief is what led him to Harlan, KY, where he began work for the Daniel Boone Clinic in August 1976. Along with being a practicing physician, he also served as medical director of the Mountain Heritage Hospice since its beginning in 1980 to 2000, and was chief of medical staff at the Harlan Appalachian Regional Healthcare Hospital during his 35-year tenure.

Dr. Stoltzfus's long career shows his passion for helping others not only by ridding them of illness, but also by promoting overall wellness and health. His definition of health is not just the absence of disease, but the presence of physical, social, emotional and spiritual well being. Dr. Stoltzfus forms lasting bonds with his patients because they can see how much he truly cares.

Dr. Stoltzfus has said that the years he has spent in Harlan County have been the best years of his life. This may be true, but it is also safe to say that the contributions of dedicated and special people such as him are what make communities like it such wonderful and hospitable places to both work and live. I send my best wishes to Dr. Stoltzfus and his wife as they move on to the next phase of life: Dr. Stoltzfus has said they plan to move to Virginia to be closer to their children. I am sure their children will be glad to have more of their father around—just as I am sure the whole family is very proud of him and his life of accomplishment. I offer my sincerest congratulations to Dr. Stoltzfus on an exceptional career.

Mr. President, the Harlan Daily Enterprise recently published an article honoring the career of Dr. Stoltzfus. I ask unanimous consent that the full article be printed in the RECORD.

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

[From the Harlan Daily Enterprise, Feb. 26, 2011]

DANIEL BOONE CLINIC PHYSICIAN TO RETIRE IN APRIL

(By Nola Sizemore)

After 35 years of service as an internal medicine physician at the Daniel Boone Clinic, Dr. Richard Stoltzfus will retire at the end of April.

''I'd like Harlan County people to know how much I appreciate them making the last 35 years living and working here in Harlan County the best years of my life,'' said Stoltzfus. ''I know I've been able to serve people here and, in turn, I have been blessed by people here in many ways by the show of affection and appreciation my wife and I have received.''

Stoltzfus said after he finished his residency training in Philadelphia, Pa. he wanted to practice medicine in a place where he felt there was a real medical need—not in an urban area, but a rural area. He said he learned about a job opening in Harlan County from a friend, Dr. J.D. Miller, who was a physician at the Cloverfork Clinic during that time.

''I met Dr. Miller in Haiti where I was a volunteer for six years prior to coming to Harlan,'' said Stoltzfus. ''I applied for the position and began work at the Daniel Boone Clinic in August, 1976.''

Along with being a practicing physician at the Daniel Boone Clinic, Stoltzfus has also served as medical director of Hospice since its beginning. He said in the last few years he had worked as assistant medical director.

Stoltzfus also served as chief of medical staff at the Harlan ARH Hospital during his tenure.

''Hospice is a wonderful organization, and I really believe in it,'' said Stoltzfus. ''A lot of people placed in Hospice have a certain life expectancy and most of the time they exceed that. I believe it's because of the care they receive from the wonderful staff.''

Stoltzfus said one of his guiding principals, while practicing medicine in Harlan County, had been promoting wellness. He said the definition of health is not just the absence of disease, but it's the presence of physical, social, emotional and spiritual well being.

''I can cure a person of pneumonia, but that person can still be sick,'' said Stoltzfus. ''I may refer them to pastors or counselors or help them work on relationships—to promote a wholesome life. I believe in spending time with patients. I've always seen myself on an equal playing field with my patients. As a physician, of course, I have knowledge to share, but I involved my patients in decision making.''

Stoltzfus said there were many points in the last 35 years of living in Harlan County, and two that stood out in memory were his trip to Washington D.C. with the Harlan Boys Choir when they sang at the inauguration of President George Bush. He said he was proud to be a part of those representing Harlan County to the world.

''My family was flooded in 1977,'' said Stoltzfus. ''We lived in Rio Vista and had four feet of water in our house. I remember I had a patient, who had just had a heart attack, that wanted to help me and my wife clean the mud from our home. He wasn't physically able to help, so he sent his wife to help us—that's what Harlan County people do—care about their neighbors. The whole community supported us during that time. Things like that touch your heart. The way the people of Harlan County watch out for each other has always touched me. I love the small town atmosphere evident here in Harlan County.''

Stoltzfus said after his retirement, he and his wife would be relocating to Virginia to be near their two children. He said he planned to always keep in touch with his friends here in Harlan County.

''My coworkers are like family to me,'' said Stoltzfus. ''Harlan County is a wonderful place to raise families. It has values of community and caring which I think some communities have lost. Harlan has been put down by a lot of people; but I've always been proud of Harlan because of what they have to offer here. Our children are well educated and very prepared for their future. I'm very proud of our educators here in the county and the job they're doing. Harlan has a lot to offer and I'd recommend it to everyone. I'm going to miss living and working here.''

HONORING OUR ARMED FORCES

LIEUTENANT MIROSLAV ''STEVE'' ZILBERMAN

Mr. BROWN of Ohio. Mr. President, today I pay tribute to the life and military service of Navy LT Miroslav ''Steve'' Zilberman, who died 1 year ago today, while serving his adopted country with distinction and representing his family with honor as a devoted son, husband, and father.

Lieutenant Zilberman immigrated to the United States from the Ukraine with his parents when he was 11 years old. The family settled in the suburbs of Columbus, OH, where he would graduate from Bexley High School and soon thereafter enlist in the U.S. Navy. The grandson of a Russian World War II pilot, Lieutenant Zilberman lived and breathed naval aviation. While serving in the Navy, Lieutenant Zilberman received a world class education, travelled across continents, and flew with the most elite fleet in the world.

After excelling as a naval electronics technician for 2 years, Lieutenant Zilberman was selected to become an officer through the Navy's Seaman to Admiral Program. His commanding officer and fellow sailors recognized the strength of Lieutenant Zilberman's character, his officer potential, and his unquestionable loyalty to the United States.

As a naval pilot, Lieutenant Zilberman was chosen to fly the E–2C Hawkeye, a crucial component of all U.S. Navy Carrier Air Wings and one of two propeller airplanes that operate from aircraft carriers. Always embracing new challenges with determination, Lieutenant Zilberman understood the requisite hard work and skill needed to become a top-notch E–2C pilot.

He studied his aircraft inside and out, and was particularly proud of the nighttime landings he successfully completed. He once landed his E–2C Hawkeye at night with only one engine functioning—a significant feat of balancing skill over nerves, displaying an implicit trust in his hours of training and studying. Commander Dave Mundy of the Carrier Airborne Early Warning Squadron 121—the VAW–121, also known as the ''Bluetails''—attests that Lieutenant Zilberman was one of the best pilots he had ever flown with.

On March 31, 2010, Lieutenant Zilberman had been forward deployed for nearly 3 months. While returning to

the U.S.S. *Eisenhower* after a flight mission over Afghanistan, Lieutenant Zilberman's plane crashed into the North Arabian Sea, approximately 5 miles from the aircraft carrier. One of the plane's dual engines lost oil and eventually failed. When it became clear to Lieutenant Zilberman that there was no way to safely land the plane on the flight deck, he ordered his crew to bail out. Lieutenant Zilberman fought valiantly to keep his plane steady long enough for his crew members to escape. He went down with his plane into the North Arabian Sea. Lieutenant Zilberman's crew members were rescued shortly after the crash, and the search and rescue effort salvaged portions of the aircraft. However, after searching more than 5,300 square miles for Lieutenant Zilberman, the search was called off and he was pronounced dead.

Each day our servicemembers, like Lieutenant Zilberman, sacrifice their lives defending our Nation. Their acts of heroism are derived from a sense of duty, an obligation taken from the belief in the greatness of our Nation. But beyond their courage and bravery, our servicemembers are also husbands and wives, sons and daughters, and friends and neighbors. In addition to being a highly capable and daring pilot, Lieutenant Zilberman was known by his family and friends as someone with an infectious personality, as Commander Mundy has said, someone who could walk into a room and reduce any tension or stress.

While on board the Ike, Lieutenant Zilberman stayed in touch with his family via video chat, where he read and danced for his children. Lieutenant Zilberman was a dedicated husband to his wife Karen, who was also his high-school sweetheart. He was a loving father to his son Daniel and daughter Sarah. And he was the loving son—and only child—of devoted parents Anna Sokolov and Boris Zilberman.

Today marks the 1-year anniversary since Lieutenant Miroslav ''Steve'' Zilberman's life was taken while serving our Nation. On behalf of a grateful State, I thank him for his service—and his family and friends for keeping his memory alive through their thoughts and actions that remind us of his sacrifice.

JUSTICE AND POLICE REFORM IN GUATEMALA

Mr. LEAHY. Mr. President, I want to speak briefly on a subject that I have discussed before concerning Guatemala's struggling justice system.

In a country facing a growing threat from Mexican drug cartels and other criminal organizations that have infiltrated every facet of society, a police force that is notoriously corrupt and ineffective at investigating crime, a military hierarchy that continues to obstruct justice, and a conviction rate in the courts of 2 percent, the situation could hardly be grimmer.

Violent crime and smuggling have skyrocketed, impunity is the norm, and reports indicate that many people in Guatemala feel less safe today than even during the 30-year internal armed conflict. There are credible reports of police collusion with the drug cartels, and threats and assassinations of indigenous activists who have petitioned for land reform. And a decade and a half after the signing of the Peace Accords, the military hierarchy, current and former, uses threats and intimidation of victims, witnesses, judges and prosecutors to avoid accountability for past crimes against humanity.

I and others were encouraged last year when President Colom appointed respected human rights activist Helen Mack to assess the weaknesses of the police and to recommend reforms. Ms. Mack has widespread credibility and could be relied on to conduct a fair, thorough review.

But any recommendations for reform are only as good as the funding and political will to implement them, which is too often lacking in Guatemala. Presidential elections are scheduled for September. Unless the current government or its successor is prepared to carry the police reform process forward, not only will a critical opportunity have been missed but the security challenges facing Guatemala will worsen further.

Helen Mack accepted her assignment knowing it would be dangerous. Her sister Myrna, an anthropologist who had documented the horrific abuses of Mayan peasants by the Guatemalan army, was assassinated by the army in 1990. Helen also knew that trying to reform the police would ultimately be a wasted exercise if her recommendations end up collecting dust on a shelf. Yet she has persevered, and it is for the good of all Guatemalans.

Other victims of torture, disappearance, and murder during the internal armed conflict are still waiting for justice. When successive governments failed to hold the military accountable, some victims or their families turned to the courts, only to be stymied at every turn. The courts have issued contradictory rulings, reversed themselves and each other, and cases have dragged on for years. It makes a mockery of justice and of officials who are responsible for upholding the rule of law.

No democracy can survive without a functioning justice system, including a professional, trusted, well financed police force. The effectiveness of the police in preventing and controlling crime depends on the relationship between the police and the public. If the police force is to regain the confidence and trust of Guatemalans, particularly Guatemala's indigenous population which has traditionally been the target of discrimination and abuse, a concerted and unwavering effort must be made to ensure the professionalism, transparency and accountability of the police. It should be a priority.

Ms. Mack's courageous efforts, and the efforts of others who have risked their lives in support of justice and a better life for the millions of Guatemalans living in poverty, deserve the unequivocal support of the Guatemalan Government and the Government of the United States.

TIK ROOT

Mr. LEAHY. Mr. President, I want to take a moment to say a few words about a situation in Syria that is of particular concern to me and people of my State.

Going on 2 weeks ago, a young Middlebury College student, Pathik ''Tik'' Root, disappeared in Damascus, Syria, where he was studying Arabic.

As anyone who is following recent events in Syria knows, there have been large public demonstrations, some of which have resulted in arrests and casualties.

Thanks to the efforts of U.S. Embassy Damascus and the Syrian Ambassador to the United States, Imad Moustapha, it was determined that Tik had been arrested and is being held in a Syrian jail.

By all accounts, it appears that Tik was arrested simply because he was taking photographs at one of the demonstrations.

As an avid photographer myself, I would hope that the Syrian Government recognizes the innocent conduct of a young, curious American student who is fascinated, as we all are, by the extraordinary events taking place across North Africa and the Middle East.

I and my staff have had multiple conversations with Tik's father, with Ambassador Moustapha, with U.S. Ambassador Robert Ford, and other State Department officials about Tik's situation.

We are optimistic that he will be released, because he was doing nothing wrong and at most he was in the wrong place at the wrong time.

But so far, no one from the American consulate in Damascus has been allowed to see Tik, which is unacceptable. Our representatives in Damascus should be given immediate access to him—today—to ensure that he is in good health and being treated humanely.

I know I speak not only for myself but also for Senator BERNIE SANDERS and Congressman PETER WELCH, in urging the Syrian authorities to release Tik and allow him to return home.

This is not a time to be confusing a young American college student with the popular forces that are calling for political change in Syria.

Tik is an innocent 21-year-old who poses no threat whatsoever to the Syrian Government, but his continued detention will only further complicate our already difficult relations with Syria.

REMEMBERING ELIZABETH TAYLOR

Mrs. FEINSTEIN. Mr. President, I would like to recognize and honor the

incredible life of Elizabeth Taylor, a true Hollywood movie star, a dedicated social activist, and a legendary figure in American history.

Elizabeth Taylor was born on February 27, 1932, in Hampstead, London, England, to Americans Francis Lenn Taylor and Sara Viola Warmbrodt. In a career that spanned 70 years, Elizabeth Taylor remarkably appeared in over 50 films. However, it was her philanthropy and dedication to her fellow humankind that have earned my deepest gratitude.

Many will remember Elizabeth Taylor for her film career, with overwhelming hits such as ''National Velvet,'' which catapulted her to stardom and solidified her as Hollywood's newest star. I personally recall this film as one of my childhood treasures, and it remains a classic to this day. Ms. Taylor was a pioneer for women, in film and in society. When she signed a $1 million contract for the film ''Cleopatra,'' it boldly declared her status to Hollywood and the world. She also expanded her body of work to include Broadway, where she debuted in the revival of Lillian Hellman's 1939 play ''The Little Foxes'' and returned in the revival of Nöel Coward's 1930 comedy ''Private Lives.''

Though Elizabeth Taylor earned her household name through her accomplishments in the film industry, it was her charitable work to combat AIDS that was truly outstanding. Never one to shy away from opposition or controversy, Ms. Taylor wholeheartedly fundraised, supported, and raised awareness for AIDS. Her ability to mobilize a new audience was remarkable. In addition to fundraising and contributing millions of dollars to addressing AIDS, Ms. Taylor was a principal founder in the American Foundation for AIDS Research, amfAR, and the Elizabeth Taylor AIDS Foundation.

Elizabeth Taylor received many accolades throughout her career, including her appointment as a Dame Commander of the Order of the British Empire for her illustrious film career and humanitarian work. Ms. Taylor received two Academy Awards for best actress for her performances in ''Butterfield 8'' and ''Who's Afraid of Virginia Woolf.'' Later, she was inducted into the California Hall of Fame at the California Museum for History, Women, and the Arts, by former Governor Arnold Schwarzenegger. While these honors are notable, it was Ms. Taylor's intangible qualities of perseverance, altruism, and grace that were even more remarkable.

Beyond her film career and role as an activist, Elizabeth Taylor was an individual with an entrepreneurial spirit. She authored a self-help book, designed jewelry for The Elizabeth Collection by Piranesi, and created the popular perfumes ''Passion,'' ''White Diamonds,'' and ''Black Pearls.'' As a reflection of herself, Ms. Taylor's ventures always evoked a sense of class, eternal elegance, and beauty.

Please join me in expressing the sympathies of this body to Elizabeth Taylor's family, including her children, Michael Howard and Christopher Edward Wilding, Elizabeth ''Liza'' Todd, and Maria Burton, 10 grandchildren, and 4 great-grandchildren. I have no doubt she will be so dearly missed by the many friends, family, and countless individuals whose lives she touched. On this day, we celebrate her, her life, her legacy, and her extraordinary contributions to our Nation and the world as a whole.

Elizabeth Taylor will be remembered as a dazzling actress, a friend, a noble philanthropist, and as Hollywood's ultimate leading lady.

REMEMBERING W.R. ''WILLIE'' JONES

Mr. SHELBY. Mr. President, I rise today to pay tribute to Mr. W.R. ''Willie'' Jones, who passed away on Friday, March 25, 2011. Willie was dedicated to providing hope for a better life for underprivileged children in Montgomery, AL, and he was a personal friend. Along with the children and families whose lives Willie helped to change, I mourn his passing.

Willie Jones was born on April 3, 1955, and was an alumnus of Alabama State University. He began his life of dedication to the YMCA by participating in the organization's programs as a youth. Starting in 1968, he worked part time as an aquatic instructor at the Cleveland Avenue YMCA in Montgomery, where he would later become the executive director. His involvement didn't stop there; Willie also served as a senior vice president of the Montgomery YMCA. He held famous father/son banquets that attracted top sports talent to the Cleveland Avenue YMCA and provided inspiration for young boys and their fathers.

I have always recognized the Cleveland Avenue YMCA as an important place for the advancement of underprivileged youth. The facility opened in 1960 in conjunction with Martin Luther King's efforts to obtain equal opportunities for all people, including children. Willie and I worked together to fund and open the Cleveland Avenue Cultural Arts and Education Center, CAEC, in 2000. The CAEC is the largest YMCA facility in the country that is entirely dedicated to the arts. It is a true testament to Willie's commitment to helping America's youth through creative and educational initiatives.

In addition to his work for the YMCA, Willie served as the chairman of the Montgomery County Community Punishment and Corrections Authority and advocated for prison alternatives for nonviolent offenders, another passion of his. He also served on the Montgomery Housing Authority board of directors and the Montgomery County Recreation Commission.

Willie's advocacy extended beyond the boardroom and into city and county meetings, which he regularly attended. He was often spotted around the community networking with nearly everyone he met. Willie was a great friend to me and to all people, young and old. His selfless life's mantra was, ''This isn't about Willie Jones, it's about the kids at the YMCA.'' I am honored to have assisted with obtaining Federal funding for the Cleveland Avenue YMCA and to have known this man who was so committed to his community and to the greater world around him.

Willie is loved and will be missed by his wife Versie and two children, Jeff and Jennifer. My thoughts and prayers are with them as they struggle with Willie's premature and unexpected death. A tireless advocate for underprivileged children and nonviolent offenders, Willie championed the notion of a ''second chance'' for kids throughout the community and will be fondly remembered for the legacy of service he left behind him.

TRIBUTE TO ALEX HECHT

Ms. SNOWE. Mr. President, today I wish to honor one of my Small Business Committee staff members and trusted advisers, Alex Hecht, as he prepares to depart Capitol Hill for the private sector. Alex joined my office in March 2005—6 years ago—as regulatory counsel for the committee, after serving as a legislative analyst for the National Multi Housing Council. Since then, Alex has taken on a host of issues vital to our Nation's small businesses and has been at the forefront of helping me craft critical legislation to assist these job generators.

As regulatory counsel, Alex helped me develop an agenda to help small businesses fight the onerous regulations they face. And he has continued his work to this day. As has been noted frequently, our current Federal regulatory situation is outrageous. Small firms—our Nation's primary job creators—with fewer than 20 employees bear a disproportionate burden of complying with Federal regulations, paying an annual regulatory cost of $10,585 per employee, which is 36 percent higher than the regulatory cost facing larger firms.

To reduce the burdensome task of complying with excessive Federal regulations, Alex helped me draft an amendment to the Dodd-Frank Wall Street reform bill that created small business advocacy review panels within the Consumer Financial Protection Bureau, or CFPB, through the Regulatory Flexibility Act so that the CFPB fully considers small business economic effects when it promulgates new regulations. Alex also helped me move the Small Business Compliance Assistance Enhancement Act over the finish line in 2007 to ensure that agencies publish small business compliance guides for regulations in plain English and in a timely manner.

Alex was also instrumental in helping me introduce the Small Business

Regulatory Freedom Act of 2011 with Senator COBURN to help ensure that the Federal Government fully considers the small business economic impact of the rules and regulations that agencies promulgate.

Since January 2007, Alex has served as my chief counsel on the committee, overseeing much of its policy work and specializing in a number of issue areas, including health care and small business energy policy, in addition to regulatory reform. Alex was crucial in helping me develop the Small Business Health Options Program Act—or SHOP Act—in both the 110th and 111th Congresses. This bipartisan legislation would have made health insurance more affordable and accessible for small businesses and the self-employed, who represent a majority of our Nation's uninsured.

Alex also helped me craft the Small Business Energy Efficiency Act of 2007, which was signed into law as part of the Energy Independence and Security Act of 2007. This legislation is helping to combat climate change by using Small Business Administration, SBA, resources to assist in the development of energy efficiency projects.

Additionally, Alex has been inextricably linked with our committee's efforts to reauthorize the Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs. These critical initiatives foster an environment of innovative entrepreneurship by directing more than $2 billion annually in Federal research and development, R&D, funding to the Nation's small firms most likely to create jobs and commercialize their products. We are presently debating such legislation on the floor—legislation which represents an unprecedented compromise supported by stakeholders from all sides—and we are closer than we have been in 5 years to getting a bill to the President's desk. This is largely in part to Alex's consistent and dedicated efforts.

As Alex prepares to leave the Senate, I offer him my sincerest gratitude for 6 dedicated years of service to my office and to America's small businesses. In particular, I want to thank him for serving as acting staff director of the committee in late 2006. Over his years on the Hill, Alex has developed a thorough knowledge and passion for Senate procedure and has been key in helping me formulate our committee rules each Congress. His absence will be regrettably notable. I wish him, his wife Amy, and his children, Chance and Marin, all the best as they begin this exciting new chapter.

TRIBUTE TO DANIEL P. MULHOLLAN

Mr. LIEBERMAN. Today I wish to note the retirement of Daniel P. Mulhollan as Director of the Congressional Research Service and to thank him for his service to Congress over the past 42 years. CRS, an institution with roots going back to 1914, provides essential support for Congress. Dan Mulhollan has been a part of CRS since September 1969; and he has led CRS since January 24, 1994, when Librarian of Congress James Billington named him CRS Director.

As Director, Mulhollan's accomplishments have been impressive. He worked to ensure that the analytical services of CRS are explicitly and clearly pertinent to the legislative, oversight, and representational responsibilities of Congress and to the current congressional agenda. He expanded the ability of CRS to bring interdisciplinary scholarship to bear on matters important to Congress. His efforts to develop and implement a personnel succession plan ensure that professional talent will continue to be available to Congress in the years to come.

Following graduate work in political science at Georgetown University, Mulhollan came to what was then known as the Legislative Reference Service. His first division chief recognized the restless energy of this new analyst in American national government and put him to work on inquiries about the institutional dimensions of Congress. In 1973 Mulhollan was named section head and subsequently served as head of three sections in the CRS Government Division. He and the teams he led worked with committees and Members of Congress on such matters as lobbying disclosure, the Watergate investigation, and subsequent impeachment investigation, congressional reorganization, and congressional ethics. In 1981 Mulhollan became assistant chief of the CRS Government Division, and in that position he managed research for Congress on a wide range of issues, among which were the organization and administration of the executive and legislative branches, legislative process, voting and elections, lobbying, and political parties and processes.

In 1991 Mulhollan received the Library's Distinguished Service Award for his career achievements, and in 1992 James Billington, the Librarian of Congress, appointed Mulhollan as Acting Deputy Librarian of Congress for a period of 2 years and commissioned him to head the Library's effort to enhance its service to Congress. Subsequently, Mulhollan was named chief of the CRS Government Division; and then in 1994, Dr. Billington named Mulhollan to be Director of the Congressional Research Service. In making the appointment, Dr. Billington said, ''Daniel Mulhollan brings to this position comprehensive knowledge of Congress, an understanding of its research needs, a strong commitment to diversity, and a record of effective and energetic administration.'' The Librarian chose well: under Mulhollan's energetic leadership over the past 17 years, CRS has consolidated its analytic abilities and has continually demonstrated its worth to the United States Congress.

I am confident that my Senate colleagues join me in wishing Daniel Mulhollan well in his retirement, commending his leadership of CRS, and thanking him for a job well done.

TRIBUTE TO EARL HOLDING

Mr. RISCH. Mr. President, today I want to give recognition to an individual who has done great things for the ski industry and the State of Idaho. On April 2, Earl Holding will be inducted into the U.S. Ski and Snowboard Hall of Fame. His induction is not because of his exploits on the slopes, although he knows how to carve a turn in the snow, but because of his passion and unmatched effort in developing quality skiing facilities in Idaho, the Western United States, and for his work in bringing the 2002 Winter Olympics to Salt Lake City.

Earl Holding purchased Idaho's ski resort of Sun Valley in 1977. His attention to detail and the experience he brought to the property from owning and managing properties in the hospitality industry, truck stops and oil industry was just what the resort needed. He began a beautification project that restored the grandeur of the property by renovating virtually every square foot of the historic buildings, adding moonlight sleigh rides and world-class ice shows, and planting thousands of new trees.

On the ski runs, he put in the world's largest snowmaking system. Five new high-speed detachable quad lifts were built along with new day lodges and restaurants. With interests in architecture and design, Earl Holding showed his talent for uniting culture and charm as well as inspiring excitement to his resorts and hotels. As such, he personally oversaw the design of the new lodges to maximize their breathtaking mountain views.

Sun Valley was once again a preeminent resort that brought skiers and tourists from around the world. In 2009, the Sun Valley Nordic Center hosted the International Special Olympics. It was also the training site for numerous international teams as they prepared for the 2002 Winter Olympic Games in Salt Lake City.

Earl Holding, along with his wife Carol, has restored the charm and grandeur that was Sun Valley shortly after its founding by Averell Harriman in 1936. Skiers, winter sports enthusiasts and the entire ski industry have benefitted from the Holding family's passion for developing a first-class and highly acclaimed ski resort at Sun Valley and elsewhere.

His work has also made the State of Idaho a destination location for skiers, golfers and other outdoor enthusiasts as he developed Sun Valley into a five-star, year-round resort. The enormous draw the name ''Sun Valley'' has in the highly competitive international tourism trade is beyond anything the state could do to attract more tourists.

It is indeed a great honor for me to congratulate Earl Holding for his vision, passion and perseverance in making Sun Valley a world-class resort,

and for his induction into the U.S. Ski and Snowboard Hall of Fame.

ADDITIONAL STATEMENTS

TRIBUTE TO IRVING AND PHYLLIS LEVITT

● Mr. COONS. Mr. President, today I wish to honor Irving and Phyllis Levitt and their lives of service to my home State of Delaware and their community in Dover.

For over 40 years, both Irving and Phyllis have been consummate activists, educators, community leaders, and patrons of the arts. Their contribution to Dover and to the First State can be measured in the thousands of lives they have enriched. Since arriving in Delaware in 1966, Irving and Phyllis have tirelessly demonstrated their concern for others and their commitment to the causes they hold dear.

For decades, Irving Levitt worked passionately in public service, filling a number of important roles at the Social Security Administration in Dover and Wilmington. Later, he served on the Dover Utility Commission and was elected a city councilman. For 15 years, Irving served as the Governor's appointee to the State's Accident Referral Board, and he was also a member of the State Board of Nursing.

Phyllis brought the joy of English language and literature to hundreds of students during her 25 years as a teacher at Dover High School. In addition to her teaching and her devotion to the Dover High students, Phyllis served on numerous State education commissions and led the Delaware chapter of the National Organization of Teachers of English. She also spent several years teaching English at Wesley College and an English teacher training course at the University of Delaware. Following her retirement in 1992, Phyllis chaired the State Humanities Council, served on the Governor's Committee on the Arts, and transformed the Dover Art League from a small volunteer group into a major nonprofit that enriches lives throughout Kent County. Moreover, Phyllis chaired the Delaware chapter of the American Civil Liberties Union and, during her retirement, continued to advocate for causes of justice on the street corners of our State capital. Irv and Phyllis together regularly participated in marches, protests, and campaigns to improve conditions for the poor, for migrant workers, and for all who suffered injustice. They became fierce advocates for human rights.

As members of Congregation Beth Sholom, both served in leadership roles, with Phyllis presiding over the Sisterhood and Irving leading the Brotherhood and later presiding over the synagogue. Their involvement included roles with Hadassah, Israel Bonds, and the Jewish Community Relations Council in Dover. Jewish life continues to flourish in our State in part because of their devotion to the Delaware Jewish community and their involvement with interfaith and multicultural outreach programs.

Together, Irving and Phyllis Levitt exemplify that ancient commandment found in Deuteronomy: ''Justice, justice you shall pursue.'' I am proud to be their friend, and I join in congratulating them on the occasion of a dinner in their honor on April 3. May they continue to serve as a beacon of justice in our community and an example for young people throughout our State.●

REMEMBERING ALFRED SCHWAN

● Ms. KLOBUCHAR. Mr. President, I wish to honor the memory of a caring and charismatic business icon and decorated Navy veteran.

Alfred Schwan, who passed away on March 18, 2011, helped found a small, all-American family business with his brothers Marvin and Robert and built The Schwan Food Company to what it is today—a successful, frozen-food company with thousands of employees and millions of customers

Alfred was known as an adventurous and outgoing person who had a quick smile, relentless energy and a can-do attitude.

Alfred started in the frozen food business early. Born in 1925 to Paul and Alma Schwan, as a young man he helped his father at the Marshall Ice Cream Company make popsicles and ice cream bars.

But Alfred did not go straight into the family business. He left to fulfill a dream and serve his country as a pilot and joined the U.S. Naval Aviation Corps. Alfred flew torpedo bombers and taught anti-submarine warfare.

He met his wife Doris during a blind date at a USO Club. They married in 1946, the same year Alfred was awarded Navy Wings of Gold. A year later they had their first of five sons.

Answering a call from his family, Alfred joined the family business in 1964 to oversee factory operations and company drivers. Those company yellow trucks have become beloved across the nation. I know I remember fondly seeing the yellow Schwan truck in my neighborhood.

With a commitment to integrity and hard work, Alfred went on to oversee the Schwan pizza business. He guided the production of Schwan pizza in their plant in Salina, KS, for three decades while also overseeing plants in Kentucky and Texas and in my home State of Minnesota.

He used his flying skills to crisscross the Nation on behalf of Schwan—becoming the company's first aviation department.

After the death of his brother Marvin, Alfred was appointed CEO, president and chairman of Schwan in 1993. He retired as chairman in 2009 at the age of 83.

Among the many public honors this inspirational and ever optimistic leader received includes being honored by the School Nutrition Association of Kansas as an Outstanding Industry Member of the Year and induction into the Frozen Food Hall of Fame as well as receiving Schwan's most prestigious honor—the Marvin M. Schwan Heritage of Quality Award.

It is appropriate to honor Alfred's passing as March is National Frozen Food Month. He gave his energy passionately to this important industry.

With more than 700 facilities nationwide, the frozen food industry employs nearly 100,000 Americans in the manufacturing sector alone, generating a payroll of approximately $3 billion.

My home State of Minnesota is home to Schwan's headquarters and over 7,500 jobs in frozen food. Alfred was such an important leader and citizen of Minnesota when he retired Marshall, Minnesota declared January 29, ''Alfred Schwan Day.''

During Frozen Food Month, it is important to take a moment to remember all-American entrepreneurs and inventors like Alfred Schwan and Clarence Birdseye—an American inventor—who ushered in a food revolution in 1930 when his line of frozen foods first hit grocery stores. Few other food choices provide consumers with the benefits and flexibility offered by frozen foods.

I imagine Alfred and Clarence had a lot in common.

On behalf of all Americans, I thank Alfred Schwan for his service to our country and to U.S. consumers. Frozen foods are a staple in American homes, office lunch rooms and school cafeterias. They provide an important source of healthy, affordable and convenient food choices that will continue to help feed our Nation and the world.

It is appropriate that we take a moment to recognize the passing of a great innovator and pioneer this Frozen Food Month.●

REMEMBERING BRIGADIER GENERAL HENRY A. SMITH, JR.

● Mr. THUNE. Mr. President, today I wish to recognize the recently deceased Brigadier General (Ret.) Henry A. Smith, Jr., a WWII veteran, for all of his service during and after WWII to South Dakota and the United States.

General Smith served both in the European Theater and in the Far East Command. He was promoted to lieutenant colonel and was honored with the Bronze Star with one Oak Leaf Cluster. After the war, General Smith continued to serve his country in the South Dakota National Guard. He served as executive officer of the 196th Regimental Combat Team and was ordered to active duty in 1950, spending time in both Colorado and Alaska. When his unit returned, General Smith became commander of the 196th Regimental Combat Team, SDNG. He was appointed assistant adjutant general, SDNG in 1964. General Smith was transferred to the Retired Reserves in 1970, and continued serving his country in that capacity for the remainder of his life.

I would like to express my sincere appreciation of General Smith's service to both South Dakota and the United States and to extend my condolences to his family.●

150TH ANNIVERSARY OF AUGUSTANA COLLEGE

● Mr. THUNE. Mr. President, today I recognize Augustana College of Sioux Falls, SD. Founded in 1861, Augustana celebrates its 150th anniversary this year.

Augustana College is located in Minnehaha County and upholds Christian values that inspire excellence in students and service in the community. This institution is a profound example of quality higher education in South Dakota. After moving to several different locations, Augustana found permanent residence in Sioux Falls, SD, in 1918. Augustana College has much to be proud of, and I am confident that Augustana's success will continue well into the future.

Success is fostered from Augustana's core values of Christianity, integrity, community, and service. These values are intertwined into a liberal arts education and prepare students for the challenges and triumphs they will face after graduation.

Augustana will commemorate the sesquicentennial of its founding with celebrations on April 16, featuring historic galleries, speakers, and entertainment. I would like to offer my congratulations to the students, parents, faculty, and alumni of this institution on this milestone anniversary and wish them continued prosperity in the years to come.●

REMEMBERING ALFRED SCHWAN

● Mr. MORAN. Mr. President, I wish to honor the memory of a caring and charismatic business icon and decorated Navy veteran.

Alfred Schwan, who passed away on March 18, 2011, helped found a small, all-American family business with his brothers Marvin and Robert and built The Schwan Food Company to what it is today a multibillion-dollar, frozen-food company with thousands of employees and millions of customers.

Alfred was known as an adventurous and outgoing person who had a quick smile, relentless energy, and a can-do attitude.

Alfred started in the frozen food business early. Born in 1925 to Paul and Alma Schwan, as a young man he helped his father at the Marshall Ice Cream Company make popsicles and ice cream bars.

But Alfred did not go straight into the family business. He left to fulfill a dream and serve his country as a pilot and joined the U.S. Naval Aviation Corps. Alfred flew torpedo bombers and taught antisubmarine warfare.

He met his wife Doris during a blind date at a USO Club. They married in 1946, the same year Alfred was awarded Navy Wings of Gold. A year later they had their first of five sons.

Answering a call from his family, Alfred joined the family business in 1964 to oversee factory operations and company drivers. Those company yellow trucks have become beloved across the nation. I know I remember seeing the yellow Schwan truck in my neighborhood.

With a commitment to integrity and hard work, Alfred went on to oversee the Schwan pizza business. He guided the production of Schwan pizza in their plant in Salina, KS, for three decades. Under his leadership the plant grew from having little more than a dozen employees to employing 1,500 Kansans with the capacity to produce more than 3 million pizzas a day. Alfred listed the growth of the Salina plant as one of his proudest achievements in business.

After the death of his brother Marvin, Alfred was appointed CEO, president and chairman of Schwan in 1993. He retired as chairman in 2009 at the age of 83.

Among the many public honors this inspirational and optimistic leader received include being honored by the School Nutrition Association of Kansas as an Outstanding Industry Member of the Year, induction into the Frozen Food Hall of Fame, and receiving Schwan's most prestigious honor—the Marvin M. Schwan Heritage of Quality Award.

Alfred was such an important community leader and citizen of Kansas that, when he retired, Salina, KS, declared February 6 as ''Alfred Schwan Day.''

As March is National Frozen Food Month, it is appropriate to honor Alfred's life and the energy and passion he gave to this important industry. He was an innovator and pioneer in the frozen food industry. With more than 700 facilities nationwide, the frozen food industry employs nearly 100,000 Americans and generates a payroll of approximately $3 billion.

On behalf of all Americans, I thank Alfred Schwan for his service to our country and to U.S. consumers. Frozen foods are a staple in American homes, office lunch rooms, and school cafeterias. These foods provide an important source of healthy, affordable, and convenient food choices that help feed our Nation and the world.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 10:58 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

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

MEASURES READ THE FIRST TIME

The following bills were read the first time:

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

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

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–1084. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the annual Developing Countries Combined Exercise Program report of expenditures for Fiscal Year 2010; to the Committee on Armed Services.

EC–1085. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Debt Collection'' (RIN2590–AA15) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–1086. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Demand Response Compensation in Organized Wholesale Energy Markets'' ((RIN1902–AE02) (Docket No. RM10–17)) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Energy and Natural Resources.

EC–1087. A communication from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report relative to the Zero-Net Energy Commercial Building Initiative and other government initiatives that affect commercial buildings; to the Committee on Energy and Natural Resources.

EC–1088. A communication from the Chief Counsel of the Fiscal Service, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''General Regulations Governing U.S. Securities. . . .'' (31 CFR Parts 306, 356, 357, and 363) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Finance.

EC–1089. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of the

''Memorandum of Understanding Between the Government of the United States of America and the Government of the Republic of Italy Concerning the Imposition of Import Restrictions on Categories of Archaeological Material Representing the Pre-Classical, Classical and Imperial Roman Periods of Italy''; to the Committee on Finance.

EC–1090. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 for Calendar Year 2010''; to the Committee on Finance.

EC–1091. A communication from the Associate General Counsel for General Law, Office of the General Counsel, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the Department of Homeland Security in the position of Inspector General, received in the Office of the President of the Senate on March 29, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC–1092. A communication from the Officer for Civil Rights and Civil Liberties, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''No FEAR Act: Fiscal Year 2010 Annual Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–1093. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Tribal-State Road Maintenance Agreements; to the Committee on Indian Affairs.

EC–1094. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the disclosure form used by Presidential campaigns to report campaign finance activity; to the Committee on Rules and Administration.

EC–1095. A communication from the Director of the Regulations Management Office of the General Counsel, Board of Veterans Appeals (01), Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Remand or Referral for Further Action; Notification of Evidence Secured by the Board and Opportunity for Response'' (RIN2900–AN34) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Veterans' Affairs.

EC–1096. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Lavatory Oxygen Systems'' ((RIN2120–AJ92) (Docket No. FAA–2011–0186)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1097. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal and Amendment of Class E Airspace, Oxford, CT'' ((RIN2120–AA66) (Docket No. FAA–2010–0815)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1098. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Feathering Propeller Systems for Light-Sport Aircraft Powered Gliders'' ((RIN2120–AJ81) (Docket No. FAA–2010–0812; Amdt. No. I–66)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1099. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to and Revocation of Reporting Points; Hawaii'' ((RIN2120–AA66) (Docket No. FAA–2011–0018)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1100. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company CF6–45 and CF6–50 Series Turbofan Engines'' ((RIN2120–AA64) (Docket No. FAA–2006–24145)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1101. 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; Amdt. 3414'' (RIN2120–AA65) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1102. 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 VOR Federal Airways V–82, V–175, V–191, and V–430 in the Vicinity of Bemidji, MN'' ((RIN2120–AA66) (Docket No. FAA–2010–0241)) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1103. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Seaway Regulations and Rules: Periodic Update, Various Categories'' (RIN2135–AA29) received in the Office of the President of the Senate on March 30, 2010; to the Committee on Commerce, Science, and Transportation.

EC–1104. A communication from the Deputy Chief Financial Officer and Director for Financial Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Commerce Debt Collection'' (RIN0605–AA24) received in the Office of the President of the Senate on March 28, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1105. 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 ''Indaziflam; Pesticide Tolerances'' (FRL No. 8864–3) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1106. 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 ''Mancozeb; Pesticide Tolerances'' (FRL No. 8864–1) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1107. 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 ''Sodium Ferric Ethylenediaminetetraacetate; Exemption from the Requirement of a Tolerance'' (FRL No. 8867–7) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1108. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred within the Department of the Army and was assigned case number 10–01; to the Committee on Appropriations.

EC–1109. 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: Rome; Determination of Attaining Data for the 1997 Annual Fine Particulate'' (FRL No. 9288–8) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Environment and Public Works.

EC–1110. 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; Nevada; Determination of Attainment for the Clark County 8-Hour Ozone Nonattainment Area'' (FRL No. 9286–8) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Environment and Public Works.

EC–1111. 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 ''State of California; Request for Approval of Section 112(l) Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards from Dry Cleaning Facilities'' (FRL No. 9283–6) received in the Office of the President of the Senate on March 29, 2011; to the Committee on Environment and Public Works.

EC–1112. A communication from the Chief, Branch of Aquatic Invasive Species, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Injurious Wildlife Species; Listing the Bighead Carp (Hypophthalmichthys nobilis) as Injurious Fish'' (RIN1018–AT49) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Environment and Public Works.

EC–1113. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—April 2011'' (Rev. Rul. 2011–10) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC–1114. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Credit for Carbon Dioxide Sequestration; Modification of Notice 2009–83'' (Rev. Rul. 2011–25) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Finance.

EC–1115. A communication from the Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Privacy Office First Quarter Fiscal Year 2011 Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–1116. A communication from the Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amateur Service Rules to Facilitate Use of Spread Spectrum Communications Technologies'' ((WT Docket No. 10–62) (FCC 11–22)) received during adjournment of the

Senate in the Office of the President of the Senate on March 25; to the Committee on Commerce, Science, and Transportation.

EC–1117. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specified Aviation Activities; Supplemental Regulatory Flexibility Determination'' ((RIN2120–AH14) (Docket No. FAA–2002–11301)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1118. 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 Prohibited Area P–56; District of Columbia'' ((RIN2120–AA66) (Docket No. FAA–2010–0077)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1119. 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 VOR Federal Airway V–358; TX'' ((RIN2120–AA66) (Docket No. FAA–2011–0024)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1120. 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 VOR Federal Airways V–1, V–7, V–11, and V–20; Kona, Hawaii'' ((RIN2120–AA66) (Docket No. FAA–2011–0009)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1121. 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 Area Navigation (RNAV) Routes; Western United States'' ((RIN2120–AA66) (Docket No. FAA–2010–1180)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1122. 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 Area Navigation (RNAV) Routes; Western United States'' ((RIN2120–AA66) (Docket No. FAA–2010–1179)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1123. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Special Use Airspace Restricted Areas R–2203, and R–2205; Alaska'' ((RIN2120–AA66) (Docket No. FAA–2011–005)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1124. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Moratorium on New Exemptions for Passenger Carrying Operations Conducted for Compensation and Hire in Other Than Standard Category Aircraft'' ((RIN2120–AA66) (14 CFR Parts 91 and 119)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1125. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Prohibition Against Certain Flights Within The Tripoli (HLLL) Flight Information Region (FIR)'' ((RIN2120–AJ93) (Docket No. FAA–2011–0246)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1126. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Clarification of Reciprocal Waivers of Claims for Multiple-Customer Commercial Space Launch and Reentry'' ((RIN2120–AJ85) (Docket No. FAA–2010–1150)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1127. 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; Amdt No. 3415'' ((RIN2120–AA65) (Docket No. 30771)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1128. 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 (90); Amdt. No. 3416'' ((RIN2120–AA65) (Docket No. 30772)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1129. 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 (97); Amdt. No. 3417'' ((RIN2120–AA65) (Docket No. 30773)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1130. 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; Colebrook, NH'' ((RIN2120–AA66) (Docket No. FAA–2010–1008)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1131. 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; Wolfeboro, NH'' ((RIN2120–AA66) (Docket No. FAA–2010–1007)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1132. 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; Lancaster, NH'' ((RIN2120–AA66) (Docket No. FAA–2010–1009)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1133. 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; Newport, VT'' ((RIN2120–AA66) (Docket No. FAA–2010–0938)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1134. 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; La Porte, IN'' ((RIN2120–AA66) (Docket No. FAA–2010–1030)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1135. 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; Charleston, WV'' ((RIN2120–AA66) (Docket No. FAA–2010–1010)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1136. 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; Henderson, KY'' ((RIN2120–AA66) (Docket No. FAA–2010–0937)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

EC–1137. 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; Bryce Canyon, UT'' ((RIN2120–AA66) (Docket No. FAA–2010–0961)) received in the Office of the President of the Senate on March 30, 2011; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SCHUMER, from the Committee on Rules and Administration:

Special Report entitled ''Report of the Committee on Rules and Administration, United States Senate, during the 111th Congress'' (Rept. No. 112–8).

By Mr. SCHUMER, from the Committee on Rules and Administration:

Report to accompany S. Res. 81, An original resolution authorizing expenditures by committees of the Senate for the periods March 1, 2011, through September 30, 2011, and October 1, 2011, through September 30, 2012, and October 1, 2012, through February 28, 2013 (Rept. No. 112–9).

By Mr. KERRY, from the Committee on Foreign Relations:

Special Report entitled ''Legislative Activities Report of the Committee on Foreign Relations, United States Senate, One Hundred Eleventh Congress'' (Rept. No. 112–10).

By Mr. BAUCUS, from the Committee on Finance:

Special Report entitled ''Report on the Activities of the Committee on Finance of the United States Senate During the 111th Congress'' (Rept. No. 112–11).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 216. A bill to increase criminal penalties for certain knowing and international violations relating to food that is misbranded or adulterated.

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

S. 222. A bill to limit investor and homeowner losses in foreclosures, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Claire C. Cecchi, of New Jersey, to be United States District Judge for the District of New Jersey.

Roy Bale Dalton, Jr., of Florida, to be United States District Judge for the Middle District of Florida.

John J. McConnell, Jr., of Rhode Island, to be United States District Judge for the District of Rhode Island.

Kevin Hunter Sharp, of Tennessee, to be United States District Judge for the Middle District of Tennessee.

(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. MCCAIN (for himself and Mr. HATCH):

S. 693. A bill to establish a term certain for the conservatorships of Fannie Mae and Freddie Mac, to provide conditions for continued operation of such enterprises, and to provide for the wind down of such operations and dissolution of such enterprises; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. JOHNSON of South Dakota (for himself and Mr. UDALL of New Mexico):

S. 694. A bill to prohibit States from carrying out more than one Congressional redistricting after a decennial census and apportionment, to require States to conduct such redistricting through independent commissions, and for other purposes; to the Committee on the Judiciary.

By Mr. PRYOR (for himself and Mr. ALEXANDER):

S. 695. A bill to require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER:

S. 696. A bill to amend title 38, United States Code, to treat Vet Centers as Department of Veterans Affairs facilities for purposes of payments or allowances for beneficiary travel to Department facilities, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASEY (for himself, Mrs. BOXER, and Ms. LANDRIEU):

S. 697. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State; to the Committee on Finance.

By Mr. WARNER:

S. 698. A bill to amend title 38, United States Code, to codify the prohibition against the reservation of gravesites at Arlington National Cemetery, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. ROCKEFELLER, and Ms. MURKOWSKI):

S. 699. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Mr. MORAN, Ms. STABENOW, and Mr. ROBERTS):

S. 700. A bill to amend the Internal Revenue Code of 1986 to permanently extend the treatment of certain farming business machinery and equipment as 5-year property for purposes of depreciation; to the Committee on Finance.

By Mr. BENNET (for himself and Mr. COCHRAN):

S. 701. A bill to amend section 1120A(c) of the Elementary and Secondary Education Act of 1965 to assure comparability of opportunity for educationally disadvantaged students; to the Committee on Health, Education, Labor, and Pensions.

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

S. 702. A bill to authorize funding for, and increase accessibility to, the National Missing and Unidentified Persons System, to facilitate data sharing between such system and the National Crime Information Center database of the Federal Bureau of Investigation, to provide incentive grants to help facilitate reporting to such systems, and for other purposes; to the Committee on the Judiciary.

By Mr. BARRASSO (for himself, Mr. AKAKA, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 703. A bill to amend the Long-Term Leasing Act, and for other purposes; to the Committee on Indian Affairs.

By Mr. WYDEN (for himself, Mr. CRAPO, Mr. ENZI, Ms. CANTWELL, Mr. SCHUMER, and Mr. MERKLEY):

S. 704. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Finance.

By Mr. CARPER (for himself, Mr. ENZI, Mr. CARDIN, Ms. LANDRIEU, Mr. LUGAR, Mr. MENENDEZ, and Mr. ROBERTS):

S. 705. A bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants; to the Committee on Finance.

By Mr. VITTER (for himself, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MORAN, Mr. RISCH, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. WICKER, Mr. HOEVEN, and Mr. RUBIO):

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

By Mr. DURBIN (for himself and Mr. VITTER):

S. 707. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN of Ohio (for himself, Ms. STABENOW, and Mr. CASEY):

S. 708. A bill to renew and extend the provisions relating to identification of trade enforcement priorities, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 709. A bill to enhance the security of chemical facilities and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. INHOFE):

S. 710. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

By Mr. LAUTENBERG:

S. 711. A bill to amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to reduce or eliminate the risk of releases of hazardous chemicals from public water systems and wastewater treatment works, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEMINT (for himself, Mr. ALEXANDER, Mr. COBURN, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MCCONNELL, Mr. PAUL, Mr. RISCH, Mr. SESSIONS, Mr. THUNE, and Mr. VITTER):

S. 712. A bill to repeal the Dodd-Frank Wall Street Reform and Consumer Protection Act; to the Committee on Finance.

By Mr. WEBB (for himself and Mr. WARNER):

S. 713. A bill to modify the boundary of Petersburg National Battlefield in the Commonwealth of Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. LEE, Mr. CORNYN, Mr. KYL, Mr. MCCONNELL, Mr. TOOMEY, Ms. SNOWE, Mr. RISCH, Mr. RUBIO, Mr. DEMINT, Mr. PAUL, Mr. VITTER, Mr. ENZI, Mr. KIRK, Mr. THUNE, Mr. ALEXANDER, Mr. INHOFE, Mr. CRAPO, Mr. BURR, Mr. BARRASSO, Mr. COBURN, Mr. MORAN, Mr. LUGAR, Mrs. HUTCHISON, Mr. ISAKSON, Mr. BROWN of Massachusetts, Mr. JOHNSON of Wisconsin, Mr. GRAHAM, Mr. GRASSLEY, Mr. SHELBY, Mr. SESSIONS, Mr. MCCAIN, Mr. BOOZMAN, Mr. ROBERTS, Ms. COLLINS, Mr. HOEVEN, Mr. CHAMBLISS, Ms. AYOTTE, Mr. BLUNT, Mr. COATS, Mr. COCHRAN, Mr. CORKER, Mr. ENSIGN, Mr. JOHANNS, Ms. MURKOWSKI, Mr. PORTMAN, and Mr. WICKER):

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to balancing the budget; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. CARPER, Mr. KERRY, Mr. REID, Mr. HARKIN, Mr. MENENDEZ, Mrs. BOXER, Ms. CANTWELL, Mr. FRANKEN, Mrs. MURRAY, Mr. CARDIN,

Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. LEAHY, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. INOUYE, Mrs. SHAHEEN, Mr. DURBIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. COONS, Mr. SCHUMER, Mr. JOHNSON of South Dakota, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. WYDEN, Mr. NELSON of Florida, and Mr. BLUMENTHAL):

S. Res. 119. A resolution recognizing past, present, and future public health and economic benefits of cleaner air due to the successful implementation of the Clean Air Act; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Res. 120. A resolution recognizing the 1 year anniversary of the April 2, 2010, fire and explosion at the Tesoro refinery in Anacortes, Washington; considered and agreed to.

By Mr. AKAKA (for himself, Mr. ENZI, Mr. BARRASSO, Mr. BAUCUS, Mr. BLUNT, Mr. CARDIN, Mr. COCHRAN, Mr. CONRAD, Mr. CRAPO, Mr. DURBIN, Mrs. HAGAN, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. KOHL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mr. WICKER):

S. Res. 121. A resolution designating April 2011 as ''Financial Literacy Month''; considered and agreed to.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. Res. 122. A resolution honoring the life and legacy of Elizabeth Taylor; considered and agreed to.

By Mr. CASEY (for himself and Mr. TOOMEY):

S. Res. 123. A resolution commending ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania and designating the week of March 26 through April 2, 2011, as ''Celebrating ACHIEVA's 60th Anniversary Week''; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, Mrs. BOXER, Mr. UDALL of Colorado, Mrs. FEINSTEIN, Mr. LEAHY, Mr. UDALL of New Mexico, Mr. MERKLEY, and Mr. AKAKA):

S. Res. 124. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico (for himself, Mr. JOHNSON of South Dakota, Mr. BLUMENTHAL, Mr. DURBIN, Mr. AKAKA, and Mr. BEGICH):

S. Res. 125. A resolution supporting the goals and ideals of National Public Health Week; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. NELSON of Florida, and Mr. UDALL of New Mexico):

S. Res. 126. A resolution supporting the mission of UNESCO's World Heritage Convention and celebrating the 2011 International Day for Monuments and Sites; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 281

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 281, a bill to delay the implementation of the health reform law in the United States until there is a final resolution in pending lawsuits.

S. 311

At the request of Mr. KERRY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 311, a bill to provide for the coverage of medically necessary food under Federal health programs and private health insurance.

S. 339

At the request of Mr. BAUCUS, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 382

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 382, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other permits.

S. 393

At the request of Mr. REED, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 410

At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 410, a bill to provide for media coverage of Federal court proceedings.

S. 468

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

S. 474

At the request of Ms. SNOWE, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 494

At the request of Mr. LIEBERMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 494, a bill to amend the Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to increase screening in the United States population for the prevention, early detection, and timely treatment of colorectal cancer.

S. 527

At the request of Mr. DEMINT, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 527, a bill to amend the Emergency Economic Stabilization Act of 2008 to terminate the authority of the Secretary of the Treasury to provide new assistance under the Home Affordable Modification Program, while preserving assistance to homeowners who were already extended an offer to participate in the Program, either on a trial or permanent basis.

S. 595

At the request of Mrs. MURRAY, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors 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. 604

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 604, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 676

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 676, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 680

At the request of Ms. COLLINS, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 680, a bill to authorize the Administrator of General Services to convey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum.

S. 685

At the request of Mr. LUGAR, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 685, a bill to repeal the Federal sugar program.

S. 687

At the request of Mr. CONRAD, the name of the Senator from Mississippi

(Mr. COCHRAN) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. RES. 99

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

AMENDMENT NO. 197

At the request of Mrs. HUTCHISON, the names of the Senator from Oklahoma (Mr. COBURN) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of amendment No. 197 proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

AMENDMENT NO. 211

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 211 intended to be proposed to S. 493, a bill to reauthorize and improve the SBIR and STTR programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. ALEXANDER):

S. 695. A bill to require the use of electronic on-board recording devices in motor carriers to improve compliance with hours of service regulations; to the Committee on Commerce, Science, and Transportation.

Mr. PRYOR. Mr. President, I come to the floor today to introduce legislation with Senator ALEXANDER of Tennessee that I believe will have a dramatic impact on the safety of our Nation's highways and interstates, called the Commercial Driver Compliance Improvement Act. This bill will require the Department of Transportation's Federal Motor Carrier Safety Administration FMCSA, to implement regulations requiring the use of electronic on-board recording devices, EOBRs, for motor carriers in order to improve compliance with Hours-of-Service, HOS, regulations. Requiring the use of these technologies in motor carriers will not only improve compliance with HOS regulations, but it will also reduce the number of fatigued commercial motor vehicle drivers on the road. This will have a profound impact on highway safety and reduce accidents and fatalities on our highways and interstates.

Hours-of-Service regulations place limits on when and how long commercial motor vehicle drivers may drive. These regulations are based on an exhaustive scientific review and are designed to ensure truck drivers get the necessary rest to drive safely. In developing HOS rules, the FMCSA reviewed existing fatigue research and worked with nongovernmental organizations like the Transportation Research Board of the National Academies and the National Institute for Occupational Safety. HOS regulations are designed to continue the downward trend in truck driving fatalities and maintain motor carrier operational efficiencies.

Unfortunately, compliance with HOS regulations is often spotty due to inaccurate reporting by drivers as they are only required to fill out a paper log, a tracking method that dates back to the 1930s. Inaccurate reporting may result from an honest mistake or an intentional error by a driver seeking to extend his work day. These inaccuracies can lead to too much time on the road, leaving the driver fatigued and placing other drivers at risk. After listening to the many interest groups and experts on this issue in meetings and Commerce, Science and Transportation Committee hearings, I have come to learn that there is an available and affordable twenty-first-century technology that can ensure accurate logs, enhance compliance, and reduce the number of fatigued drivers on the road. They are being used today, and they are producing results. I believe that widespread utilization of these devices as soon as possible will significantly reduce further loss of life resulting from driver fatigue.

Our legislation will require motor carriers to install in their trucks an electronic device that performs multiple tasks to ensure compliance with HOS regulations. These devices must be engaged to the truck engine control module and capable of identifying the driver operating the truck, recording a driver's duty status, and monitoring the location and movement of the vehicle. Requiring electronic log books that are integrally connected to the vehicle engine as this bill requires will dramatically increase the accuracy of information submitted for hours of service compliance. Our bill will also require these recording devices to be tamper resistant and fully accessible by law enforcement personnel and Federal safety regulators only for purposes of enforcement and compliance reviews.

While I understand that some drivers may be reluctant to transition to electronic logging devices, I strongly believe that the safety benefits of the use of these devices far outweigh the costs. I don't want to see more lives lost due to driver fatigue resulting from log book manipulation. I also believe that with the rapid development of electronic technology, especially in the wireless telecommunications area, we will see strong competition among EOBR manufacturers and reduced costs for these technologies. In addition, the price of these products should go down as the demand increases through regulatory requirement to utilize this equipment.

Senator ALEXANDER and I are not alone in calling for this technology to be more widely used by commercial vehicles. There are a number of Senators, including Senator LAUTENBERG, who have long been strong proponents of implementing the use of this technology. In addition, multiple Federal agencies and nongovernmental organizations have recognized the benefits of this technology and called for its widespread use.

For example, Mr. Francis France of the Commercial Vehicle Safety Alliance stated at the April 28, 2010, Senate Committee on Commerce, Science, and Transportation hearing on Oversight of Motor Carrier Safety Efforts that,

> All motor vehicles should be equipped with EOBRs to better comply with Hours of Service laws . . . CVSA has been working with a broad partnership to help provide guidance to achieve uniform performance standards for EOBRs.

Similarly, the Chairman of the National Transportation Safety Board, the Honorable Deborah Hersman, stated at the same hearing that,

> For the past 30 years, the NTSB has advocated the use of onboard data recorders to increase Hours of Service compliance . . . the NTSB recommended that they be required on all commercial vehicles.

During the same hearing, Ms. Jacqueline S. Gillan, with the Advocates for Highway and Auto Safety, stated that,

> We regard the mandatory, universal installation and use of EOBRs as crucial to stopping the epidemic of hours of service violations that produce fatigued, sleep-deprived commercial drivers . . . at very high risk of serious injury and fatal crashes.

I have also heard from Administrator Ferro of the FMCSA on her thoughts of how EOBRs would enhance compliance and improve highway safety. The FMCSA recently implemented a rule to require that these devices be mandated for truck drivers and trucking companies that have been found to be noncompliant with FMCSA rules. These rules will be effective in June 2012. It is my understanding that the FMCSA is looking to expand these requirements to include more motor carriers, and I support those efforts as they reflect the qualities and intent of this legislation.

Finally, in addition to the support from safety advocates and federal transportation safety officials, I have also heard from a number of Arkansas trucking companies currently utilizing this technology. These companies have

experienced reductions in driver fatigue, increases in compliance, and reductions in insurance premiums. The executives of these companies, which include J.B. Hunt and Maverick U.S.A. among others, support the expanded use of these devices to increase compliance, improve highway safety, and level the playing field among the industry. I agree with their views on the importance of widespread utilization of this safety and compliance device.

The Commercial Driver Compliance Improvement Act, if enacted, will require the Department of Transportation to issue regulations within eighteen months from enactment to require commercial motor vehicles used in interstate commerce to be equipped with electronic onboard recorders for purposes of improving compliance with hours of service regulations. The regulation will apply to commercial motor carriers, commercial motor vehicles, and vehicle operators subject to both hours of service and record of duty status requirements three years after the date of enactment of this Act. This population represents a vast majority of drivers and carriers who operate trucks weighing 10,001 pounds or more involved in interstate commerce. It will cover one hundred percent of over-the-road, long-haul truck drivers.

I urge my colleagues in the Senate to recognize the importance of this technology in saving lives on our nation's highways and interstates. I also ask for their support for this legislation and help in moving it to the President as quickly as possible. It is my hope that we move this legislation through the Senate no later than the Surface Transportation Reauthorization legislation that the Senate will take up in the near future.

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. ROCKEFELLER, and Ms. MURKOWSKI):

S. 699. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. President, I am pleased to introduce the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2011, along with Senators BARRASSO, ROCKEFELLER and MURKOWSKI. It is critical that we work toward reducing our greenhouse gas footprint while producing safe and secure, clean energy here in America. I believe this bill will go far to incentivize early project developers to start reducing carbon dioxide emissions through carbon capture and geologic sequestration.

This bipartisan bill establishes a national program through the Department of Energy to facilitate up to 10 commercial-scale carbon capture and sequestration projects. There is a clear need to address both the issues of liability and adequate project financing for early-mover projects. The program in this bill is a strong step to building confidence for project developers demonstrating that the projects will be conducted safely while addressing the growing concerns of reducing greenhouse gas emissions from industrial facilities, such as coal and natural gas power plants, cement plants, refineries and other carbon intensive industrial processes. Such an early movers program will go far also assisting project developers and regulators to better understand and characterize any risks which may be associated with long-term geologic sequestration of carbon dioxide.

In addition, this legislation maps out a clear framework for long-term assurance for geological storage sites. It is essential to consider the issue of safe, long-term storage of carbon dioxide and take the steps needed for site stewardship during the injection phase, directly after site closure and for long-term preventative maintenance of the geologic storage facility.

Many stakeholders associate maintenance issues with liability concerns. In my view, these are two separate issues. Maintenance is essential for reducing risk and limiting liabilities at a storage site, and it is critical to have robust monitoring, accounting, and verification of an injected carbon dioxide plume at each of the storage sites that would continue well past site closure. With a proper site maintenance program developed for each project, risk will be minimized and developers will have greater confidence that liabilities will not be incurred. This legislation will require science-based monitoring and verification of the injected carbon dioxide plume throughout the life of the project to well beyond the closure phase. This bill is consistent with the current efforts to provide a strong regulatory framework for safe geologic storage of carbon dioxide through the Underground Injection Control Program under the Safe Drinking Water Act.

As carbon capture and sequestration projects grow in both scale and number, there will be an increasing need to train qualified regulators to oversee the permitting, operation, and closure of geologic storage sites. This bill also creates a grant program whose goal is to train personnel at State agencies which will oversee the regulatory aspects of geologic storage of carbon dioxide.

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. 699

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 ''Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2011''.

SEC. 2. LARGE-SCALE CARBON STORAGE PROGRAM.

(a) IN GENERAL.—Subtitle F of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16291 et seq.) is amended by inserting after section 963 (42 U.S.C. 16293) the following:

''SEC. 963A. LARGE-SCALE CARBON STORAGE PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) INDUSTRIAL SOURCE.—The term 'industrial source' means any source of carbon dioxide that is not naturally occurring.

''(2) LARGE-SCALE.—The term 'large-scale' means the injection of over 1,000,000 tons of carbon dioxide each year from industrial sources into a geological formation.

''(3) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

''(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to National Forest System land; and

''(B) the Secretary of the Interior, with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe).

''(b) PROGRAM.—In addition to the research, development, and demonstration program authorized by section 963, the Secretary shall carry out a program to demonstrate the commercial application of integrated systems for the capture, injection, monitoring, and long-term geological storage of carbon dioxide from industrial sources.

''(c) AUTHORIZED ASSISTANCE.—In carrying out the program, the Secretary may enter into cooperative agreements to provide financial and technical assistance to up to 10 demonstration projects.

''(d) PROJECT SELECTION.—The Secretary shall competitively select recipients of cooperative agreements under this section from among applicants that—

''(1) provide the Secretary with sufficient geological site information (including hydrogeological and geophysical information) to establish that the proposed geological storage unit is capable of long-term storage of the injected carbon dioxide, including—

''(A) the location, extent, and storage capacity of the geological storage unit at the site into which the carbon dioxide will be injected;

''(B) the principal potential modes of geomechanical failure in the geological storage unit;

''(C) the ability of the geological storage unit to retain injected carbon dioxide; and

''(D) the measurement, monitoring, and verification requirements necessary to ensure adequate information on the operation of the geological storage unit during and after the injection of carbon dioxide;

''(2) possess the land or interests in land necessary for—

''(A) the injection and storage of the carbon dioxide at the proposed geological storage unit; and

''(B) the closure, monitoring, and long-term stewardship of the geological storage unit;

''(3) possess or have a reasonable expectation of obtaining all necessary permits and authorizations under applicable Federal and State laws (including regulations); and

''(4) agree to comply with each requirement of subsection (e).

''(e) TERMS AND CONDITIONS.—The Secretary shall condition receipt of financial assistance pursuant to a cooperative agreement under this section on the recipient agreeing to—

''(1) comply with all applicable Federal and State laws (including regulations), including a certification by the appropriate regulatory authority that the project will comply with

Federal and State requirements to protect drinking water supplies;

''(2) in the case of industrial sources subject to the Clean Air Act (42 U.S.C. 7401 et seq.), inject only carbon dioxide captured from industrial sources in compliance with that Act;

''(3) comply with all applicable construction and operating requirements for deep injection wells;

''(4) measure, monitor, and test to verify that carbon dioxide injected into the injection zone is not—

''(A) escaping from or migrating beyond the confinement zone; or

''(B) endangering an underground source of drinking water;

''(5) comply with applicable well-plugging, post-injection site care, and site closure requirements, including—

''(A)(i) maintaining financial assurances during the post-injection closure and monitoring phase until a certificate of closure is issued by the Secretary; and

''(ii) promptly undertaking remediation activities for any leak from the geological storage unit that would endanger public health or safety or natural resources; and

''(B) complying with subsection (f);

''(6) comply with applicable long-term care requirements;

''(7) maintain financial protection in a form and in an amount acceptable to—

''(A) the Secretary;

''(B) the Secretary with jurisdiction over the land; and

''(C) the Administrator of the Environmental Protection Agency; and

''(8) provide the assurances described in section 963(c)(4)(B).

''(f) POST INJECTION CLOSURE AND MONITORING ELEMENTS.—In assessing whether a project complies with site closure requirements under subsection (e)(5), the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall determine whether the recipient of financial assistance has demonstrated continuous compliance with each of the following over a period of not less than 10 consecutive years after the plume of carbon dioxide has stabilized within the geologic formation that comprises the geologic storage unit following the cessation of injection activities:

''(1) The estimated location and extent of the project footprint (including the detectable plume of carbon dioxide and the area of elevated pressure resulting from the project) has not substantially changed and is contained within the geologic storage unit.

''(2) The injection zone formation pressure has ceased to increase following cessation of carbon dioxide injection into the geologic storage unit.

''(3) There is no leakage of either carbon dioxide or displaced formation fluid from the geologic storage unit that is endangering public health and safety, including underground sources of drinking water and natural resources.

''(4) The injected or displaced formation fluids are not expected to migrate in the future in a manner that encounters a potential leakage pathway.

''(5) The injection wells at the site completed into or through the injection zone or confining zone are plugged and abandoned in accordance with the applicable requirements of Federal or State law governing the wells.

''(g) INDEMNIFICATION AGREEMENTS.—

''(1) DEFINITION OF LIABILITY.—In this subsection, the term 'liability' means any legal liability for—

''(A) bodily injury, sickness, disease, or death;

''(B) loss of or damage to property, or loss of use of property; or

''(C) injury to or destruction or loss of natural resources, including fish, wildlife, and drinking water supplies.

''(2) AGREEMENTS.—Not later than 1 year after the date of the receipt by the Secretary of a completed application for a demonstration project, the Secretary may agree to indemnify and hold harmless the recipient of a cooperative agreement under this section from liability arising out of or resulting from a demonstration project in excess of the amount of liability covered by financial protection maintained by the recipient under subsection (e)(7).

''(3) EXCEPTION FOR GROSS NEGLIGENCE AND INTENTIONAL MISCONDUCT.—Notwithstanding paragraph (1), the Secretary may not indemnify the recipient of a cooperative agreement under this section from liability arising out of conduct of a recipient that is grossly negligent or that constitutes intentional misconduct.

''(4) COLLECTION OF FEES.—

''(A) IN GENERAL.—The Secretary shall collect a fee from any person with whom an agreement for indemnification is executed under this subsection in an amount that is equal to the net present value of payments made by the United States to cover liability under the indemnification agreement.

''(B) AMOUNT.—The Secretary shall establish, by regulation, criteria for determining the amount of the fee, taking into account—

''(i) the likelihood of an incident resulting in liability to the United States under the indemnification agreement; and

''(ii) other factors pertaining to the hazard of the indemnified project.

''(C) USE OF FEES.—Fees collected under this paragraph shall be deposited in the Treasury and credited to miscellaneous receipts.

''(5) CONTRACTS IN ADVANCE OF APPROPRIATIONS.—

''(A) IN GENERAL.—Subject to subparagraph (B), the Secretary The Secretary may enter into agreements of indemnification under this subsection in advance of appropriations and incur obligations without regard to section 1341 of title 31, United States Code (commonly known as the 'Anti-Deficiency Act'), or section 11 of title 41, United States Code (commonly known as the 'Adequacy of Appropriations Act').

''(B) LIMITATION.—The amount of indemnification under this subsection shall not exceed $10,000,000,000 (adjusted not less than once during each 5-year period following the date of enactment of this section, in accordance with the aggregate percentage change in the Consumer Price Index since the previous adjustment under this subparagraph), in the aggregate, for all persons indemnified in connection with an agreement and for each project, including such legal costs as are approved by the Secretary.

''(6) CONDITIONS OF AGREEMENTS OF INDEMNIFICATION.—

''(A) IN GENERAL.—An agreement of indemnification under this subsection may contain such terms as the Secretary considers appropriate to carry out the purposes of this section.

''(B) ADMINISTRATION.—The agreement shall provide that, if the Secretary makes a determination the United States will probably be required to make indemnity payments under the agreement, the Attorney General—

''(i) shall collaborate with the recipient of an award under this subsection; and

''(ii) may—

''(I) approve the payment of any claim under the agreement of indemnification;

''(II) appear on behalf of the recipient;

''(III) take charge of an action; and

''(IV) settle or defend an action.

''(C) SETTLEMENT OF CLAIMS.—

''(i) IN GENERAL.—The Attorney General shall have final authority on behalf of the United States to settle or approve the settlement of any claim under this subsection on a fair and reasonable basis with due regard for the purposes of this subsection.

''(ii) EXPENSES.—The settlement shall not include expenses in connection with the claim incurred by the recipient.

''(h) FEDERAL LAND.—

''(1) IN GENERAL.—The Secretary concerned may authorize the siting of a project on Federal land under the jurisdiction of the Secretary concerned in a manner consistent with applicable laws and land management plans and subject to such terms and conditions as the Secretary concerned determines to be necessary.

''(2) FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.—In determining whether to authorize a project on Federal land, the Secretary concerned shall take into account the framework for geological carbon sequestration on public land prepared in accordance with section 714 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1715).

''(i) ACCEPTANCE OF TITLE AND LONG-TERM MONITORING.—

''(1) IN GENERAL.—As a condition of a cooperative agreement under this section, the Secretary may accept title to, or transfer of administrative jurisdiction from another Federal agency over, any land or interest in land necessary for the monitoring, remediation, or long-term stewardship of a project site.

''(2) LONG-TERM MONITORING ACTIVITIES.—After accepting title to, or transfer of, a site closed in accordance with this section, the Secretary shall monitor the site and conduct any remediation activities to ensure the geological integrity of the site and prevent any endangerment of public health or safety.

''(3) FUNDING.—There is appropriated to the Secretary, out of funds of the Treasury not otherwise appropriated, such sums as are necessary to carry out paragraph (2).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(A) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(B) by inserting before subsection (b) (as so redesignated) the following:

''(a) DEFINITIONS.—In this section:

''(1) INDUSTRIAL SOURCE.—The term 'industrial source' means any source of carbon dioxide that is not naturally occurring.

''(2) LARGE-SCALE.—The term 'large-scale' means the injection of over 1,000,000 tons of carbon dioxide from industrial sources over the lifetime of the project.'';

(C) in subsection (b) (as so redesignated), by striking ''IN GENERAL'' and inserting ''PROGRAM'';

(D) in subsection (c) (as so redesignated), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(E) in subsection (d)(3) (as so redesignated), by striking subparagraph (D).

(2) Sections 703(a)(3) and 704 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251(a)(3), 17252) are amended by striking ''section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3))'' each place it appears and inserting ''section 963(d)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(d)(3))''.

SEC. 3. TRAINING PROGRAM FOR STATE AND TRIBAL AGENCIES.

(a) ESTABLISHMENT.—The Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall establish a program to provide grants for employee training purposes to State and tribal

agencies involved in permitting, management, inspection, and oversight of carbon capture, transportation, and storage projects.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Energy to carry out this section $10,000,000 for each of fiscal years 2010 through 2020.

By Mr. BARRASSO (for himself, Mr. AKAKA, Mr. THUNE, Mr. JOHNSON of South Dakota, Mr. TESTER, and Mr. UDALL of New Mexico):

S. 703. A bill to amend the Long-Term Leasing Act, and for other purposes; to the Committee on Indian Affairs.

Mr. BARRASSO. Mr. President, I rise today to introduce S. 703, the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2011, otherwise known as the HEARTH Act.

For far too long, bureaucratic red tape has prevented Indian tribes from pursuing economic development and homeownership opportunities on tribal trust lands. For many years, Indian tribes have expressed concerns about the Federal laws and regulations governing surface leases of tribal trust lands.

The delays and uncertainties inherent in the Bureau of Indian Affairs' lease approval process, as well as the restrictions on the duration of lease terms, create serious barriers to the ability of tribes to plan and carry out economic development and other land use activities on tribal lands.

The HEARTH Act would give Indian tribes the discretion to adopt their own surface leasing regulations and, once those regulations are approved by the Secretary of the Interior, the authority to enter into surface leases of tribal lands without any further approval of the Secretary. The HEARTH Act would provide our nation's Indian tribes with new tools with which to expedite the productive and beneficial use of their lands.

In the 111th Congress, the Committee on Indian Affairs approved a very similar version of this bill but the full Senate did not act on the measure.

Before I conclude, I would like to thank Senator AKAKA, the Committee's new Chairman, for his leadership on this issue and for agreeing to cosponsor this bill with me. I would also like to thank Senators THUNE, TIM JOHNSON, TESTER, and TOM UDALL for cosponsoring this important legislation.

In closing, I urge my colleagues to help us expand economic opportunity on tribal trust lands by moving S. 703 expeditiously.

Mr. AKAKA. Mr. President, I rise today speak as an original cosponsor of an amendment to the Long Term Leasing Act of 1955. I am pleased to be an original cosponsor on this legislation which was introduced by my colleague on the Senate Indian Affairs Committee, Mr. BARRASSO.

The Helping, Expedite and Advance Responsible Tribal Homeownership Act of 2001, also known as the HEARTH Act of 2011, amends the Long Term Leasing Act of 1995. That act allows tribes or individual Indians to lease their lands for up to 25 years for certain purposes, including economic development, housing, education, agricultural, and natural resource development. The current act requires the Secretary of the Interior to approve each individual lease. It can take up to 2 years for each lease to be approved. Often this bureaucratic delay leads to the loss of economic development and other opportunities for tribes.

Since the enactment of the Nonintercourse Act of June 30, 1834, and predecessor statutes, land transactions with Indian tribes were prohibited unless specifically authorized by Congress. Congress enacted the act of August 9, 1955, commonly known as the Long-Term Leasing Act to overcome the prohibitions contained in the Nonintercourse Act. The Long-Term Leasing Act permitted some land transactions between Indian tribes and non-Federal parties—specifically, the leasing of Indian lands. The act required that leases of Indian lands be approved by the Secretary of the Interior and limited to terms of 25 years.

Today, each individual lease of Indian lands still requires approval by the Secretary of the Interior. The HEARTH Act of 2011, would allow each tribe to develop its own leasing regulations. Those regulations would then be submitted to the Secretary of the Interior for approval. Thereafter, the tribes would be able to approve their own leases, so long as they are consistent with their regulations.

This amendment to the Long-Term Leasing Act will have a significant impact on streamlining the leasing process for tribes. It will reduce delays in entering into economic development opportunities, providing housing and developing natural resources on Indian lands.

I thank Mr. BARRASSO for his leadership on this critical legislation. My cosponsors are well aware of the positive impact this legislation will have economic opportunities for tribes. I urge my colleagues to join me in supporting the passage of this legislation.

By Mr. WYDEN (for himself, Mr. CRAPO, Mr. ENZI, Ms. CANTWELL, Mr. SCHUMER, and Mr. MERKLEY):

S. 704. A bill to provide for duty-free treatment of certain recreational performance outerwear, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to introduce the U.S. Outdoor Act. In the Pacific Northwest, spending time in the great outdoors is a part of life. Our magnificent mountains, our clear rivers and streams, and our majestic forests provide for a quality of life that is, in my view, unparalleled. Unfortunately, the outerwear that enables us to enjoy these wonderful treasures is more expensive than it needs to be. This is because under current law, the United States imposes steep tariffs on outdoor performance outerwear like jackets and pants used for skiing and snowboarding, mountaineering, hunting, fishing and dozens of other outdoor activities.

These high tariffs—and let us call them what they are, taxes—were originally implemented to promote an import substitution policy. They were imposed to discourage American consumers from buying outerwear that was manufactured overseas, even if those were superior products. Today, there is no domestic outerwear industry to really protect with these tariffs, yet consumers are still paying through the teeth for products like snow pants and rain jackets. These tariffs are hammering the pocketbooks of millions of American consumers, and they harm the businesses that are engaged in promoting enjoyment of the great outdoors.

But we can fix this in a way that helps American producers better compete globally in an environmentally sustainable manner, and relieves consumers of artificially high costs. But it is more than just reducing costs and promoting innovation.

To me, the Outdoor Act is also about encouraging our kids and members of our community to get outside, to be active, and to appreciate and protect our natural treasures. I want to associate myself with the efforts of the First Lady, Michelle Obama, who is leading an important initiative to get people—especially kids—moving and eating healthier. I see the Outdoor Act, which makes getting outside to hike, bike, or fish more affordable as complementary of the First Lady's efforts.

I am proud that this legislation enjoys support from both sides of the political aisle and especially pleased that my friend, Senator CRAPO from Idaho, is helping to lead the charge with this initiative. Furthermore, I am happy that this legislation is supported by domestic textile and apparel companies as well as the performance outerwear designers and retailers. This all makes sense given that it will spur outdoor recreation and consumption of goods to support these activities. The outdoor recreation industry accounts for $730 billion dollars and 65 million jobs across the United States, with 73,000 jobs in Oregon. With this bill, we can potentially create even more jobs by increasing the purchasing power of consumers of outdoor goods, by saving them money on unnecessary tariffs.

The U.S. OUTDOOR Act eliminates the import duty for qualifying recreational performance outerwear, bringing duties that can be as high as 28 percent down to zero. It also establishes the Sustainable Textile and Apparel Research, STAR, fund, which invests in U.S. technologies and jobs that focus on sustainable, environmentally conscious manufacturing, helping textile and apparel companies work towards minimizing their energy and

water use, reducing waste and their carbon footprint, and incorporating efficiencies that help them better compete globally. I urge my colleagues to take a look at this legislation and to work with me to move it toward becoming law.

By Mr. DURBIN (for himself and Mr. VITTER):

S. 707. A bill to amend the Animal Welfare Act to provide further protection for puppies; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DURBIN. Mr. President, it might come as a surprise to some to learn that dog breeders who sell animals directly to consumers over the internet are not subject to any Federal regulation. Under the Animal Welfare Act, wholesale dog dealers have to have a Federal license and are subject to U.S. Department of Agriculture inspection. Wholesale dog dealers typically sell their puppies to retail pet stores. But the law exempts any ''retail pet store'' from the same licensing and inspection requirements, because there was a day when you bought a dog either from a licensed breeder or from a store, who bought their dogs from a licensed breeder.

While it is not defined in statute, the exemption for retail pet stores has been interpreted to mean any outlet that sells dogs directly to the public. With the advent of the internet, many people buy puppies and dogs from breeders that are not licensed. There are plenty of responsible breeders across the country who care about and take great pains to properly look after the dogs in their care. But this statutory loophole leaves the door wide open for unscrupulous and negligent commercial dog breeders.

Today, I am reintroducing the Puppy Uniform Protection and Safety, or PUPS, Act with my colleague Senator VITTER. The PUPS Act would require breeders who sell more than 50 dogs a year directly to the public to obtain a license from the USDA.

This licensing process is simple and inexpensive, but it allows for better oversight of the facilities that keep dogs to ensure that they are complying with minimum Federal standards.

The media regularly reports stories about dogs rescued from substandard facilities—where dogs are housed in stacked wire cages and seriously ill and injured dogs are routinely denied access to veterinary care. This inhumane treatment has a direct bearing on the physical and mental health of the dogs. I have heard from veterinarians in Illinois, who share heart-breaking tales of families who welcomed new puppies into their homes, only to learn later that the animals had serious health or behavioral problems. In some cases, these puppies could be treated, but often at great expense to their owners.

My bill would also require that dogs and puppies housed at all licensed breeding facilities have space to run around, something we all know dogs love to do, on a surface that is solid, or at the very least non-wire.

It is my hope that extending and improving oversight of this industry through the PUPS Act will help protect the welfare of puppies and dogs in Illinois and across the country. Americans should feel confident about the health and well-being of the dog that they welcome into their family.

By Mr. THUNE (for himself, Mr. CARDIN, Ms. KLOBUCHAR, and Mr. INHOFE):

S. 710. A bill to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, I join the Senator from South Dakota, Mr. THUNE, in cosponsoring a bill to modernize the tracking of hazardous waste. The federal waste law requires the tracking of hazardous waste from ''cradle to grave.'' This tracking system is designed to provide an enforceable chain of custody for hazardous wastes. The law provides a strong incentive for transporters to manage the waste in a responsible fashion. The U.S. Environmental Protection Agency's economic analysis estimates that over 139,000 regulated entities track between 2.4 and 5.1 million shipments a year.

This system provides for appropriate stewardship of the hazardous waste products of our modern world. Unfortunately, the tracking system itself is in serious need of modernization.

Currently, the tracking is handled entirely through a paper manifest system. The paperwork burden is enormous. Each manifest form has seven or eight copies, which currently must be manually filled out and signed with pen and ink signatures, physically carried with waste shipments, mailed to generators and state agencies, and finally stored among facility records.

The paperwork burden is so great that 22 States and the EPA do not even collect copies of the forms. Those that do so get their copies months after the waste has been shipped. In the vast majority of cases, the only time regulators look at the manifests is during inspections or after a disaster to identify the responsible parties.

Under the Thune-Cardin bill, the paper manifest will be replaced by an electronic manifest. The bill sets up a funding system for the manifest paid for by the users of the system, the generators, and waste companies that handle hazardous waste.

An e-manifest system would remove a tremendous paperwork burden, assist the States in receiving data more readily in a format they can use, improve the public's access to waste shipment information and save over $100 million every year. First responders could get data in real-time. That is why groups as varied as Dow Chemical, Sierra Club and the Association of State, Territorial, Solid Waste Management Officials support this bill.

EPA does not have the funding to set up this system, so the bill uses a unique way to contract for the work. Companies will ''bid'' to set up the system at their cost and risk. They will be paid back on a per manifest basis by the users, waste generators, and handlers. This puts the burden on the private company or companies to meet the needs of the users of the system. The legislation is needed so that the funds collected go to the operation of the program rather than go to the general treasury.

A hearing was held on this issue in 2006 on a similar bill, S. 3871 introduced by Senators THUNE, JEFFORDS, and INHOFE. No serious objections were made at that time and strong support was expressed by all the witnesses including EPA.

In September of 2008, an equally similar bill introduced by Senator THUNE was reported favorably out of the Senate Environment and Public Works Committee and passed the Senate. Unfortunately, the House did not take up the measure.

This is legislation that is overdue. I ask members to join us in supporting this legislation which has garnered the backing of industry, states, and environmental groups. It is time for the waste manifest system to move into the 21st century.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 119—RECOGNIZING PAST, PRESENT, AND FUTURE PUBLIC HEALTH AND ECONOMIC BENEFITS OF CLEANER AIR DUE TO THE SUCCESSFUL IMPLEMENTATION OF THE CLEAN AIR ACT

Mr. SANDERS (for himself, Mr. WHITEHOUSE, Mr. CARPER, Mr. KERRY, Mr. REID, Mr. HARKIN, Mr. MENENDEZ, Mrs. BOXER, Ms. CANTWELL, Mr. FRANKEN, Mrs. MURRAY, Mr. CARDIN, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. LAUTENBERG, Mr. BENNET, Mrs. GILLIBRAND, Mr. LEAHY, Mr. LIEBERMAN, Mr. REED, Mr. AKAKA, Mr. INOUYE, Mrs. SHAHEEN, Mr. DURBIN, Mr. BINGAMAN, Ms. MIKULSKI, Mr. COONS, Mr. SCHUMER, Mr. JOHNSON of South Dakota, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. WYDEN, Mr. NELSON of Florida, and Mr. BLUMENTHAL) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 119

Whereas for more than 40 years since passing with strong bipartisan support, the Clean Air Act (42 U.S.C. 7401 et seq.) has saved lives and protected public health in the United States while creating jobs and enhancing national security;

Whereas the Clean Air Act has saved hundreds of thousands of American lives since 1970;

Whereas the Clean Air Act has helped industry in the United States lead the way in

creating jobs in pollution reduction technology, creating more than 1,000,000 jobs in the United States and a multibillion-dollar market for pollution reduction technology and leading to tens of billions of dollars in exports each year to other nations looking to improve their own air quality, according to the Institute of Clean Air Companies and The Small Business Majority;

Whereas the Clean Air Act is estimated to provide up to $40 of health and economic benefits to Americans for every dollar invested;

Whereas the Clean Air Act is credited with reducing air pollution from lead, carbon monoxide, nitrogen oxides, particulate matter, sulfur dioxide, and ozone by 41 percent over the 20 years prior to the date of approval of this resolution, while over the same period, gross domestic product grew by 64 percent;

Whereas the Clean Air Act has protected children by reducing lead pollution in the air by 92 percent since 1980, significantly reducing the number of children with brain damage resulting from lead poisoning;

Whereas the protections offered by the Clean Air Act are credited with saving families in the United States each year from 54,000 cases of chronic bronchitis, 130,000 cases of acute bronchitis, 130,000 heart attacks, 1,700,000 cases of asthma exacerbation, 86,000 emergency room visits, 3,200,000 lost school days for children, and 13,000,000 lost work days;

Whereas the Clean Air Act Amendments of 1990 (Public Law 101–549; 104 Stat. 2399), which also passed with strong bipartisan support, saves more than 160,000 American lives every year, has reduced power plant sulfur dioxide pollution by 64 percent and nitrogen oxides pollution by 67 percent, and has decreased acid rain deposits by 40 percent, all for a total investment of 82 percent less than originally estimated by the Federal Government;

Whereas the Clean Air Act Amendments of 1990 led to a phase-out by 1996 of the most harmful ozone layer-depleting products, for a total investment of 30 percent less than originally projected by the Federal Government, saving millions of Americans from skin cancer;

Whereas the Clean Air Act vehicle standards for cars, light trucks, and heavy duty trucks help—

(1) to save drivers money at the gas pump by spurring fuel efficiency innovation, at an estimated savings to drivers of $2,800 over the life of a vehicle; and

(2) to create hundreds of thousands of new jobs while enhancing national security by saving an estimated 2,300,000,000 barrels of oil over the life of those vehicles;

Whereas there remains a need to reduce harmful pollutants under the Clean Air Act, including soot- and smog-forming pollutants, mercury, lead, arsenic, carbon monoxide, and carbon dioxide, to avoid negative health impacts on families and children that include brain damage and developmental problems for unborn children and infants, heart attacks and strokes, aggravated asthma attacks, lung damage, and early deaths;

Whereas according to the American Lung Association 1 in every 10 Americans lives in an area with unhealthy year-round levels of fine particle pollution, and 6 in every 10 Americans live in an area with unhealthy levels of 1 or more air pollutants; and

Whereas many of the leading medical professional and public health organizations of the United States, including the American Academy of Pediatrics, the American Association of Cardiovascular and Pulmonary Rehabilitation, the American College of Preventative Medicine, the American Heart Association, the American Lung Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the National Association of County and City Health Officials, the National Physicians Alliance, the Trust for America's Health, and the Children's Environmental Health Network, have stated that continued successful implementation of the Clean Air Act is ''quite literally a matter of life and death for tens of thousands of people and will mean the difference between chronic debilitating illness or a healthy life for hundreds of thousands more'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the health, economic, and national security benefits of the Clean Air Act (42 U.S.C. 7401 et seq.);

(2) believes that the people of the United States deserve the cleanest air and healthiest lives possible;

(3) recognizes that the Clean Air Act programs have a record of providing clear short- and long-term health and economic benefits that significantly exceed the initial investments made in pollution reduction technology; and

(4) supports the protection of children and families from harmful pollution through continued implementation of the Clean Air Act.

SENATE RESOLUTION 120—RECOGNIZING THE 1 YEAR ANNIVERSARY OF THE APRIL 2, 2010, FIRE AND EXPLOSION AT THE TESORO REFINERY IN ANACORTES, WASHINGTON

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following resolution; which was considered and agreed to:

S. RES. 120

Whereas the State of Washington, the community of Anacortes, the Tesoro Refining and Marketing Company, and the United Steelworkers experienced a tragedy on April 2, 2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;

Whereas 7 workers died as a result of the tragedy: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell;

Whereas the United States Chemical Safety and Hazard Investigation Board continues to investigate and review the April 2, 2010, refinery fire, and procedures and processes to prevent future tragedies from occurring;

Whereas the Washington State Department of Labor and Industries issued a Citation and Notice of Assessment covering 44 violations of State workplace safety and health regulations at the Anacortes work site (which are being appealed); and

Whereas the fire and explosion at the Tesoro refinery is a reminder of the dangerous nature of refinery operations around the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) expresses sincere condolences to the families, loved ones, United Steelworkers, fellow workers, and the Anacortes community concerning the tragedy at the Tesoro refinery in Anacortes, Washington;

(2) honors Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell; and

(3) expresses support for the efficient and safe operation of our Nation's oil refineries.

SENATE RESOLUTION 121—DESIGNATING APRIL 2011 AS ''FINANCIAL LITERACY MONTH''

Mr. AKAKA (for himself, Mr. ENZI, Mr. BARRASSO, Mr. BAUCUS, Mr. BLUNT, Mr. CARDIN, Mr. COCHRAN, Mr. CONRAD, Mr. CRAPO, Mr. DURBIN, Mrs. HAGAN, Mr. INOUYE, Mr. JOHNSON of South Dakota, Mr. KOHL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. MERKLEY, Mrs. MURRAY, Mr. SANDERS, Mr. SCHUMER, Mr. UDALL of New Mexico, and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 121

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 34 percent of adults in the United States, or more than 77,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,500,000 in 2010, the highest number since 2005;

Whereas the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 16 percent of workers were ''very confident'' about having enough money for a comfortable retirement, a sharp decline in worker confidence from the 27 percent of workers who were ''very confident'' in 2007;

Whereas according to a 2010 ''Flow of Funds'' report by the Board of Governors of the Federal Reserve System, household debt stood at $13,400,000,000,000 at the end of the third quarter of 2010;

Whereas according to the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute, less than half of workers (46 percent) in the United States have tried to calculate how much they need to save for retirement;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 28 percent, or nearly 64,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 3 in 10 adults in the United States, or more than 68,000,000 individuals, report that they have no savings, and only 24 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, only 43 percent of adults keep close track of their spending, and more than 11,000,000 adults do not know how much they spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 21 States require students to take an economics course as a high school graduation requirement, and only 19 States require the testing of student knowledge in economics;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 13 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas according to the Gallup-Operation HOPE Financial Literacy Index, while 69 percent of American students strongly believe that the best time to save money is now, only 57 percent believe that their parents are saving money for the future;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108–159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 122—HONORING THE LIFE AND LEGACY OF ELIZABETH TAYLOR

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted the following resolution; which was considered and agreed to:

S. RES. 122

Whereas Elizabeth Taylor, a world-renowned actress and activist whose legendary career spanned 7 decades, passed away on March 23, 2011;

Whereas with the death of Elizabeth Taylor, the State of California and the United States lost 1 of the most talented entertainers, philanthropists, and humanitarians in the United States;

Whereas Elizabeth Taylor was born on February 27, 1923, in London, England to American parents;

Whereas Elizabeth Taylor and her family moved to the United States, settling in the State of California, just prior to the start of World War II;

Whereas Elizabeth Taylor started acting at the age of 10 and became a star at a young age;

Whereas the hard work and dedication of Elizabeth Taylor earned her numerous acting roles in film, television, and theater;

Whereas Elizabeth Taylor became 1 of the most successful and sought after actresses in the world;

Whereas Elizabeth Taylor received 2 Best Actress Academy Awards for her work in ''BUtterfield 8'' and ''Who's Afraid of Virginia Woolf?'', and she became the first woman to earn a 7-figure paycheck for appearing in a film;

Whereas many films that feature Elizabeth Taylor, including ''A Place in the Sun'', ''Raintree Country'', ''Giant'', and ''Cat On A Hot Tin Roof'', have become classic films appreciated by generations of moviewatchers;

Whereas Elizabeth Taylor used her fame to raise awareness and advocate for people affected by HIV/AIDS;

Whereas, at a time when HIV/AIDS was largely an unknown disease and those who were affected by HIV/AIDS were ostracized and shunned, Elizabeth Taylor called for and demonstrated compassion by publicly holding the hand of her friend and former costar, Rock Hudson, after he had announced that he had AIDS;

Whereas Elizabeth Taylor testified before Congress saying, ''It is my hope that history will show that the American people and our leaders met the challenge of AIDS rationally and with all the resources at their disposal, for our sake and that of all humanity.'';

Whereas, in 1985, Elizabeth Taylor became the Founding National Chairman for the American Foundation for AIDS Research (commonly known as ''amfAR'');

Whereas, in 1991, Elizabeth Taylor founded the Elizabeth Taylor AIDS Foundation to provide direct support to those suffering from the disease;

Whereas the extensive efforts of Elizabeth Taylor have helped educate the public and lawmakers about the need for research, treatment, and compassion for those suffering from HIV/AIDS;

Whereas Elizabeth Taylor is survived by her children Michael Wilding, Christopher Wilding, Liza Todd, and Maria Burton, as well as 10 grandchildren and 4 great-grandchildren; and

Whereas Elizabeth Taylor was truly a legend who touched the lives of generations of people of the United States and millions worldwide with both her inner and outer beauty: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the courageous, compassionate leadership and many professional accomplishments of Elizabeth Taylor; and

(2) offers its deepest condolences to her family.

SENATE RESOLUTION 123—COMMENDING ACHIEVA ON ITS 60TH ANNIVERSARY OF PROVIDING STRONG ADVOCACY FOR AND INNOVATIVE SERVICES TO CHILDREN AND ADULTS WITH DISABILITIES AND THE FAMILIES OF THOSE CHILDREN AND ADULTS IN THE STATE OF PENNSYLVANIA AND DESIGNATING THE WEEK OF MARCH 26 THROUGH APRIL 2, 2011, AS ''CELEBRATING ACHIEVA'S 60TH ANNIVERSARY WEEK''

Mr. CASEY (for himself and Mr. TOOMEY) submitted the following resolution; which was considered and agreed to:

S. RES. 123

Whereas ACHIEVA, formerly known as Arc Allegheny, is the premier provider of lifelong support and advocacy services for children and adults with disabilities and the families of those children and adults in Western Pennsylvania;

Whereas more than 10,000 children and adults with disabilities and the families of those children and adults rely on ACHIEVA to provide early intervention, family support, advocacy, respite, vocational, recreational, residential, protective, and future planning services;

Whereas the innovative services provided by ACHIEVA have been featured as models and best practices by State, local, and national media and have been replicated nationally and internationally;

Whereas the traditional family values espoused by ACHIEVA coupled with the best practice services provided by ACHIEVA propel ACHIEVA to the top tier of organizations providing support for people with disabilities;

Whereas ACHIEVA has been the leader in Western Pennsylvania in advocating for and protecting the rights of children and adults with disabilities;

Whereas family members of children with disabilities founded ACHIEVA in 1951 as a means of protecting the rights of their sons and daughters to live fulfilling and inclusive lives in their respective communities;

Whereas the dreams of the founders of ACHIEVA continue to provide the focused mission and vision that drive all of the work ACHIEVA carries out on behalf of its constituents; and

Whereas the dedicated volunteers who have provided organizational leadership to ACHIEVA and the dedicated staff members of ACHIEVA who support children and adults with disabilities and the families of those children and adults also deserve to be honored on the 60th Anniversary of ACHIEVA: Now, therefore, be it

Resolved, That the Senate—

(1) commends ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania; and

(2) designates the week of March 26 through April 2, 2011, as ''Celebrating ACHIEVA's 60th Anniversary Week''.

SENATE RESOLUTION 124—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CÉSAR ESTRADA CHÁVEZ

Mr. MENENDEZ (for himself, Mr. REID of Nevada, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, Mrs. BOXER, Mr. UDALL of Colorado, Mrs. FEINSTEIN, Mr. LEAHY, Mr. UDALL of New Mexico, Mr. MERKLEY, and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 124

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona;

Whereas César Estrada Chávez spent his early years on a family farm;

Whereas, at the age of 10, César Estrada Chávez joined the thousands of migrant farmworkers laboring in fields and vineyards throughout the Southwest, when a bank foreclosure resulted in the loss of the family farm;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an 8th grade education, left school to work full-time as a farmworker to help support his family;

Whereas, at the age of 17, César Estrada Chávez entered the United States Navy and served the United States with distinction for 2 years;

Whereas, in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he had met while working in the vineyards of central California;

Whereas César Estrada Chávez and Helen Fabela had 8 children;

Whereas, as early as 1949, César Estrada Chávez was committed to organizing farmworkers to campaign for safe and fair working conditions, reasonable wages, livable housing, and the outlawing of child labor;

Whereas, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked with the organization—

(1) to coordinate voter registration drives; and

(2) to conduct campaigns against discrimination in East Los Angeles;

Whereas César Estrada Chávez served as the national director of the Community Service Organization;

Whereas, in 1962, César Estrada Chávez left the Community Service Organization to found the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas César Estrada Chávez was a strong believer in the principles of nonviolence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas César Estrada Chávez effectively used peaceful tactics that included fasting for 25 days in 1968, 25 days in 1972, and 38 days in 1988, to call attention to the terrible working and living conditions of farmworkers in the United States;

Whereas under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farmworkers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect;

Whereas, through his commitment to nonviolence, César Estrada Chávez—

(1) brought dignity and respect to the organized farmworkers; and

(2) became an inspiration and a resource to individuals engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for those working—

(1) to better human rights;

(2) to empower workers; and

(3) to advance the American Dream that includes all inhabitants of the United States;

Whereas César Estrada Chávez died on April 23, 1993, at the age of 66 in San Luis, Arizona, only miles from his birthplace;

Whereas more than 50,000 people attended the funeral services of César Estrada Chávez in Delano, California;

Whereas César Estrada Chávez was laid to rest at the headquarters of the United Farm Workers of America, known as Nuestra Señora de La Paz, located in the Tehachapi Mountains at Keene, California;

Whereas since the death of César Estrada Chávez, schools, parks, streets, libraries, and other public facilities, as well as awards and scholarships, have been named in his honor;

Whereas since the death of César Estrada Chávez, 10 States and dozens of communities across the United States honor the life and legacy of César Estrada Chávez on March 31 of each year;

Whereas César Estrada Chávez was a recipient of the Martin Luther King, Jr. Peace Prize during his lifetime;

Whereas, on August 8, 1994, César Estrada Chávez was posthumously awarded the Presidential Medal of Freedom;

Whereas President Barack Obama honored the life of service of César Estrada Chávez by proclaiming March 31, 2010, to be ''César Chávez Day''; and

Whereas the United States should continue efforts to ensure equality, justice, and dignity for all people of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the accomplishments and example of a great hero of the United States, César Estrada Chávez;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez and to always remember his great rallying cry, in the English translation, ''Yes, we can.''

SENATE RESOLUTION 125—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC HEALTH WEEK

Mr. UDALL of New Mexico (for himself, Mr. JOHNSON of South Dakota, Mr. BLUMENTHAL, Mr. DURBIN, Mr. AKAKA, and Mr. BEGICH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor and Pensions:

S. RES. 125

Whereas the week of April 4, 2011, through April 10, 2011, is National Public Health Week, and the theme for 2011 is ''Safety is No Accident: Live Injury-Free'';

Whereas since 1995, public health organizations have used National Public Health Week to educate the public, policymakers, and public health professionals about issues that are important to improving the health of the people of the United States;

Whereas each year, nearly 150,000 people die from injuries and almost 30,000,000 people are injured seriously enough to require a visit to an emergency room;

Whereas unintentional injuries, such as motor vehicle crashes, poisonings, and burns, rank among the top 10 causes of death for people ages 1 through 44;

Whereas the financial costs of injuries are staggering, accounting for 12 percent of annual medical care spending and totaling as much as $69,000,000,000 per year;

Whereas injuries, unexpected events, and violence affect people at home, at work, and at play, in their communities and on the move; and

Whereas many injuries and associated costs can be prevented by taking actions such as wearing a seatbelt, properly installing smoke alarms, properly installing and using child safety seats, wearing a helmet, storing cleaning supplies and guns in locked cabinets, and educating the community about violence and abuse toward children, women, seniors, and other at-risk populations: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Public Health Week;

(2) recognizes the efforts of public health professionals, the Federal Government, States, municipalities, local communities, and every person in the United States in reducing injuries and promoting safety;

(3) recognizes the role of public health in promoting safety, preventing injury, and improving the health of people in the United States;

(4) encourages increased efforts and resources to improve the health of people in the United States through—

(A) the promotion of safety and reduction of injuries; and

(B) the strengthening of the public health system of the United States; and

(5) encourages the people of the United States to learn about the role of public health in improving health in the United States.

SENATE RESOLUTION 126—SUPPORTING THE MISSION OF UNESCO'S WORLD HERITAGE CONVENTION AND CELEBRATING THE 2011 INTERNATIONAL DAY FOR MONUMENTS AND SITES

Mr. KERRY (for himself, Mr. NELSON of Florida, and Mr. UDALL of New Mexico) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 126

Whereas the United States was the primary architect of the Convention Concerning the Protection of the World Cultural and Natural Heritage, done at Paris November 23, 1972 (commonly known as the ''World Heritage Convention''), and the following year became the first of the now 187 countries to ratify the convention;

Whereas the World Heritage Convention is the most widely accepted and effective conservation mechanism for the world's most significant natural and cultural sites, and the only international convention focused on both nature and culture;

Whereas the Word Heritage Convention exemplifies the United Nations Educational, Scientific and Cultural Organization's (UNESCO) goals of promoting peace through cultural dialogue;

Whereas the ideals set forth in the Convention reflect the commitment of the United States to conserving its national parks and other forms of natural and cultural heritage;

Whereas the United States has served four terms on the World Heritage Committee, most recently from 2005 through 2009;

Whereas the World Heritage List currently contains 911 cultural and natural sites, 21 of which are located within the United States, including Florida's Everglades National Park, whose Ten Thousand Islands area composes part of the largest stand of protected mangrove forest in the Western hemisphere; Wrangell-St. Elias and Glacier Bay National Parks in Alaska, which contain some of the world's longest glaciers; California's Redwood National and State Parks, home to some of the tallest and oldest trees in the world; Grand Canyon National Park in Arizona, which retraces geological history over 2,000,000,000 years and represents the four major geologic eras; Independence Hall in Pennsylvania, where both the Declaration of Independence and the United States Constitution were signed; and Taos Pueblo, in New Mexico, one of the oldest continuously inhabited communities in the United States, and the only living American community designated both a World Heritage Site and a National Historical Landmark;

Whereas, in 2010, for the first time in 15 years, the World Heritage Committee inscribed a site in the United States, Papahānaumokuākea Marine National Monument, onto the World Heritage List, a site that is a natural and cultural treasure for Hawaiians and is rich in marine biodiversity and pristine natural beauty;

Whereas UNESCO and its World Heritage Centre play a vital role in the safeguarding

of monuments and sites in times of crisis, war, or natural disaster;

Whereas, in an age of increasing conflict and volatility, the World Heritage Convention is more important than ever in ensuring the protection of priceless historical treasures;

Whereas the recent upheaval in Egypt, which threatened artifacts from the antiquities museum in Cairo, and mounting concerns about the destruction of the Roman ruins of Leptis Magna and other ancient cites in Libya serve as reminders of the crucial role UNESCO plays in promoting protection and conservation;

Whereas, through its List of World Heritage in Danger, UNESCO seeks to work with national governments to preserve natural and cultural sites under duress, by raising international awareness and providing local authorities with the support they need;

Whereas, in Afghanistan, UNESCO's safeguarding campaign is premised on the belief that a shared cultural heritage can strengthen national identity and create a common sense of ownership over the country's past and future;

Whereas the United States Government provides considerable assistance to World Heritage sites around the globe through programs such as the National Park Service's World Heritage Fellowship, which provides site managers from developing countries with training at World Heritage sites in the United States, including Everglades, Grand Canyon, Hawaii Volcanoes, and Olympic National Parks;

Whereas the World Heritage Centre has formed innovative partnerships with several private organizations in the United States, including new interactive tools that allow users to virtually tour UNESCO World Heritage sites from their computers;

Whereas April 18th has been endorsed by the UNESCO General Conference as the International Day for Monuments and Sites, also known as World Heritage Day; and

Whereas the 39th anniversary of the day in 2011 reflects a long-standing commitment to the celebration and preservation of natural and cultural sites around the world: Now, therefore, be it

Resolved, That the Senate—

(1) supports the mission of UNESCO's World Heritage Convention;

(2) acknowledges the 39th anniversary of the International Day for Monuments and Sites; and

(3) commends UNESCO and its role in preserving and celebrating natural and cultural sites worldwide.

AMENDMENTS SUBMITTED AND PROPOSED

SA 278. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table.

SA 279. Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 280. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 281. Mr. COBURN (for himself, Mr. TESTER, Mr. UDALL of Colorado, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 493, supra; which was ordered to lie on the table.

SA 282. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 278. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, after line 23, add the following:

SEC. 209. INITIATIVE TO PUBLICIZE THE SBIR PROGRAMS AND STTR PROGRAMS TO VETERANS.

(a) INITIATIVE.—The Administrator, in consultation with the Secretary of Veterans Affairs, shall develop an initiative to use programs of the Administration in effect on the date of enactment of this Act—

(1) to publicize the SBIR programs and STTR programs of the Federal agencies to veterans recently separated from service in the Armed Forces; and

(2) to encourage veterans with applicable technical skills to apply for awards under the SBIR programs and STTR programs of the Federal agencies.

(b) LIMITATION.—Neither the Administrator nor the Secretary of Veterans Affairs may hire additional employees or enter into additional contracts for services to carry out this section.

SA 279. Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USING FEDERAL ASSISTANCE TO REPAY TARP FUNDS.

Notwithstanding any other provision of law, no person may repay or refinance amounts received under the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) using funds received in any form under any other Federal assistance program.

SA 280. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes, which was ordered to lie on the table; as follows:

On page 83, strike lines 8 and 9 and insert the following:

''(v) the names and titles of the key individuals that will carry out the project, the position each key individual holds in the small business concern, and contact information for each key individual;

On page 85, strike lines 22 through 24 and insert the following:

program that has been—

''(i) convicted of a fraud-related crime involving funding received under the SBIR program or STTR program; or

''(ii) found civilly liable for a fraud-related violation involving funding received under the SBIR program or STTR program.''; and

On page 89, strike line 18 and all that follows through page 90, line 10, and insert the following:

''(A) continue the most recent study under this section relating to the issues described in subparagraphs (A), (B), (C), and (E) of subsection (a)(1);

''(B) make recommendations with respect to the issues described in subparagraphs (A), (D), and (E) of subsection (a)(2); and

On page 95, line 7, strike ''the waste,'' and all that follows through ''2011'' on line 10 and insert ''waste, fraud, and abuse prevention activities''.

On page 96, line 13, strike the quotation marks and the second period and insert the following:

''(4) COORDINATION WITH IG.—Each Federal agency shall coordinate the activities funded under subparagraph (E), (F), or (G) of paragraph (1) with their respective Inspectors General, when appropriate, and each Federal agency that allocates more than $50,000,000 to the SBIR program of the Federal agency for a fiscal year may share such funding with its Inspector General when the Inspector General performs such activities.''.

On page 99, strike lines 17 through 19 and insert the following:

(1) AMENDMENTS REQUIRED FOR FRAUD, WASTE, AND ABUSE PREVENTION.—Not later

On page 100, strike line 1 and all that follows through page 102, line 4, and insert the following:

(2) CONTENT OF AMENDMENTS.—The amendments required under paragraph (1) shall include—

(A) definitions or descriptions of fraud, waste, and abuse;

(B) guidelines for the monitoring and oversight of applicants to and recipients of awards under the SBIR program or the STTR program;

(C) a requirement that each Federal agency that participates in the SBIR program or STTR program include information concerning the method established by the Inspector General of the Federal agency to report fraud, waste, and abuse (including any telephone hotline or Web-based platform)—

(i) on the website of the Federal agency; and

(ii) in any solicitation or notice of funding opportunity issued by the Federal agency for the SBIR program or the STTR program;

(D) a requirement that each applicant for funding under the SBIR program or STTR program shall certify that the applicant—

(i) is a small business concern; and

(ii) has disclosed the names of any other Federal agency to which the applicant has submitted an essentially equivalent work proposal, as defined under the SBIR Policy Directive and the STTR Policy Directive;

(E) a requirement that each small business concern that receives funding under the SBIR program or the STTR program, when requesting payment for work performed under an award under the program, shall certify that the small business concern—

(i) has performed all work for which the small business concern is requesting payment in accordance with the terms and conditions of the award; and

(ii) has not received payment from another Federal agency for the same work; and

(F) a requirement that, for each certification under subparagraph (D) or (E), an individual who may bind the small business concern acknowledge that—

(i) the statements in the certification are true and complete to the best of the knowledge of the individual; and

(ii) the provision of false information or concealing a material fact is a criminal offense under section 1001 of title 18, United States Code.

(3) CONSULTATION.—The Administrator shall develop the certifications required under subparagraph (D) and (E) of paragraph (2) in cooperation with the Council of Inspectors General on Integrity and Efficiency.

(4) AMENDMENT TO INSPECTOR GENERAL ACT OF 1978.—Section 4 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(e) Each Inspector General of each establishment that is required to participate in

the SBIR program or the STTR program under section 9 of the Small Business Act (15 U.S.C. 638) shall cooperate to prevent fraud, waste, and abuse in the SBIR program and the STTR program by—

''(1) establishing fraud detection indicators;

''(2) reviewing regulations and operating procedures of the Federal agencies;

''(3) coordinating information sharing between the Federal agencies, to the extent otherwise permitted under Federal law; and

''(4) improving the education and training of, and outreach to—

''(A) administrators of the SBIR program and the STTR program of each Federal agency;

''(B) applicants to the SBIR program or the STTR program; and

''(C) recipients of awards under the SBIR program or the STTR program.''.

On page 102, beginning on line 7, strike '', and every 3 years thereafter,'' and insert ''to establish a baseline of changes made to the program to fight fraud, waste, and abuse, and every 3 years thereafter to evaluate the effectiveness of the agency strategies,''.

On page 103, strike lines 12 through 19 and insert the following:

(vi) the extent to which the Inspector General of each Federal agency that participates in the SBIR and STTR program effectively conducts investigations, audits, inspections, and outreach relating to the SBIR and STTR programs of the Federal agency; and

On page 104, line 10, after ''STTR program'' insert the following: '', at least 1 Inspector General of a Federal agency with an SBIR program or an STTR program,''.

On page 107, between lines 10 and 11, insert the following:

SEC. 316. REDUCING FRAUD, WASTE, AND ABUSE.

Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Comptroller General of the United States shall—

(1) conduct a study of the effectiveness of the government and public databases described in section 9(k) of the Small Business Act (15 U.S.C. 638(k)) in reducing vulnerabilities of the SBIR program and the STTR program to fraud, waste, and abuse, particularly with respect to Federal agencies funding duplicative proposals and business concerns falsifying information in proposals;

(2) make recommendations with respect to the issues described in paragraph (1); and

(3) submit to the head of each agency described in section 108(a) of the Small Business Reauthorization Act of 2000 (15 U.S.C. 638 note), the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report regarding the study conducted under paragraph (1) and containing the recommendations described in paragraph (2).

SA 281. Mr. COBURN (for himself, Mr. TESTER, Mr. UDALL of Colorado, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ___. ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may be used to make payments of unemployment compensation (including such compensation under the Federal-State Extended Compensation Act of 1970 and the emergency unemployment compensation program under title IV of the Supplemental Appropriations Act, 2008) to an individual whose adjusted gross income in the preceding year was equal to or greater than $1,000,000.

(b) COMPLIANCE.—Unemployment Insurance applications shall include a form or procedure for an individual applicant to certify the individual's adjusted gross income was not equal to or greater than $1,000,000 in the preceding year.

(c) AUDITS.—The certifications required by (b) shall be auditable by the U.S. Department of Labor or the U.S. Government Accountability Office.

(d) STATUS OF APPLICANTS.—It is the duty of the states to verify the residency, employment, legal, and income status of applicants for Unemployment Insurance and no federal funds may be expended for purposes of determining an individual's eligibility under this Act.

(e) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to weeks of unemployment beginning on or after the date of the enactment of this Act.

SA 282. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 493, to reauthorize and improve the SBIR and STTR programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 504. AGENCY GOOD GUIDANCE PRACTICES.

(a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget;

(2) the term ''agency'' has the same meaning as in section 3502(1) of title 44, United States Code;

(3) the term ''economically significant guidance document'' means a significant guidance document that may reasonably be anticipated to lead to an annual effect on the economy of $ 100,000,000 or more or adversely affect in a material way the economy or a sector of the economy, except that economically significant guidance documents do not include guidance documents on Federal expenditures and receipts;

(4) the term ''disseminated''—

(A) means prepared by an agency and distributed to the public or regulated entities; and

(B) does not include—

(i) distribution limited to Federal Government employees;

(ii) intra- or interagency use or sharing of Federal Government information; and

(iii) responses to requests for agency records under section 552 of title 5, United States Code (commonly referred to as the ''Freedom of Information Act''), section 552a of title 5, United States Code, (commonly referred to as the ''Privacy Act''), the Federal Advisory Committee Act (5 U.S.C. App.), or other similar laws;

(5) the term ''guidance document'' means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

(6) the term ''regulation'' means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency;

(7) the term ''regulatory action'' means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking; and

(8) the term ''significant guidance document''—

(A) means a guidance document disseminated to regulated entities or the general public that may reasonably be anticipated to—

(i) lead to an annual effect on the economy of $ 100,000,000 or more or affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(ii) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(iii) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(iv) raise novel legal or policy issues arising out of legal mandates and the priorities, principles, and provisions of this section; and

(B) does not include—

(i) legal advisory opinions for internal Executive Branch use and not for release (such as Department of Justice Office of Legal Counsel opinions);

(ii) briefs and other positions taken by agencies in investigations, pre-litigation, litigation, or other enforcement proceedings;

(iii) speeches;

(iv) editorials;

(v) media interviews;

(vi) press materials;

(vii) congressional correspondence;

(viii) guidance documents that pertain to a military or foreign affairs function of the United States (other than guidance on procurement or the import or export of non-defense articles and services);

(ix) grant solicitations;

(x) warning letters;

(xi) case or investigatory letters responding to complaints involving fact-specific determinations;

(xii) purely internal agency policies;

(xiii) guidance documents that pertain to the use, operation or control of a government facility;

(xiv) internal guidance documents directed solely to other agencies; and

(xv) any other category of significant guidance documents exempted by an agency head in consultation with the Administrator.

(b) AGENCY GOOD GUIDANCE PRACTICES.—

(1) AGENCY STANDARDS FOR SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) APPROVAL PROCEDURES.—

(i) IN GENERAL.—Each agency shall develop or have written procedures for the approval of significant guidance documents, which shall ensure that the issuance of significant guidance documents is approved by appropriate senior agency officials.

(ii) REQUIREMENT.—Employees of an agency may not depart from significant guidance documents without appropriate justification and supervisory concurrence.

(B) STANDARD ELEMENTS.—Each significant guidance document—

(i) shall—

(I) include the term ''guidance'' or its functional equivalent;

(II) identify the agency or office issuing the document;

(III) identify the activity to which and the persons to whom the significant guidance document applies;

(IV) include the date of issuance;

(V) note if the significant guidance document is a revision to a previously issued guidance document and, if so, identify the

document that the significant guidance document replaces;

(VI) provide the title of the document and a document identification number; and

(VII) include the citation to the statutory provision or regulation (in Code of Federal Regulations format) which the significant guidance document applies to or interprets; and

(ii) shall not include mandatory terms such as ''shall'', ''must'', ''required'', or ''requirement'' unless—

(I) the agency is using those terms to describe a statutory or regulatory requirement; or

(II) the terminology is addressed to agency staff and will not foreclose agency consideration of positions advanced by affected private parties.

(2) PUBLIC ACCESS AND FEEDBACK FOR SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) INTERNET ACCESS.—

(i) IN GENERAL.—Each agency shall—

(I) maintain on the website for the agency, or as a link on the website of the agency to the electronic list posted on a website of a component of the agency a list of the significant guidance documents in effect of the agency, including a link to the text of each significant guidance document that is in effect; and

(II) not later than 30 days after the date on which a significant guidance document is issued, update the list described in clause (i).

(ii) LIST REQUIREMENTS.—The list described in subparagraph (A)(i) shall—

(I) include the name of each—

(aa) significant guidance document;

(bb) document identification number; and

(cc) issuance and revision dates; and

(II) identify significant guidance documents that have been added, revised, or withdrawn in the preceding year.

(B) PUBLIC FEEDBACK.—

(i) IN GENERAL.—Each agency shall establish and clearly advertise on the website for the agency a means for the public to electronically submit—

(I) comments on significant guidance documents; and

(II) a request for issuance, reconsideration, modification, or rescission of significant guidance documents.

(ii) AGENCY RESPONSE.—Any comments or requests submitted under subparagraph (A)—

(I) are for the benefit of the agency; and

(II) shall not require a formal response from the agency.

(iii) OFFICE FOR PUBLIC COMMENTS.—

(I) IN GENERAL.—Each agency shall designate an office to receive and address complaints from the public relating to—

(aa) the failure of the agency to follow the procedures described in this section; or

(bb) the improper treatment of a significant guidance document as a binding requirement.

(II) WEBSITE.—The agency shall provide, on the website of the agency, the name and contact information for the office designated under clause (i).

(3) NOTICE AND PUBLIC COMMENT FOR ECONOMICALLY SIGNIFICANT GUIDANCE DOCUMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (2), in preparing a draft of an economically significant guidance document, and before issuance of the final significant guidance document, each agency shall—

(i) publish a notice in the Federal Register announcing that the draft document is available;

(ii) post the draft document on the Internet and make a tangible copy of that document publicly available (or notify the public how the public can review the guidance document if the document is not in a format that permits such electronic posting with reasonable efforts);

(iii) invite public comment on the draft document; and

(iv) prepare and post on the website of the agency a document with responses of the agency to public comments.

(B) EXCEPTIONS.—In consultation with the Administrator, an agency head may identify a particular economically significant guidance document or category of such documents for which the procedures of this subsection are not feasible or appropriate.

(4) EMERGENCIES.—

(A) IN GENERAL.—In emergency situations or when an agency is obligated by law to act more quickly than normal review procedures allow, the agency shall notify the Administrator as soon as possible and, to the extent practicable, comply with this subsection.

(B) SIGNIFICANT GUIDANCE DOCUMENTS SUBJECT TO STATUTORY OR COURT-IMPOSED DEADLINE.—For a significant guidance document that is governed by a statutory or court-imposed deadline, the agency shall, to the extent practicable, schedule the proceedings of the agency to permit sufficient time to comply with this subsection.

(5) EFFECTIVE DATE.—This section shall take effect 60 days after the date of enactment of this Act.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, April 7, 2011, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review Department of Energy biofuel programs and biofuel infrastructure issues, and to consider S. 187, the Biofuels Market Expansion Act of 2011.

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

For further information, please contact Tara Billingsley (majority) at (202) 224–4756, Amanda Kelly (majority) at (202) 224–6836, or Brian Hughes (minority) at (202) 224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on March 31, 2011.

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

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 31, 2011, at 9:30 a.m.

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

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 31, 2011, at 2:15 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on March 31, 2011, at 9:30 a.m., in room 366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FINANCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled ''APEC 2011: Breaking Down Barriers, Creating Economic Growth.''

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 31, 2011, at 2 p.m., to hold a hearing entitled ''Assessing the Situation in Libya.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. BOXER. 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, to conduct a hearing entitled ''A Tragic Anniversary: Improving Safety at Dangerous Mines One Year After Upper Big Branch'' on March 31, 2011, at 10 a.m., in 430 Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 31, 2011, at 10 a.m., in SD–226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on March

31, 2011, at 10 a.m. to conduct a hearing entitled ''President's FY2012 Budget Request for the U.S. Small Business Administration and the Office of Advocacy.''

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

WESTERN HEMISPHERE, PEACE CORPS, AND GLOBAL NARCOTICS SUBCOMMITTEE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m., to hold a Western Hemisphere, Peace Corps, and Global Narcotics subcommittee hearing entitled, ''A Shared Responsibility: Counternarcotics and Citizen Security in the Americas.''

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

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY AND INTERGOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery and Intergovernmental Affairs of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on March 31, 2011, at 10 a.m. to conduct a hearing entitled, ''Exploring Drug Gangs' Ever-Evolving Tactics to Penetrate the Border and the Federal Government's Ability to Stop Them.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 31, 2011, at 2:30 p.m.

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

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mrs. BOXER. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 31, 2011, at 2:30 p.m. in Dirksen 406.

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

UNANIMOUS CONSENT AGREEMENT—H.R. 4

Mr. REID. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday, April 5, the Senate proceed to the immediate consideration of Calendar No. 16, H.R. 4; that the only amendment in order to the bill be an amendment to be offered by Senator MENENDEZ; that there be up to 60 minutes of debate equally divided between the two leaders or their designees, prior to a vote in relation to the Menendez amendment; that the amendment not be divisible and no amendments be in order to the amendment prior to the vote; that upon disposition of the amendment, the bill be read a third time and the Senate proceed to a vote on passage of the bill, as amended, if amended; that the amendment and the bill be subject to a 60-vote threshold; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, April 4, 2011, at 4:30 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 42; that there be 1 hour for debate equally divided in the usual form; that upon the use or yielding back of time, the Senate proceed to vote, with no intervening action or debate, on Calendar No. 42; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

RESOLUTIONS SUBMITTED TODAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions, which were submitted earlier today: S. Res. 120, S. Res. 121, S. Res. 122, and S. Res. 123.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the resolutions en bloc.

Mr. REID. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate; and that any statements relating to these resolutions be printed in the RECORD.

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

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, are as follows:

S. RES. 120

Recognizing the 1 year anniversary of the April 2, 2010, fire and explosion at the Tesoro refinery in Anacortes, Washington.

Whereas the State of Washington, the community of Anacortes, the Tesoro Refining and Marketing Company, and the United Steelworkers experienced a tragedy on April 2, 2010, when a fire occurred at the Tesoro refinery in Anacortes, Washington;

Whereas 7 workers died as a result of the tragedy: Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell;

Whereas the United States Chemical Safety and Hazard Investigation Board continues to investigate and review the April 2, 2010, refinery fire, and procedures and processes to prevent future tragedies from occurring;

Whereas the Washington State Department of Labor and Industries issued a Citation and Notice of Assessment covering 44 violations of State workplace safety and health regulations at the Anacortes work site (which are being appealed); and

Whereas the fire and explosion at the Tesoro refinery is a reminder of the dangerous nature of refinery operations around the Nation: Now, therefore, be it

Resolved, That the Senate—

(1) expresses sincere condolences to the families, loved ones, United Steelworkers, fellow workers, and the Anacortes community concerning the tragedy at the Tesoro refinery in Anacortes, Washington;

(2) honors Daniel J. Aldridge, Matthew C. Bowen, Donna Van Dreumel, Matt Gumbel, Darrin J. Hoines, Lew Janz, and Kathryn Powell; and

(3) expresses support for the efficient and safe operation of our Nation's oil refineries.

S. RES. 121

Designating April 2011 as ''Financial Literacy Month''.

Whereas according to the Federal Deposit Insurance Corporation, at least 25.6 percent of households in the United States, or close to 30,000,000 households with approximately 60,000,000 adults, are unbanked or underbanked and, subsequently, have missed opportunities for savings, lending, and basic financial services;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 34 percent of adults in the United States, or more than 77,000,000 adults living in the United States, gave themselves a grade of C, D, or F on their knowledge of personal finance;

Whereas according to the National Bankruptcy Research Center, the number of personal bankruptcy filings reached 1,500,000 in 2010, the highest number since 2005;

Whereas the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 16 percent of workers were ''very confident'' about having enough money for a comfortable retirement, a sharp decline in worker confidence from the 27 percent of workers who were ''very confident'' in 2007;

Whereas according to a 2010 ''Flow of Funds'' report by the Board of Governors of the Federal Reserve System, household debt stood at $13,400,000,000,000 at the end of the third quarter of 2010;

Whereas according to the 2010 Retirement Confidence Survey conducted by the Employee Benefit Research Institute, less than half of workers (46 percent) in the United States have tried to calculate how much they need to save for retirement;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 28 percent, or nearly 64,000,000 adults, admit to not paying all of their bills on time;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, 3 in 10 adults in the United States, or more than 68,000,000 individuals, report that they have no savings, and only 24 percent of adults in the United States are now saving more than they did a year ago because of the current economic climate;

Whereas according to the 2010 Consumer Financial Literacy Survey Final Report of the National Foundation for Credit Counseling, only 43 percent of adults keep close track of their spending, and more than 11,000,000 adults do not know how much they

spend on food, housing, and entertainment, and do not monitor their overall spending;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 21 States require students to take an economics course as a high school graduation requirement, and only 19 States require the testing of student knowledge in economics;

Whereas according to the sixth Council for Economic Education biennial Survey of the States 2009: Economic, Personal Finance, and Entrepreneurship Education in Our Nation's Schools, only 13 States require students to take a personal finance course either independently or as part of an economics course as a high school graduation requirement;

Whereas according to the Gallup-Operation HOPE Financial Literacy Index, while 69 percent of American students strongly believe that the best time to save money is now, only 57 percent believe that their parents are saving money for the future;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing finances and building wealth;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108–159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2011 as ''Financial Literacy Month'' to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

S. RES. 122

Honoring the life and legacy of Elizabeth Taylor.

Whereas Elizabeth Taylor, a world-renowned actress and activist whose legendary career spanned 7 decades, passed away on March 23, 2011;

Whereas with the death of Elizabeth Taylor, the State of California and the United States lost 1 of the most talented entertainers, philanthropists, and humanitarians in the United States;

Whereas Elizabeth Taylor was born on February 27, 1923, in London, England to American parents;

Whereas Elizabeth Taylor and her family moved to the United States, settling in the State of California, just prior to the start of World War II;

Whereas Elizabeth Taylor started acting at the age of 10 and became a star at a young age;

Whereas the hard work and dedication of Elizabeth Taylor earned her numerous acting roles in film, television, and theater;

Whereas Elizabeth Taylor became 1 of the most successful and sought after actresses in the world;

Whereas Elizabeth Taylor received 2 Best Actress Academy Awards for her work in ''BUtterfield 8'' and ''Who's Afraid of Virginia Woolf?'', and she became the first woman to earn a 7-figure paycheck for appearing in a film;

Whereas many films that feature Elizabeth Taylor, including ''A Place in the Sun'', ''Raintree Country'', ''Giant'', and ''Cat On A Hot Tin Roof'', have become classic films appreciated by generations of moviewatchers;

Whereas Elizabeth Taylor used her fame to raise awareness and advocate for people affected by HIV/AIDS;

Whereas, at a time when HIV/AIDS was largely an unknown disease and those who were affected by HIV/AIDS were ostracized and shunned, Elizabeth Taylor called for and demonstrated compassion by publicly holding the hand of her friend and former costar, Rock Hudson, after he had announced that he had AIDS;

Whereas Elizabeth Taylor testified before Congress saying, ''It is my hope that history will show that the American people and our leaders met the challenge of AIDS rationally and with all the resources at their disposal, for our sake and that of all humanity.'';

Whereas, in 1985, Elizabeth Taylor became the Founding National Chairman for the American Foundation for AIDS Research (commonly known as ''amfAR'');

Whereas, in 1991, Elizabeth Taylor founded the Elizabeth Taylor AIDS Foundation to provide direct support to those suffering from the disease;

Whereas the extensive efforts of Elizabeth Taylor have helped educate the public and lawmakers about the need for research, treatment, and compassion for those suffering from HIV/AIDS;

Whereas Elizabeth Taylor is survived by her children Michael Wilding, Christopher Wilding, Liza Todd, and Maria Burton, as well as 10 grandchildren and 4 great-grandchildren; and

Whereas Elizabeth Taylor was truly a legend who touched the lives of generations of people of the United States and millions worldwide with both her inner and outer beauty: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and honors the courageous, compassionate leadership and many professional accomplishments of Elizabeth Taylor; and

(2) offers its deepest condolences to her family.

S. RES. 123

Commending ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania and designating the week of March 26 through April 2, 2011, as ''Celebrating ACHIEVA's 60th Anniversary Week''.

Whereas ACHIEVA, formerly known as Arc Allegheny, is the premier provider of lifelong support and advocacy services for children and adults with disabilities and the families of those children and adults in Western Pennsylvania;

Whereas more than 10,000 children and adults with disabilities and the families of those children and adults rely on ACHIEVA to provide early intervention, family support, advocacy, respite, vocational, recreational, residential, protective, and future planning services;

Whereas the innovative services provided by ACHIEVA have been featured as models and best practices by State, local, and national media and have been replicated nationally and internationally;

Whereas the traditional family values espoused by ACHIEVA coupled with the best practice services provided by ACHIEVA propel ACHIEVA to the top tier of organizations providing support for people with disabilities;

Whereas ACHIEVA has been the leader in Western Pennsylvania in advocating for and protecting the rights of children and adults with disabilities;

Whereas family members of children with disabilities founded ACHIEVA in 1951 as a means of protecting the rights of their sons and daughters to live fulfilling and inclusive lives in their respective communities;

Whereas the dreams of the founders of ACHIEVA continue to provide the focused mission and vision that drive all of the work ACHIEVA carries out on behalf of its constituents; and

Whereas the dedicated volunteers who have provided organizational leadership to ACHIEVA and the dedicated staff members of ACHIEVA who support children and adults with disabilities and the families of those children and adults also deserve to be honored on the 60th Anniversary of ACHIEVA: Now, therefore, be it

Resolved, That the Senate—

(1) commends ACHIEVA on its 60th anniversary of providing strong advocacy for and innovative services to children and adults with disabilities and the families of those children and adults in the State of Pennsylvania; and

(2) designates the week of March 26 through April 2, 2011, as ''Celebrating ACHIEVA's 60th Anniversary Week''.

MEASURES READ THE FIRST TIME—H.R. 471 AND S. 706

Mr. REID. Mr. President, I understand there are two bills at the desk due their first reading.

The PRESIDING OFFICER. The clerk will read the bills by title for the first time.

The assistant bill clerk read as follows:

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

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

Mr. REID. Mr. President, I ask for the second reading of these two matters en bloc, but I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bills will be read on the next legislative day.

ORDERS FOR MONDAY, APRIL 4, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate

completes its business today, it adjourn until 2 p.m. on Monday, April 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 4:30 p.m., with Senators permitted to speak for up to 10 minutes each. Further, I ask that following morning business, the Senate proceed to executive session under the previous order.

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

PROGRAM

Mr. REID. Mr. President, Senators should expect the first rollcall vote of the week at 5:30 p.m. on Monday. That vote will be on the confirmation of Executive Calendar No. 42, Jimmie V. Reyna, of Maryland, to be U.S. circuit judge. Additionally, we were able to reach agreement tonight to vote in relation to H.R. 4, 1099 repeal. Senators should expect two rollcall votes on Tuesday prior to the caucus meetings.

ADJOURNMENT UNTIL MONDAY, APRIL 4, 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 stand adjourned under the previous order.

There being no objection, the Senate, at 7:40 p.m., adjourned until Monday, April 4, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

GARY LOCKE, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF CHINA.

THE JUDICIARY

CORINNE ANN BECKWITH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE DISTRICT OF COLUMBIA COURT OF APPEALS FOR THE TERM OF FIFTEEN YEARS, VICE INEZ SMITH REID, RETIRED.

ALISON J. NATHAN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE SIDNEY H. STEIN, RETIRED.

DEPARTMENT OF JUSTICE

GEORGE LAMAR BECK, JR., OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE LEURA GARRETT CANARY, TERM EXPIRED.

DAVID L. MCNULTY, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE JAMES JOSEPH PARMLEY, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JOSEPH C. CARTER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) THOMAS C. TRAAEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) WILLIAM M. ROBERTS

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

ALLAN K. DOAN
ANDREW L. WRIGHT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

BUDI R. BAHUREKSA
JOHNATHAN M. COMPTON
TIMOTHY R. LANDIS
MUHAMMAD A. SHEIKH

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JUAN J. DEROJAS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DAVID S. GOINS

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

KIMBERLY A. SPECK

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be major

LYNDALL J. SOULE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JAMES J. HOULIHAN
JASON S. KIM

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JOSHUA P. STAUFFER
RICHARD RC STONE
BRIDGET C. WOLFE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

EDWIN ROBINS

To be major

JOHN D. PEMBERTON
JEFFREY M. TIEDE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

RICHARD J. SCHOONMAKER

To be major

JAEWOO CHUNG
ALFRED J. DESIMONE
EDWARD W. LUMPKINS

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

JOHN H. BORDES
MARIE N. WRIGHT

To be major

DEBORAH J. MILLER
EDNA J. SMITH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

RICHARD R. JORDAN
CHRISTOPHER W. SOIKA

To be lieutenant colonel

JEANNIE M. MUIR

To be major

NAZNEEN R. BILLIMORIA
MARK D. BUZZELLI
DAVID W. MANNING
VINCENT J. MASE
CARLOS MATA
RICHARD A. METER
CASEY MICKLER
STEVEN M. POTTER
MICHAEL J. PRIOLA
APRIL B. TURNER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID S. PLURAD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

JAMES P. KITZMILLER

To be commander

MARK R. BREEDEN

To be lieutenant commander

JONATHAN D. SZCZESNY