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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, our Father, You have commended the light to shine out of darkness. Accept our gratitude for Your bountiful mercies.

As our Nation prepares to celebrate another Veterans Day, we praise You for the heroism of those who died to keep America free and for Your loving providence that continues to sustain this land we love. Lord, thank You for the legacy of service and sacrifice perpetuated by our military members and their families, and we ask You to continue to protect those in harm's way. As we honor the memories of those who gave the last full measure of devotion, infuse us with a greater determination to protect and preserve the liberties upon which our Republic was founded.

Use our Senators today as instruments of Your peace.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 10, 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.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business until 10 a.m. At 10 a.m., the Senate will begin consideration of the motion to proceed to S.J. Res. 27, with 2 hours of debate.

Around noon, there will be two rollcall votes on the motions to proceed to the joint resolutions of disapproval regarding net neutrality and cross-border air pollution.

An additional series of votes in relation to H.R. 674, the 3% Withholding Repeal and Job Creation Act with the veterans jobs amendment, and a cloture vote on the motion to proceed to H.R. 2354, the Energy and Water appropriations bill, will occur later in the afternoon. These votes are currently scheduled for 2:30 p.m. today, but we expect to get a unanimous consent agreement to begin those as early as 1:45 p.m. today.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the time under the previous order for resumption of consideration of H.R. 674 be modified for the Senate to resume consideration of the bill at 1:30 p.m., with all other provisions of the previous order remaining in effect; further, that all after the first vote be 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. REID. With this agreement, the Senate will resume consideration of the bill at 1:30 p.m., with up to 15 minutes of debate prior to the votes. There will be a series of up to four rollcall votes beginning around 1:45 p.m.

RECOGNITION OF THE MINORITY LEADER

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

JOBS CREATION

Mr. MCCONNELL. Mr. President, I would like to start today on a positive note. Later this very day, the two parties will come together to do something we haven't been doing enough of around here: we will pass a jobs bill on a bipartisan basis, and then we will send it back to the House, where we hope it will pass shortly. In other words, we are going to legislate. I know that might sound a little like a groundbreaking idea to some of my colleagues on the other side who would rather spend all of their time putting together legislation aimed at sending a political message, but hopefully today's votes will help change that.

As I have been saying for weeks now, we have two choices: We can either acknowledge the fact that we live in a two-party system and work together on legislation both parties can embrace or we can spend our time, as Democrats have for the past 2 months, putting together legislation that is designed to fail.

House Republicans have chosen the former approach. Since taking over the

majority earlier this year, they have searched for common ground when it comes to jobs legislation, and they have found it, passing more than 20 bills aimed at spurring the economy and creating jobs that have attracted strong bipartisan support.

Meanwhile, the Democratic majority here in the Senate has opted for the latter approach. Taking their cues from the political team down at the White House, Senate Democrats have spent most of their time trying to make Republicans look bad instead of looking for ways to work with us on meaningful jobs legislation.

But today they have taken a break from all that, and I am pleased to say the two parties will pass two important pieces of jobs legislation: Senator BROWN's 3 percent withholding bill, which eases the burden on government contractors, freeing up more money they can use to expand and to hire, and a veterans bill sponsored by Senator MURRAY that not only helps returning veterans but the businesses that hire them.

On their own, these bills won't solve our jobs crisis—far from it. No single piece of legislation can. But this attempt at bipartisanship that has been used to get them over the finish line represents our best shot at making progress on jobs and the economy as long as Republicans have the majority in one half of Congress and Democrats have the majority in the other. We can still improve on the process, of course, through greater consultation within the committee of jurisdiction, but it is a good start nonetheless. This is how divided government works—through genuine cooperation and a search for common ground. It is what Republicans on the joint committee have been doing these past several weeks, and it is what House Republicans have been doing for the past year on legislation of the kind we will actually pass today.

This isn't to say we shouldn't have open, full-throated debates that showcase our differences. The two parties clearly have different points of view when it comes to restoring the economy and creating jobs. That is why we will also have a vote today for the McCain-Paul-Portman bill, which aims at unleashing the private sector instead of shackling it with more government, as our Democratic friends propose. The McCain-Paul-Portman bill is a clear alternative to the President's failed model of endless stimulus. Members should have a chance to express their support for it, and I am glad we will, even as we vote on things on which we can all agree.

So my message is this: Let's keep it up. Let's build on today's success and move on to some of the other jobs bills that have already passed the House on a very broad bipartisan basis. I have highlighted two of them already. Today, I will highlight two more: the Access to Capital for Job Creators Act, H.R. 2940, and the Entrepreneur Access to Capital Act, H.R. 2930—two bills that make it easier for small businesses to raise money in innovative ways from small donors, generally over the Internet, often through social media. Here is a way to enable the little guy to raise money for his or her business and let small investors get into the game too. We all know access to capital is one of the key ingredients to economic growth. Here is a way to make it easier for folks to get that capital that also creates new avenues for the little guy to invest. Senators THUNE and SCOTT BROWN have companion bills here in the Senate. We should take them up and we should pass them.

You don't hear a lot about Republicans and Democrats agreeing on legislation these days, but here is some on which we do actually agree. So I would say let's take them up, pass them, and send them to the President for his signature. The Obama administration has already said it supports these ideas, and 169 Democrats in the House voted for one of these bills last week, with 175 voting for the other. Republicans support both overwhelmingly as well. So let's do it. Let's build on the momentum we have today, after passing the 3-percent withholding and the Veterans bill. Let's show the American people we have discovered and embraced a formula for success around here.

VETERANS DAY 2011

Mr. MCCONNELL. Mr. President, tomorrow is a very important day—Veterans Day—a day we set aside to honor the service and sacrifice of the heroic men and women who have served in the U.S. Armed Forces. America remains a beacon of freedom throughout the world today because of the commitments and sacrifices they have made. Over the years, many brave Americans donned their country's uniform to ensure we would remain safe and free here at home.

My own State of Kentucky has a proud and honorable military history and today is home to both Fort Knox and Fort Campbell, which together house thousands of soldiers. The Commonwealth is also home to scores of brave National Guard members and reservists. The efforts of our soldiers, sailors, airmen, and marines from Kentucky and all 50 States continue today, as our fighting forces courageously defend freedom from dangerous enemies all around the world.

I have been honored to meet with the families of Bluegrass State servicemembers who have been lost in war. I would like to share with my colleagues a little of what they have told me about how proud they are of their loved ones' service.

One soldier's son said:

> Nobody wants to see their father die . . . but to have it be while doing something of this significance, we're proud of him.

Another soldier's widow told me:

> There are no great words in a time of deep tragedy. But surely there are great men in the midst of great tragedy.

And I will never forget what a preacher said of his lost congregant:

> [He] didn't want to die, he didn't intend to die. But he was willing to lay down his life. That's what a hero is.

On Veterans Day, we pay tribute to everyone who ever bore arms in service of this Nation. We can express our thanks and our gratitude to those who are still with us. And we must honor in our memories those who did not return home.

We pay tribute to the families of our servicemembers, too, because they have made a sacrifice as well by loaning America their sons, daughters, husbands, and wives.

And we pay tribute to the indomitable American spirit that is essential to the survival of liberty. It is thanks to America's veterans and their exceptional service that we have upheld this spirit.

Lastly, I would like to offer best wishes for a happy birthday to our marines deployed across the globe, especially to our Kentucky marines who have been such a source of pride to the Commonwealth.

RECOGNIZING EASTERN KENTUCKY UNIVERSITY

Mr. MCCONNELL. On a related matter, Mr. President, I would like to recognize Eastern Kentucky University, located in Richmond, KY, for all the school has done on behalf of Kentucky's Veterans. EKU has been named one of the top two universities in the Nation for veterans for the second consecutive year. The recognition was given to EKU by the Military Times EDGE magazine for the university's commitment to helping military veterans advance their education.

EKU has made a concerted effort over the past several years to make the institution more hospitable to America's brave veterans. These initiatives include dropping admission fees for undergraduate veterans, granting in-state tuition to all out-of-State veterans, giving priority registration to veterans, designating housing specifically for student-veterans, and creating a helpful withdrawal and readmission process for veterans.

EKU's commitment to better education for our Nation's heroes has, by all accounts, been a huge success.

In addition to receiving national recognition from the veterans community, the university has seen its veteran population grow by some 40 percent in the last year.

So today, on the eve of Veterans Day, I wish to honor Eastern Kentucky University for its dedication to better serving our country's brave veterans, and to congratulate the university and President Doug Whitlock on this well-deserved recognition.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from Wyoming is recognized.

CROSS-BORDER AIR POLLUTION

Mr. BARRASSO. Mr. President, I come to the floor today to talk about the Environmental Protection Agency, the EPA, and their implementing a cap-and-trade program for what is called cross-State air pollution. I oppose this new regulation and I support the resolution of disapproval that we will be voting on later today.

Led by the EPA, Washington bureaucrats are tying up America with redtape. They are tying up our Nation and they are tying up the American people. This year alone, the EPA has issued over 400 final rules. These are rules that do have the effect of law. Well, that is over two rules per day so far this year for each day the *Federal Register* has been open for business in 2011.

Imagine any business in the United States, in our home communities—businesses having to comply with two new EPA rules each day you are open for business. And, of course, if you don't comply, then you face thousands of dollars in fines. This is business as usual for the EPA. Thousands of rules are filling the Federal Register, 70,000 pages this year alone. The costs of rules issued this year are estimated to eclipse the $100 billion mark. It is time to stop Washington bureaucrats. They are issuing excessive rules without considering their impact on our economy.

The problem is that this administration does not believe there is a regulations problem. They think more regulations actually create jobs rather than harm jobs. Fortunately, a previous Congress passed, and President Clinton signed into law, what is called the Congressional Review Act. This law gives us our best tool to dismantle bad regulations, and we should use it when appropriate.

Majority Leader REID, one of the authors of this Congressional Review Act, described the process as a reasonable, sensible approach to regulatory reform. I believe the Senate should use it here today. The Senate should take back some responsibility, instead of letting unelected, unaccountable bureaucrats continue to harm our economy.

I am standing here today to support Senator RAND PAUL's resolution to nullify the EPA's cross-State air pollution rule. The EPA's cross-State air pollution rule was finalized approximately 3 months ago. It is already costing Americans jobs. Over the summer, officials at a Texas utility threw up their hands and said they can't comply. They said it was too costly, too burdensome, and 500 jobs in Texas were lost as a result. The EPA's own estimates say another 2,500 jobs will be lost because of this very regulation. Private sector analysis puts the job and cost numbers much higher.

The cross-State air pollution rule puts limits on electricity generation for over half the country. It forces Washington's heavy hand on over 1,000 coal, gas, and oil-fired facilities across 28 States. Originally designed for States in the East, the EPA now continues to expand the rule to capture more and more States in the West. The newest version of the rule imposes new requirements for Kansas, Oklahoma, Nebraska, Texas, Iowa, Missouri, and Wisconsin. The compliance costs are very high. By the EPA's own estimate, the rule will cost over $2.4 billion.

The EPA also notes that part of these costs will be passed on to U.S. households in the form of higher electricity rates. The cross-State air pollution rule demonstrates how bureaucrats simply do not understand how job creators work and operate their businesses all across this country.

The implementation timeline the EPA has proposed is nearly impossible to follow. The rule was finalized on August 8, which leaves less than 6 months for companies and States to act and meet the new mandates by January of 2012. The Office of Management and Budget even warned that there would be consequences of such a drastic change in such a short amount of time.

In conclusion, this resolution of disapproval will tell the bureaucrats to do their job but do it following the rules of the road. We all want clean air, and we want it done in a responsible way. This EPA is rushing through rules, causing a train wreck in our economy, our jobs, and our competitiveness as a nation will suffer as a result. Senator PAUL's resolution will save at least 3,000 American jobs and also prevent a rise in electricity costs for American families. By adopting this resolution today, we will help our job creators, and help them be more competitive in the global marketplace. It is common sense to rein in the EPA.

Mr. President, I yield the floor.

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

Mr. DURBIN. Mr. President, I have great respect for my colleague who just spoke but disagree with him, and I urge my colleagues to take a careful look at the Rand Paul resolution of disapproval when it comes to this issue of air pollution. I would commend the remarks of our colleague Senator KELLY AYOTTE of New Hampshire who spoke this Tuesday on the floor of the Senate, urging the same opposition to RAND PAUL's resolution. She said she could not support that resolution. I quote from Senator AYOTTE's floor statement:

> The cross-State air pollution rule is designed to control emissions of air pollution that cause air quality problems in downwind States, and New Hampshire is a downwind State.

She went on to argue that this rule, which was first implemented 6 years ago—this is not a new idea coming through this administration; it has been here for years—is simple justice. Why in the world should the people downwind of a polluting State have their lifestyle and opportunity to expand businesses affected? Shouldn't we have reasonable standards that, if the air pollution you put in the air is going to cross over the border—which it naturally will—and affect the air quality in a neighboring State, you have a responsibility? Well, of course you do. But, unfortunately, the position Senator PAUL is taking is that we shouldn't have any standards, we shouldn't have any rules.

I would also suggest that there are utility companies—one that visited my offices yesterday—that agree with my position. They want to have a good rule when it comes to this cross-State air pollution.

John Rowe is the executive of a company named Exelon. Exelon, Commonwealth Edison, has been around for a number of years. They have acquired plants in many different locations. He was here on the Hill yesterday as a utility executive lobbying against RAND PAUL's resolution of disapproval. If you believe the earlier statements made by my colleague and friend Senator BARRASSO, you would assume the power industry is opposed to the EPA in this position. Not true. Many forward-looking utility executives have made decisions to lessen air pollution. If the Paul resolution is enacted, all of their investment will have been for nothing other than their own self-satisfaction. They have tried to live up to a standard in the law which Senator PAUL now wants to eliminate. That is a mistake. And it is a mistake because it rewards bad conduct.

When we come up with new standards to make America healthier and safer, it is interesting, the reaction. Some corporate leaders, when they hear of a new standard that might make the air cleaner or water purer, say, That is it, we have heard from the government, we have got to go out and hire a lawyer and a lobbyist to fight it. Others say, That is it, we believe the standard is reasonable, we are going to hire the engineers to make it work.

The second approach is one we should reward. The first approach will be rewarded if Senator PAUL has his way and eliminates this air pollution standard.

Yesterday, Lisa Jackson, the Administrator of the Environmental Protection Agency, came in my office and I talked to her. I said that many times

we speak about air pollution in the most general and theoretical terms. To me, it is a very personal thing. I invited her and every one of my colleagues, including my colleagues from Wyoming and Idaho and other States, to step forward the next time they visit a classroom in a school and ask a simple question to the students assembled there, a question I ask every time I visit a school. I ask the students: How many of you know someone who is suffering from asthma? Without fail, half of the students or more will raise their hand.

It is a mistake for us to ignore this epidemic of pulmonary disease which is literally claiming lives every single day in our country. It is a mistake for us to ignore the fact that this public health hazard of air pollution makes asthma sufferers suffer even more.

Two weeks ago, I was at the University of Illinois Children's Hospital and met with some of the parents of asthmatic children. It is a heartbreaking situation. I cannot imagine what it is like to be sitting there on the bedside of your daughter or son when they say, I can't breathe. That is the reality of asthma in its worst situation.

Maybe that is not the worst situation. I can recall visiting emergency rooms at children's hospitals in Chicago and having emergency room physicians say, I have had teenagers walk in here and say, I have asthma, I can't breathe, and I sat there and watched them die. There was nothing I could do about it. That is the reality of asthma and pulmonary disease. That is the reality of pollution. And if Senator PAUL and his followers have their way, we will reduce the standards for clean air in America, we will endanger more people with asthma and pulmonary conditions, and we will pay a heavy price—not just in the human suffering and death but in the health care costs associated with it.

Why is it, when the Republicans are asked to come up with a way to create jobs in America, their first stop is to eliminate the EPA? Why is it that the House of Representatives, Republican-dominated House, boasts that they have a jobs bill, and you look and find they on 168 separate occasions this year tried to take away the authority of the Environmental Protection Agency to protect the air and the water that we drink? Is that the path to economic prosperity in America? The filthy skies we see in some cities around the United States and the smog that is attendant to it? And of course, if you go overseas to China, you can cut the air with a knife 24/7. That is the reality of an unregulated business environment. It is a reality we can change. We can change it with thoughtful regulation, we can change it by dedicating ourselves to public health and safety, and we can change it by supporting those rules which are consistent with improving public health.

I want to salute Senator AYOTTE for her statement on the floor. Senator ALEXANDER of Tennessee joined her. We believe there will be a handful of stalwart Republicans who will step forward with us today to defeat the Paul amendment. They believe, as we do, this is not a partisan issue. It does our country no good to declare war on the Environmental Protection Agency and to leave ourselves vulnerable to all the death and disease that will follow if we don't do something meaningful to deal with air pollution. I think we can, and I think we should, and I hope we can do it on a bipartisan basis.

When I listen to the suggestions about creating jobs, I think many on the other side overlook the obvious. When we are looking for more energy efficiency and cleaner energy, we are pushing the envelope on technology. We are asking for innovation, entrepreneurship, and new employment to reach it. It is an exciting opportunity for us across this country.

Two weeks ago I visited a new coal-fired plant in southern Illinois near my home area where I was born. It is across the road from a coal mine, and they have put on that plant $1 billion worth of scrubbers and cleaning devices to reduce air pollution dramatically from where it otherwise would have been in a coal-fired plant. They made the investment because it was the right thing to do, and it is a standard that is moving us forward as a country so we can say to the American people we can produce the energy we need for our economy to create jobs and grow, but do it in a sensible fashion.

If the Republican leadership in the House has its way, the Environmental Protection Agency will all but disappear. Maybe that is their way to expand the economy, but it is not mine. I would rather be creating jobs for energy efficiency and new energy technology right here in the United States, so that we end up with cleaner air and purer water. I would rather do that than watch the RAND PAUL approach pass, and find ourselves creating jobs, sadly, on the backs of those who are suffering from asthma. I don't doubt, if there are more asthmatics, there will be need for more medical professionals, more emergency rooms, more nebulizers, more medical treatment. Those aren't the kinds of jobs we should pointedly try to create. We need those folks, but we shouldn't make their tasks any harder or more difficult by increasing the number of children and young people in America who are suffering from asthma that is the direct consequence of watering down the air pollution laws in a way that Senator PAUL will try to do later today on the floor of the Senate.

Let's have respect for the people who live in this country and the health of their children. Let's vote down this Rand Paul resolution.

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

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

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The Republican leader is recognized.

DISAPPROVING A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO THE MITIGATION BY STATES OF CROSS-BORDER AIR POLLUTION UNDER THE CLEAN AIR ACT—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to S.J. Res. 27.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The bill clerk read as follows:

Motion to proceed to the consideration of the joint resolution (S.J. Res. 27) disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate equally divided and controlled between the two leaders or their designees.

Who yields time? The Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, I rise today in support of clean air, clean water, electricity, and jobs. I think we can have a clean environment and jobs, but not if we let this administration continue to pass job-killing regulations. These new regulations will cost over $2 billion, and over the course of a decade or more may well exceed $100 billion. We add these new regulations to over $2 trillion worth of regulations already on the books. The President is adding $10 billion worth of regulations every month, and we wonder—we have 14 million people out of work, 2 million new people out of work since this President took office. Yet we continue to add regulation upon regulation.

So far this year President Obama has added $80 billion worth of new regulations. If this President is serious about job creation, he needs to cease and desist from adding new job-killing regulations. The vote today has nothing to do with repealing the Clean Air Act. I am sure we will hear hysterics on the other side. We will hear from environmental extremists. But this has nothing to do with repealing the Clean Air Act. We have rules in place to control emissions from our utility plants. We are not arguing against that. In fact, we are arguing for continuing the same rules that have been in place for some time.

Over the decades our environment has become cleaner and cleaner. Emissions have gone down with each successive decade. We are simply asking that the clean air regulations already on the books stay in place and that we do not make the regulations so onerous that we put utility plants out of business so we have an inability to supply electricity to this country.

Over 50 percent of our electricity comes from coal-fired plants. If we shut down the coal-fired plants or if we bankrupt them—as the President explicitly said in his campaign, that would be the desire of his policies—if that should occur, be prepared for brownouts in our big cities, be prepared for days when there will not be electricity, but also be prepared for rising unemployment as these job-killing regulations put a stranglehold on the economy.

The question is, Can we have clean air and jobs? Absolutely. But to have clean air and jobs we must have balance. We are at the point of becoming so overzealous and of overreaching to such a great extent that we are killing jobs. We are killing industry. We are going backwards in time.

Before we add new regulations we must ask, Are the current regulations working? The answer is an unequivocal yes. Emissions from utility plants have been declining for decades. In fact, while coal-based power has nearly doubled in the last several decades, emissions have been reduced by 60 percent.

I need to repeat that because if we listen to the hysterics, we would think otherwise. We would think the Statue of Liberty will shortly be underwater and the polar bears are all drowning and that we are dying from pollution. It is absolutely and utterly untrue. All of the statistics—and these are statistics from the EPA—all of the statistics from government, from the EPA, show declining pollution. Everything about this argument shows that the environment has been improving for decades. In fact, John Stossel has done a program on this, and he asked fifth graders: Do you think the environment is cleaner now or 30 years ago? All of our schoolchildren have been brainwashed by these environmental hysterics who say, oh, it is a lot worse now. It is actually much better now.

Here are some statistics. We are talking about regulating two emissions that come from utility plants. The first is sulfur dioxide. We can see in the midst of the range, the average has been going down every decade. We have reduced sulfur dioxide just in the last 6 years by 45 percent under the current regulations.

If we look at the nitrous oxides, which are also regulated under this series of regulations, we can also see they have been in decline. The existing rules are working. Nitrous oxides, which can create ozone, are down 45 percent in the last 5 years. The existing rules are working. All we are arguing for is that we not become overzealous, that we not overreach, that the regulators and the regulations not become job-killing regulations. That is where we are headed.

This administration has proposed a series of radical changes to our environmental law. These are regulations that are being written by unelected bureaucrats in which we in Congress are not having a say. What I am asking for today is that Congress vote approval or disapproval of these radical, extremist regulations, these job-killing regulations that are coming down the pike.

If we look at jobs and look at what will happen to jobs, we will see that these regulations—simply this regulation alone—could cost as much as 50,000 jobs. Indirectly, the people who work for them who would be losing their jobs. As much as 250,000 indirect jobs could be lost.

We do need to ask the important question: Are the existing regulations working or do we need to make the regulations more strict? This is a balancing act. On the one hand we have our environment, which we all care about. No matter what the other side will say, Republicans do believe in clean air and clean water. But we also believe in jobs. It is a balancing act in our country and in all of our communities to try to have both jobs and a clean environment. But we have to look at the facts. We cannot become hysterical and say the other side is for pollution. That is the kind of stuff we are hearing.

We are all for clean air, we are all for clean water, and we are all—or we should all be for jobs. My concern is that the President has allowed radicals to take over the administration. He has allowed environmental extremists to take over policy. As a consequence, we are losing jobs.

It is important to note that people think they will plug their electric cars into the wall and that has nothing to do with coal. Fifty percent of our electricity comes from coal. Does that mean it is perfect? No. But we have to look at the emissions from coal-fired utilities. The emissions have been declining decade after decade.

While coal-fired power has nearly doubled in the last several decades—we are having to produce more electricity from coal in the last several decades—emissions have declined 60 percent. We are doing a good job with the current rules. Let's not kill off industry. Let's not kill off jobs. Let's not put our citizens at risk during the height of the summer and the height of a heat wave of not having electricity or during the height of cold waves in the winter of not having electricity to heat their homes.

The alarmists, such as Al Gore and others, would have us believe everything is worse and the world is on the edge of some sort of cataclysm. If we allow them to control our debate, if we do not talk reasonably and rationally about the facts, if we do not look at the statistics of what has been occurring to control emissions, we are not going to get anywhere. I am asking we base our discussion on rational facts and not on emissions.

To give an idea of where some of these extremists are coming from, there is one of them who is a prominent extremist in this debate. She has called for a planetary law, whatever that is. She wants a planetary law of one child per family because she is worried about the carbon footprint of the worst polluters in the whole world.

But who do we think the worst polluters in the world are? Humans, for breathing. She says we have far too many breathers on the planet and the way we reduce breathers on the planet is we will have one child per family mandated worldwide. We know how China does that.

I don't think we can let the debate get out of control. Today's debate is about overreach. I would like to give an example. Think about what cities looked like in 1900. We have a picture of Pittsburgh, where I was born, in 1905, and then a picture of Pittsburgh today. You may not be able to see the picture from the distance, but we can get an idea.

Throughout Pittsburgh it was smog and pollution. It was heavy. They say at noon on a day in Pittsburgh you could go out and your white shirt would become black. They say at noon in Pittsburgh the street lanterns were on because you could not see through the smog and the smoke.

Here is Pittsburgh today. We are not arguing for no rules. The rules we have in place have been working. What we are arguing is not to let the rules become so overzealous, so onerous, that we kill jobs and we kill industry.

We want a clean environment and jobs. We have to have a balanced approach, and we cannot let hysteria and environmental extremism take over our country. The West led the industrial revolution. Life expectancy has doubled since the discovery of electricity. Childhood infectious mortality has become one-hundredth of what it was before electricity. For all the advances of civilization, there are advantages and there are disadvantages. As we have advanced from an industrial society, there have been problems, but we have been ironing out those problems for 100 years now. We are doing a good job at that, and we should not allow the regulations to become so onerous that we begin to lose jobs.

One of the other things people argue about and one of the big health concerns they have with pollution is with regard to asthma. The interesting thing is, if we look at all the statistics on all the emissions from our powerplants, all these declining lines are emissions. Emissions have been going down decade upon decade. The incidence of asthma has been rising. If we were looking at this chart, we would say maybe emissions declining is inversely proportional to asthma. The other argument could be maybe they

are not related at all, but they definitely are not proportional. We are not seeing rising incidents of asthma because we are having increased pollution. We have decreased pollution and rising incidents of asthma. Either they are inversely proportional or not related at all.

This is an important point because what comes out of the hysteria of the environmental extremists is—we will hear people stand and say half a million people are going to die if this goes through. The Vice President recently said Republicans, because they didn't vote for his jobs plan, were for murder and rape. The ridiculousness of these statistics that are trotted out as truth should be spurned. We should think about things calmly and rationally and decide: Can we have clean air and jobs? When we hear these statistics, let's be very careful not to get carried away.

Joel Schwartz has written about asthma and the environment and pollution and he notes that: As air pollution declines, the asthma prevalence continues to rise. One possible conclusion is that air pollution is not a cause of asthma or not even related. Every pollutant we measure has been dropping for decades pretty much everywhere while asthma prevalence has been rising pretty much everywhere.

The other side will say, but the American Lung Association says pollution is making asthma worse. You know what. The EPA actually gave the American Lung Association $5 million, so I think their objectivity has been somewhat tainted.

If we look at asthma incidence and we say: Where is asthma the worst, interestingly, asthma is worse in the countries that have the lowest incidence of pollution and asthma is actually lowest in the countries that have the highest evidence of pollution.

As we look through these statistics, we need to be concerned about the costs of these new regulations. We need to be concerned about having balance between job creation and job-killing regulations. I am afraid what happened is we have opened the White House and this administration to environmental extremists, the kind of people who say: The polar bears are drowning. The whole thing on the polar bears drowning was based on the sighting of two polar bears on an iceberg and they all of a sudden maintain this. Once we start counting the polar bears, apparently they are not in decline.

So the statistics and hysteria over whether within 50 years the Statue of Liberty will be underwater, this is the kind of hysteria we don't want to drive policy. It is the kind of hysteria that when our brother-in-law is out of work and when 2 million new people are out of work since this administration came into power, we need to be concerned about regulatory overreach.

Another issue we are concerned about is what will happen with these new regulations with electricity rates. We have a map that shows across the United States what will happen. When we think about our electricity rates going up and the expense to this, think about who gets hit worse, the working class and senior citizens on fixed incomes. They are the ones who will suffer from rising electricity rates. It is the person who depends only on their Social Security check and has no other means of supporting themselves and is trying to pay for their electricity.

In some regions, electricity could go up almost 20 percent with this series of regulations this administration is proposing. This is throughout the country. It is more in some areas than others, but it will go up dramatically, and that is the danger of allowing these new regulations—what will happen to electric rates and will poor people in the winter or heat of the summer be able to afford their electricity? The cost of these regulations is real. The cost of these regulations will be passed on to the consumer and there are significant dangers of there being periods of times in large cities where there is not enough electricity to go around and the electrical grid is overwhelmed.

As we go forward and as we begin to hear some of the hysteria that will occur from the other side, be aware that what we are arguing for is not the elimination of regulations. We are arguing for continuing the existing regulations, with the two emissions we are talking about have declined significantly over decades. Sulfur dioxide has declined over 70 percent over the last three decades. Nitrous oxide has declined over 50 percent over the last several decades. So the question is, if we are doing an adequate job, if we are doing a good job, if emissions are going down, why would we want to impose new rules that will cause loss of jobs and will cause an increase in rate of electrical costs?

If one is cynical, one of the reasons might be because the President wants to reward some of his campaign contributors; for example, Solyndra. The owners of Solyndra, which makes solar panels—or did. They have now gone bankrupt after they ate up $500 million worth of our money. Perhaps this is more of a political argument that he doesn't like certain industry but he likes other industry. So he is willing to spend our money, $500 million worth, on one company.

Solyndra went bankrupt recently, and $500 million is still a considerable amount of money. I will put that in perspective. In Kentucky, we get over about $420 million to pave our roads annually out of the gas tax that we pay. There are 35 States that get about the same amount, somewhere under $500 million. Yet the President saw fit—because he has been consumed with this environmental extremism—to give $500 million. That is more than 35 States get for their highway funds. He saw fit to take that money and give it to one political contributor because he has decided he wants more expensive electricity. He wants electricity that comes and is produced by people who have been his campaign contributors.

As we look at adding these new regulations, these need to be put in context. We need to look at and seriously think about whether we want our country to be taken over by environmental extremists, whether we want or care about can we have a clean environment and jobs. I think we can have both. I think we can have clean air, clean water, and jobs, but it will require a balanced approach. My fear is, if these regulations go forward, the balance will become imbalanced, that there will be job-killing regulations that cause electrical rates to go up and cause us to have significantly more economic problems than we are already in.

At this time, I call on my colleagues to consider supporting this resolution, which will be a disapproval of these new and onerous regulations, and I reserve the remainder of my time.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, would the Chair let me know when I have used 5 minutes, and then I am going to yield to Senator REED for up to 8 minutes.

The ACTING PRESIDENT pro tempore. The Chair will do so.

Mrs. BOXER. Mr. President, I wish to be clear about this. If the Paul resolution passes—which I don't think it will, it is so extreme—people in 38 States, 248 million people, will be adversely impacted with filthy, dirty air.

In the Senator's own State of Kentucky, the prediction is, based on science, that between 530 people and 1,400 people will succumb to premature death. So we are not talking about some political argument. We are talking about the very life and death of the people we represent. I wish to thank Senators DURBIN, WHITEHOUSE, LAUTENBERG, SHAHEEN, and AYOTTE for already speaking out on the floor against the Paul resolution.

I hope we will have a big vote because we are dealing with the health of the people, with the health of the children, with the ability of people to work—because if we cannot breathe, we cannot work—and we are dealing with jobs, many jobs, over 1 million jobs that are created as a result of clean technology.

Senator PAUL insulted the people of America. There was a poll just taken last month where 67 percent of voters support the cross-state air pollution rule. That is 85 percent of Democrats, 68 percent of Independents, and 48 percent of Republicans. Are they extremists? No. They are mainstream. Are the groups who support this rule extremists?

I think the Senator owes an apology to the American Lung Association for making it sound as if they are for air pollution rules because they are getting some kind of payoff. It is an outrage, a complete outrage. Does he

think the National Association of County Health Officials is extremist? He said the American Lung Association. He already attacked them. How about the American Nurses Association, does he think they are extremists? Does he think President Richard Nixon was an extremist when he signed the Clean Air Act and he said: ''Clean air, clean water, open spaces—these should once again be the birthright of every American.'' Does he think Richard Nixon was an extremist?

Let's talk about what he wants to do. He wants to repeal a very important rule that is going to clean up the air, that is going to reduce toxic poison soot and smog-forming air pollution that impacts air quality for over 240 million people.

Let me say this. I know all 100 of us in this Chamber would condemn it if somebody took all their garbage and put it on the lawn of the next-door neighbor. That is what this cross-air pollution rule is about. It is about States that don't crack down on pollution. They have smokestacks that blow the pollution into other States and they say: Isn't it wonderful? We don't have any problem here; it is your problem.

When I made this analogy, Senator CARPER corrected me. He said: The Senator is right. It is a good analogy as far as it goes, but garbage is not usually poison. I will amend my analogy to say this: If we knew that someone had garbage that included poison and they took that garbage that included poison and put it on someone else's front lawn, that would be a terrible thing to do, and it would be the moral responsibility of that party to clean it up and not do it again. That is what this rule is about.

I wish to talk about specifics rather than be vague. This rule that Senator PAUL seeks to cancel and repeal prevents up to 34,000 cases of premature death, 19,000 emergency room and hospital visits, 400,000 cases of aggravated asthma attacks, and 1.8 million lost work and schooldays. It is estimated to provide up to $280 billion in annual benefits by 2014.

So all this flailing around of arms and calling people extremists simply cannot erase the fact that what Senator PAUL is doing is extreme and is hurtful to our people.

How many people feel good when they look at a child such as this who is desperately seeking air? Here is the exhaler, this plant, and here is her inhaler. Exhale from these dirty plants and inhale clean air.

It reminds me of a story I just read in the New York Times that talks about China.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Mrs. BOXER. I ask unanimous consent for 1 minute, and then I will yield 8 minutes to Senator REED.

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

Mrs. BOXER. In China, the leaders there are arrogant and they are elitists and they surround themselves with air purifiers in their offices, in their homes, in the great hall of the people where they work, which is opulent, but the rest of the people in China have to breathe filthy, dirty air. In a recent trip there, our group did not see the sun for 7 days.

''Chinese leaders are largely insulated from Beijing's famously foul air.'' That is the story in the Times. ''The privileges of China's elites include purified air.'' Well, I don't think anybody ought to be able to insulate themselves from the quality of the air. We have to clean up the air for everybody, not just an elite few. So I think Senator PAUL's resolution under the CRA should be soundly defeated.

At this time, I yield 8 minutes to Senator JACK REED.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I appreciate very much the Senator yielding, but I think the custom is that we are going back and forth, if the Senator from California would like to finish her statement.

Mrs. BOXER. Mr. President, I wish to address that, if I could for a moment, for the benefit of Senator COATS. I was going to speak for a much longer block, but I didn't. I yielded the time to Senator REED, and I retain the time I have. So I only did it because he was trapped in a hearing. But it is up to the Senators, however they want to proceed.

Mr. REED. I think if the Senator from California wishes to finish her statement and then recognize Senator COATS, that would be appropriate. That is the procedure. I think it is appropriate to alternate back and forth.

Mrs. BOXER. I am happy to do that. I will retain my time and yield to the Senator from Indiana.

Mr. COATS. I thank the Senator from California. I agree with the Senator from Rhode Island. If the Senator from California wants to finish her time, I am happy to——

Mrs. BOXER. I am retaining my time.

Mr. COATS. My understanding is that we are going back and forth, and I think we should stay with that order. So I appreciate the support of the Senator from Rhode Island for that agreed-upon procedure.

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

Mr. COATS. Mr. President, I rise in support of Senator PAUL's resolution. The word ''extreme'' has gotten thrown around here an awful lot. I just walked on the floor.

What is being sought here is not extreme. Under the Clean Air Act, there have been extraordinary gains in terms of air pollution controls, and there have been hundreds of billions of dollars spent over the last couple of decades to provide some much needed and much appreciated clean air all across the country. Are we 100 percent there yet? No. Are we a long way toward getting there? Yes. The issue before us today is, can we allow sufficient time for utilities that are spending these hundreds of millions, if not billions, of dollars to continue the process of retrofitting their plants and providing energy to consumers and businesses at a reasonable rate.

In the Midwest where a lot of these plants exist—although this covers 27 States—we make big stuff. We make cars and we make trains and we make automobiles and heavy machinery. It takes electricity to do that. Our economy is not based on maple syrup or wine from Napa Valley, it is based on major, huge industries producing what America needs to move people around and to create the kind of economy all of us have enjoyed. It also provides a lot of jobs. We have spent literally hundreds of billions of dollars in complying with Clean Air Act regulations, and we have come a long way.

There is nothing extreme to talk about here on either side, I believe, because the record speaks for itself. The question is, Do these utilities that produce this energy needed to run this economy have time to finish what they have started? Senator PAUL has basically said: Look, this EPA rule basically says companies have until January 1, and that is it.

I have a plant down on the Ohio River that is spending hundreds of millions of dollars in retrofit, but they can't meet this deadline. They are now in a position of having to decide whether to throw this money away and to waste everything they have already put in when they are halfway through the process or close the plant down completely.

Six plants will close down in Indiana, it is projected, with an increase in utility rates not just to consumers but to our manufacturers at the level of 20 to 25 to 30 percent. At a time when our economy is struggling, is this something we want to add, particularly for an industry that is committed to going forward but just needs a little bit more time?

That is the purpose of this resolution before us, and I am hoping we will take a reasonable view of the gains we have achieved over the decades we have been at work, the clean air we have achieved, the commitment to the final goal of the Clean Air Act but doing it in a reasonable timeframe in a cost-effective way that doesn't throw our economy into a further level of distress in terms of the number of jobs we need and the amount of money that has to be spent to achieve that.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise in strong opposition to the proposal by Senator PAUL to preempt the implementation of the cross-state air pollution rule.

We recognize throughout this country our extraordinary employment

challenges—in Rhode Island particularly but in every State. These are challenging times. But our focus should not be on undermining protections for the public health, rather our focus should be on job creation, as the President has suggested through his jobs act. That is what we should be doing.

This is one of a series of proposals—and I have seen many of them as the chairman of the Appropriations Subcommittee on the Interior—to essentially eviscerate the ability of the EPA to protect the health of the country and its people.

What has struck me during these debates is that we are, in a way, victims of our success. I am old enough to remember when the Cuyahoga River in Cleveland was on fire because there was no control, effectively, of what was being dumped into rivers and streams throughout this country, and when clean air was something that was a sought-after goal, not a reality, in so many parts of the country.

We can look at the experience of the State of California, Senator BOXER's State. In 1976, there were regular health advisories because of the poor air. But a combination of EPA regulations and California regulations has seen the average of these health alert days in which the frail and elderly couldn't go outside, young children were advised not to play outside, and it was very difficult to put up with the smog and the congestion, fall from an average of 173 days a year—half the year—in the 1970s to about 6 days per year in the late 2000s. That wasn't an accident; that was because of effective implementation of the Clean Air Act, which, as Senator BOXER pointed out, was spearheaded by President Nixon in the 1970s. This attempt by Senator PAUL is one of many attempts to reverse that progress on the assumption that things will stay the same. No, they will get much worse, actually.

This rule has been carefully evaluated. It has been through several different procedures and rulemaking processes. It has been estimated effectively and carefully that between 13,000 and 34,000 lives would be saved that would otherwise be affected and shortened because of smog and soot pollution. This rule would help avoid 15,000 heart attacks, 400,000 more asthma attacks, 19,000 hospital emergency room visits, all of that tremendous health cost. And indeed the estimated yearly costs to industry of about $2 billion to $3 billion pales in comparison to the estimates of the benefits of between $120 billion to $280 billion if this rule goes into effect.

The essence of this rule effectively, though, as Senator BOXER also suggests, makes us all better neighbors. We have a 10-percent unemployment rate in Rhode Island, and we do not specialize in wine or maple syrup. We used to be a manufacturing center. Manufacturing requires electricity. We have very high electricity costs. Why? Because our State has to compensate for the pollution coming from these other States. This is a tax. The present situation, without this rule, is a tax on small business, and particularly manufacturing, in Rhode Island. We want a rule that requires the polluters to pay the full cost of their pollution, so if it is emanating from the Midwest and being transported to Rhode Island, those people creating it should be paying for it. That is the way the market should work. We are paying for it. We are effectively subsidizing lower electricity rates in parts of this country that are taking jobs from Rhode Island. It is not only unfair, it is bad policy.

In Rhode Island specifically, only 5 percent of ozone pollution is from local or instate sources—5 percent. Ninety-five percent comes from outside of our borders, particularly the Midwest. It is transported. That is at the heart of this rule—to give us a chance not only to protect ourselves and to control our own pollution but to not be subject to the additional cost as this pollution moves across the country.

We are in a situation where we are essentially being imposed upon dramatically, and this rule will try to strike the proper balance. It will try to incentivize those producers of pollution to prevent the pollution. It will let us be more competitive. It will allow us to go ahead and essentially have a much more level playing field when it comes to what we are all talking about: creating jobs.

It is awfully tough to go up to Rhode Island and look at businesses that are making progress and being told that one of the key costs is electricity and one of the key factors driving up those costs is all of the pollution control that we have to put in place, not because of what we are generating, but because 95 percent of our pollution is coming from other States.

This rule makes sense in every dimension, and I think to undercut this rule would do a great injustice to the health of the American public and the economic potential of States throughout this country.

Let me say something else too. I think we often see this erroneously as a one-sided cost: Oh, these polluters, these utilities are going to have to put all of these controls on. Well, guess what, they are hiring skilled American workers to put in place products that I hope are produced in America. All that contributes to our economy.

So for many different reasons, I urge my colleagues to oppose this resolution. The rule is efficient. It is effective. It will actually help our economy. It will certainly help the quality of life for Americans in those States that are suffering from the pollution of other States, and that are essentially paying for the pollution of States throughout the country. If the winds were blowing another way, I daresay many of my colleagues would be standing up and arguing exactly the opposite.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am pleased to support Senator PAUL's work to avail himself of and make use of the Congressional Review Act which establishes a process for Congress to review and nullify unwarranted Federal regulations.

The Congressional Review Act process is rarely used—only successfully on one other occasion since it was created in 1996—but it is a legitimate process, and it is of increasing importance today. This is an opportunity for Members of Congress, who are concerned that regulations are taking over the country, to try to see some of those unwarranted regulations pulled back. It is an opportunity for people to prove they mean what they say when they say that.

The Heritage Foundation published a chart identifying the ''Obama Regulation Tsunami.'' Heritage identified 144 new regulations that were pending in 2011—this year. All of those were expected to cost more than $100 million—all of them. In 2006, there were 69 such regulations pending. The average number of rules over $100 million pending during 2001 through 2006 was about 72. Now, during this administration, the average number is not 72; it is about 130. That is an 80-percent increase in the number of pending regulations with costs over $100 million. So this is a tsunami of costly regulations falling on our economy.

Senator PAUL's resolution seeks to nullify just one of the EPA rules aimed at reducing the use of affordable coal-fired powerplants in 27 specific States, including my State of Alabama.

The rule will increase power bills for people and businesses. There is a range of other new EPA rules that will raise the price of electricity in addition to that rule. This increases the cost of doing business, and it makes our businesses less competitive and results in job losses.

Higher energy costs make American businesses less competitive and less able to create jobs and more likely to invest in other countries than in this country. In an EPW hearing—the Environment and Public Works Committee—last month, we heard testimony that over 180,000 jobs will be lost each year—each year, 180,000 jobs—from 2012 through 2020 as a result of just 4 EPA rules that impact the electric utility sector—just the electric utility sector. One of those four rules is the Cross-State Air Pollution Rule that Senator PAUL's resolution addresses. This is net jobs lost. The evaluation takes into account alleged job gains from the four rules.

Together, the four rules would result in $21 billion in annual compliance costs and raise residential energy prices by 12 percent in Alabama and even more in other States. A 12-percent increase in residential energy costs is significant. These are working people. If your bill is $150 a month, it is now

going to be $168 a month. If it is a $200 bill, it is going to be $224 a month. That is real money and for gaining not one thing that adds to the productivity of a business or a residence. It is a really significant cost.

Do not think it does not fall on people. We have gotten our mind set in Washington that we can impose a rule and it has costs on businesses but it does not cost us. But in truth, it is the equivalent of a tax. For example, if the government wanted to clean up the air, we could tax the American people, use that money to go to all the powerplants, add extra costly techniques to it, and clean up the air that way. That would be a tax. We would have to defend that to the American people. We would have to justify that this cost we have extracted from them through increased taxes was worth the benefit. But we can wash our hands of it, the way we do business today. We simply pass a law that mandates that these businesses do that, and we pretend it does not impose costs. But the experts say these rules will result in a 12-percent increase in utility rates in Alabama alone. Those are my people—working-class people, middle-class people, poor people who have to have electricity.

An analysis of all the new EPA rules impacting the electric utility sector is even more astounding. Southern Company, which operates in the Southeast, estimates that the capital costs of complying with the full range of proposed EPA rules for coal-fired electric generation would be between $12 billion and $15 billion. Costs for Alabama Power, which provides electric power for much of our State, are estimated to be between $5 billion and $7 billion. Alabama's general fund budget, not counting education, is $2 billion. This adds to one power company $5 billion to $7 billion in costs. The President and Senate Democrats like to talk about raising taxes on the rich, but their regulations are, in effect, a huge tax increase on everyone, poor and rich alike, in the form of higher energy prices and fewer job opportunities. With unemployment at 9 percent, we need to ask ourselves, Can we afford this kind of increase now?

Nucor Steel pointed out in recent testimony that a 1 cent per kilowatt hour increase in the electricity they buy to make steel would add $120 million in costs to their company. That was the testimony they gave a few weeks ago at an EPW hearing.

But let's talk for a moment about the specific rule Senator PAUL's resolution would nullify. The Cross-State Air Pollution Rule mandates that 27 States reduce their sulfur dioxide emissions by 20 percent by 2012 and nitrogen oxide, NO_X, emissions by 50 percent by 2014. Remember, we already brought down emissions of NO_X and sulfur dioxide significantly. Our air is cleaner in virtually every city in America than it was just a few years ago and much cleaner than it was 20 or 30 years ago. We can be thankful that Congress mandated that. And there certainly were objections raised at that time. It did impose costs, as said, but it also has helped clean our air. That is a fact. But I would just say this to you: The lower hanging fruit has already been achieved. America's electric utility industry is operating more efficiently and more effectively today than ever. But a 50-percent reduction in nitrogen oxide emissions by 2014? An additional 20-percent reduction of sulfur dioxide by next year? Utilities will be forced to either install expensive technologies such as scrubbers or shut down their units.

This rule, in combination with other new EPA rules, will be the nail in the coffin for a lot of coal-fired powerplants. They will just close. It will also close coal mines where we produce American energy—not imported energy, American energy. In Texas, one of the State's largest power producers, Luminant, has said the rule would result in 500 job losses due to the closing of units at one of its coal-fired plants and the closing of three nearby coal mines.

There are serious concerns about the new Cross-State Air Pollution Rule. Over 70 parties have challenged it in Federal court, including Alabama's attorney general, Luther Strange, a fine attorney general who works hard every day for the people of Alabama. So have his colleagues in Kansas, Texas, Nebraska, Florida, Oklahoma, South Carolina, Virginia, Georgia, Louisiana, Indiana, Ohio, Wisconsin, and Michigan. Many labor unions are opposing the rule. They know it will hurt jobs.

Before concluding, let me say this: EPA is too often using scare tactics and statistics to push its regulatory agenda. I think that is dangerous. One reason we have seen such a surge in EPA regulations is because in 1 year they got a 35-percent increase in their budget—more than virtually any other agency in Washington.

EPA claims their Cross-State Air Pollution Rule, for example, is necessary to prevent up to 34,000 premature deaths per year—34,000. EPA is actually claiming that without this rule, 34,000 people would die each year. But EPA's basis for this assertion is fundamentally flawed.

First, EPA assumes in its baseline that existing rules are not in place to protect public health. That is absolutely not true. The Bush administration issued the Clean Air Interstate Rule that requires reductions in the same emissions targeted by this new rule. I am told sulfur dioxide emissions are already down more than 40 percent over the last decade. The same is true for NO_X emissions. This new Cross-State Rule would add even more layers of requirements on top of existing protections and rules, but EPA does not acknowledge that when they do their analysis of the casualties they find. That is the first way they overstate the benefits.

Second, EPA assumes in its baseline that 320,000 deaths per year in the United States are attributed to particulate matter pollution from sources like powerplants. That would be more than 10 percent of all deaths in the United States in a year. Are we to believe that 10 percent of all U.S. deaths are attributable to pollution from powerplants? We have taken extensive testimony in the EPW Committee on this topic, and it is clear that EPA is playing fast and loose, and they are manipulating data, it seems to me pretty clearly. EPA is overstating the benefits of their rules.

Third, EPA does not seem concerned about establishing any direct cause-and-effect relationship; they just rely on statistical relationships. A simple statistical correlation alone does not support a causal connection. For instance, a statistical correlation between ice cream sales and heatstroke does not mean there is a causal connection between them. On hot days, more ice cream is consumed. More people have heatstrokes on hot days. That does not mean there is a cause-and-effect relationship between the two.

So let me conclude by saying this: This administration is overregulating our economy. It is raising the price of energy. These costs and regulations are costing us jobs.

They are using scare tactics to justify their rules with dubious statistics. I know my colleagues will say these statistics are accurate, but I do not believe that these statistics that are coming out of EPA, our government environment and protection agency—the agency we depend on for honesty and integrity—can be defended as accurate. They are exaggerated, and it will be shown sooner or later that is a fact.

I know we want to have cleaner air. We are on a path to having cleaner air. We have been reducing NO_X and SO_X and particulates for years. We can continue to do that. But to talk about a 50-percent reduction in NO_X by 2014 and a 20-percent reduction in SO_X by next year—these are huge changes. After the low-hanging fruit has already been achieved, I do not believe that is justified, and I do not believe it should be pressed down on the brow of an economy that is struggling mightily to get off the mat and begin to grow again.

I yield the floor.

Mr. ALEXANDER addressed the Chair.

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

Mrs. BOXER. Mr. President, if my colleague would withhold for just 50 seconds.

Mr. ALEXANDER. Sure.

Mrs. BOXER. I thank the Senator.

I would like to make a quick point before my colleague, Senator SESSIONS, leaves the floor.

I want to first of all thank the Senator very much for working with us in the EPW Committee. As I said to the Senator privately, in our committee,

when it comes to infrastructure, we are all very closely tied, and we support each other. When it comes to the environment, we see things differently.

I want to say to my friend who is very wise in many ways, I do not know why he would question—he has a total right to question the EPA's assertion—that if we pass the Rand Paul repeal, it would result in 34,000 premature deaths. I want to point out he is not a cardiovascular specialist or a lung specialist. Neither am I. But I think it is important to rely on those who are, such as the American Association of Cardiovascular Pulmonary Rehab, the American Association of Respiratory Care, the College of Preventive Medicine, the Lung Association, the Nurses Association, and I will not go on because I only have 1 minute. But I will list these. I would hope we would look to these groups because I do not know of anyone in this body who is a specialist in cardiovascular or lung conditions. And these groups oppose the Paul resolution because they think people will get ill and they will die prematurely.

I yield 8 minutes to Senator ALEXANDER.

Mr. SESSIONS. Mr. President, will the Senator yield for 30 seconds?

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

Mr. SESSIONS. Senator BOXER has done a great job of moving the legislation in committee. I have enjoyed her leadership in committee and the collegial way she has conducted the committee.

I will say to Senator BOXER that the 320,000 number is not correct. EPA should not be using it. We will challenge that. I intend to look at that more, and if they are wrong, I will expect them to acknowledge they are wrong. I believe they are wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I believe I have 8 minutes. I would ask the Chair to let me know when I have 1 minute remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALEXANDER. The Senator from Kentucky wants to overturn a clean air rule which would limit the amount of soot and ozone, the pollution that causes smog, from blowing from Kentucky and other states into Tennessee or that blows from Tennessee into North Carolina. This is no solution to a serious problem.

I want to give the four reasons why I am going to vote no, and why I believe Senator PRYOR of Arkansas and I have a better solution, which is to put the rule into law and give the utilities enough time to comply with it.

Reason No. 1, auto jobs. The first thing Nissan did when it came to Tennessee 30 years ago was to go down to the Air Quality Board and get an air quality permit so it could operate its paint plant. Fortunately, our air was clean enough to allow that to happen. Nissan came, and so did tens of thousands of jobs. If it had not gotten the permit, the jobs would not be there.

Volkswagen has come to Tennessee. We want to make sure its suppliers can get an air quality permit so they do not have to go to other States. So the first reason we need to stop air from blowing into Tennessee from other States is auto jobs.

Second, the Sevier County Chamber of Commerce, right next to the Great Smoky Mountains—that is where Dolly Parton grew up—I walk in to see them, and they say their No. 1 goal is clean air. That is because 9 million tourists come to see the Great Smoky Mountains, not the Great Smoggy Mountains. This is not a group or a hotbed of liberal regulators. These are the most Republican counties in Tennessee. Where I come from, which is the next county over, we have not elected a Democrat to Congress since Abraham Lincoln was President, but we like to breathe clean air. Our tourists do as well.

Tourist jobs are the second reason I am going to vote against the Paul amendment and why I support the Alexander-Pryor amendment.

Three, the American Lung Association tells us that dirty air blowing into Tennessee makes us unhealthier. It causes some of us to die, especially children and our older citizens. No. 4, this is no solution. It has no chance of succeeding. It will not pass the Senate. The President will veto it if it does. And what will it do? It will throw it back to bureaucrats and lawyers and bureaucracy and uncertainty and delay. That is not a solution. So the only reason for it is as a political message. What kind of message is it, that we favor dirty air blowing from Kentucky into Tennessee or Tennessee into North Carolina? That we favor not doing our job, but turning it back to bureaucrats, lawyers, uncertainty and delay? That is not a solution.

If we want a message amendment, there are many better choices. The Obama administration, particularly the EPA, is a happy hunting ground of unreasonable regulations. There is the boiler MACT rule, which must have been created on another planet. There is the cement MACT rule, which would increase the amount of pollution in the air. There is the ozone rule, which the President himself had to withdraw. There is the power plants coolant rule, which seems to have no benefits. There is even talk of a farm dust rule, which Senator JOHANNS is talking about. So why aren't we talking about those rules instead of a proposal to make it easier for dirty air to blow into our State, make us unhealthier, drive away tourists, and cost us auto jobs? The Senator from Kentucky says it will cost. His sources say 2 percent. The Tennessee Valley Authority, the largest public utility in the country, says it is $1 to $2 a month—$1 to $2 a month. That is a reasonable cost for what we are getting.

TVA has said they are closing 18 coal-fired units, but will continue to operate 38 coal-fired units. They are putting pollution control equipment on all of them. That means we are healthier, that means more jobs, that means more tourists. The Senator from Kentucky says emissions are declining. That is true, except in Kentucky they are not declining. Soot went up by 20,000 tons in Kentucky, according to the EPA, between 2009 and 2010. Some of that might blow into Tennessee, drive away jobs, drive away tourists, and make us unhealthy.

The Bush administration had a similar rule to this in 2005. That rule required nearly identical reductions in these two pollutants. Utilities have known since that time—for 6 years—these reduction were coming. Most utilities, like TVA, have complied with it or are beginning to comply with it. If we overturn the rule, it is no solution at all. I am ready for Congress to step up and accept its responsibility and do its job.

Someone said to me: Is that part of your new independence? No. I have had bipartisan clean air legislation in this Congress every year since I have been here, because I think it is our job, not the bureaucrats' job. I was elected to work on jobs and health, not pass the buck to the bureaucrats and lawyers. So I invite my colleagues to join Senator PRYOR and me. Let's put the rule into law. Let's give utilities enough time to comply. They do not have to comply on January 1, 2012. They have to comply 15 months after that in March 2013. We would extend it that time another year giving them two years to comply.

We are going to have a President elected next year. Whoever it is, his or her EPA will write new rules for communities across the country about how clean their air needs to be. If we make it harder for them to do their job, by allowing dirty air to blow into Nashville and Chattanooga and Memphis and Knoxville from other States, then when Volkswagen suppliers come to the State office to get their clean air permit, they will not get it, and those jobs will go somewhere else.

There is a lot I admire about our neighbors in Kentucky, including their two distinguished Senators. But I do not want their dirty air blowing into Tennessee. And I know North Carolina does not want our dirty air blowing into North Carolina, because they have been suing us for several years about it.

The American people are tired of messaging. I want to see the Great Smoky Mountains, not the Great Smoggy Mountains. I want tourists to come to Tennessee, admire the mountains, and leave their money. I want the Volkswagen suppliers to be able to locate their plants in Tennessee. I want all Tennesseans to be able to grow up healthy and not have to worry about

dirty air blowing in from other parts of the country.

The Alexander-Pryor amendment would limit that dirty air. It would help our communities. It would make us healthier. It will create jobs. Let's do our job. I ask my colleagues to vote no on the Paul amendment and become a cosponsor of the Alexander-Pryor amendment to clean up the air and do it in a way that helps utilities provide electricity at the lowest possible cost to the ratepayer.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent that Senator MENENDEZ go for 5 minutes and Senator BLUNT for 10 minutes following that.

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

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I rise today to support the cross-State air pollution rule that protects downwind eastern States such as New Jersey from upwind power pollution plants' dirty air, and I rise in defense of the lives and the breathable air of the people of New Jersey, all 9 million plus.

Last week I asked the Governor of my State to join this fight. After all, this rule is supported by the New Jersey Chamber of Commerce and our largest utility, because it is good for business. They know it is only fair to level the playing field for New Jersey businesses, since we have already substantially cleaned up our electric generation facilities. We are meeting our obligations.

The rule is supported by just about everyone in the public health community because it will save an estimated 1,200 lives per year in New Jersey beginning in 2014. Nationally, it will save up to 34,000 lives, prevent 400,000 asthma attacks, and avoid 1.8 million lost sick days per year starting in 2014.

The economic benefits of this rule are estimated to reach anywhere from $120 billion to $280 billion each year. We are all focused like a laser beam on the economy, as we should be, on jobs and their creation, as we should be, on reducing deficits and looking at the bottom line. But this rule does not create or force a choice between trying to grow this economy, creating jobs, and reducing deficits. It is a good rule for the economy. It is a good rule for the health and well-being of Americans, particularly those downwind from the toxic emissions of powerplants.

Let's be clear. Corporate coal powerplants enjoy an enormous subsidy that we are trying to repeal with this rule. Those polluters can prematurely end 34,000 lives per year and not have to pay anything for that loss, not have to pay anything for the health care costs of all of those who are afflicted at the end of the day by this dirty air. But yet that cost is borne by all of us at the end of the day. To put 34,000 lives in perspective, that is almost as many American lives as are claimed by breast cancer every year. So I ask my colleagues to join with me and others in voting against the Paul resolution. It is a vote for saving 34,000 lives per year. There are few times in this Chamber where you can actually cast a vote that will save a life. This is one of those moments.

Vote for over $120 billion in economic benefits. Vote for cleaner air. Let us bequeath to future generations of Americans not air in our Nation that is dirty but air that is cleaner. Vote for keeping our children healthy. You know, the number of asthma attacks growing in this country is enormous. Certainly in my home State, respiratory ailments are on the rise. The last thing we need to do is to nullify the ability to create cleaner air at the end of the day. It is time for us to all see this as an opportunity to ultimately make a difference. It is a time for us all to see this disapproval resolution for what it is, a path for polluting industries that make us sick without paying for the cost it creates. To me, that is the ultimate corporate welfare. Let us join together in defeating this short-sighted resolution.

With that, I yield back the remainder of my time to the Senator from California, and I yield the floor.

Mr. LEAHY. Mr. President, there was a time when strong bipartisan majorities in Congress sided with the interests and views of the American people about curbing pollution to safeguard the public's right to a clean and healthy environment. Citizens placed their trust in the government to act on their behalf, to set science-based health standards to protect the air we breathe. On both sides of the aisle, there was an understanding that a healthy environment was critical to our families, our livelihoods, our economy, and our Nation. To improve the Nation's air quality, Congress almost unanimously passed the Clean Air Act in 1970, under President Richard Nixon. Congress then passed the 1990 Clean Air Act Amendments, again with overwhelming majorities in both Chambers, under President George H.W. Bush.

As part of the 1990 Amendments, Congress specifically required the Environmental Protection Agency, EPA, to address emissions that interfere with another State's ability to protect public health through air quality requirements. Yet today we still lack the appropriate pollution limits necessary to protect each and every American from drifting smog and soot pollutants, and to protect States from bearing the health and economic costs of distant polluters who are far beyond their purview. With the cross-State air pollution rule, the EPA is doing exactly what we in Congress asked them to do. This is also exactly what the courts told them to do, and exactly what they should do to protect the American public from the hundreds of thousands of tons of pollutants emitted each year from coal-fired powerplants.

These pollutants all too often reach unsafe levels, resulting in air quality alerts and dangerous health consequences—all the more so for young children, the elderly, and those who already have respiratory problems. My own wife Marcelle is a nurse, and she knows from experience how harmful air pollution can be in contributing to asthma, bronchitis, heart attacks, and even death.

This cross-State rule will protect the American people from dangerous air pollution pumped into our air by the largest polluters. These are sensible, workable limits that would tangibly improve Americans' lives. These are improvements that would foster a better economy by annually preventing up to 34,000 premature deaths, 15,000 heart attacks, 19,000 emergency room visits, 400,000 aggravated asthma cases and 1.8 million sick days.

By 2014, in Vermont alone, the health benefits will add up to $360 million each year from these improvements. These changes are literally a matter of life and death for many Americans. For example, studies show that in our state, curbing smog and soot pollution will allow 44 Vermonters to celebrate another birthday and live to see the next generation of children and grandchildren thrive. In States like Kentucky, Tennessee, Michigan, Ohio, and Pennsylvania, the cross-State rule will save as many as 1,400 to 3,200 lives each year. That is a lot of parents, children, grandparents, aunts, and uncles.

However, S.J. Res. 27 would void the life-saving, health-promoting cross-State air pollution rule and prohibit any future attempt by the EPA to limit unsafe levels of air pollutants that drift across state boundaries—making it one of the all-time most harmful and egregious attacks on the Clean Air Act and on the health of the people we represent. If passed, this resolution would force the EPA to ignore dangerous, drifting emissions forever, compelling Americans to accept shorter lives, to accept the risk of heart attacks and strokes, to suffer with asthma and other serious illnesses, and to accept the degraded quality of the Nation's parks, waterways, and forests. Those are not things that I am willing to accept and no Member of the Senate should support.

Powerful special interests and their allies who want to overturn the cross-State rule are asking Americans to suffer to save the economy, but their economic arguments fall flat in the face of the evidence. The truth is, nothing will sink the economy more than degrading our environment and poisoning our workforce. Pollution regulations help to lower health care costs, maintain worker productivity, and support local economies through recreational industries. The cross-State rule will have national benefits of up to $280 billion annually. This dwarfs the annual compliance costs of about $800 million in 2014, which helps explain why most Americans believe that health-based

pollution standards are essential in safeguarding our families and our economy.

For decades, evidence has shown that pollution limits fuel spending and create jobs in producing, installing and monitoring control technology and emissions. In fact, utilities have already spent $1.6 billion installing pollution controls to meet current air quality requirements and anticipated requirements under the cross-State rule. Furthermore, powerplants have already achieved more than two-thirds of the pollution reductions necessary to comply with the cross-State standards that go into full effect in 2014. Studies already show that the EPA's proposed air toxics rule and cross-State rule combined will create almost 1.5 million jobs over the next 5 years.

Undoing this rule now will nullify, or potentially even reverse, these important pollution reductions. It will also harm the many businesses that have made investments in clean air technologies, while perversely rewarding those plants that refused to make the sensible, long-term investments required by a rule that is nearly a decade in the making.

Vermont has no coal-fired powerplants, but we do have people suffering with asthma and other respiratory illnesses, and we do have an economy that depends on the health of our environment. In Vermont, we have made, and continue to make, decisions to invest in clean fuels and technologies. We do this because we value good health and family, friends, and the outdoors. We do this to preserve the quality of life a healthy environment provides us. We do this so that future generations have access to clean air and all the benefits that come with healthy, vibrant communities. But without the cross-State rule, we are powerless to fully protect our Green Mountain State.

Reckless decisions regarding public health policy, especially in such a broad manner as this resolution, should not be fast-tracked through the Congressional Review Act process. This resolution goes much too far, putting people permanently at risk by rolling back decades of progress to make the air we breathe safer for each and every American, especially for our children and seniors. The Clean Air Act has a proven record of improving public health, the environment, and our economy. The cross-State air pollution rule is in keeping with that impressive record: These standards are conservatively estimated to produce net benefits exceeding $100 billion a year. With today's spiraling health care costs, this is a cost-effective way to help control harmful pollution, save lives and foster a healthy environment and economy for future generations. I oppose S.J. Res. 27 and encourage my colleagues to do the same.

Mr. KERRY. Mr. President, I strongly oppose Senator PAUL's resolution of disapproval of the Environmental Protection Agency's, EPA, cross-State air pollution rule because I believe that it is an extreme measure that is anti-clean air and water, anti-jobs and business, anti-public health, and could potentially prevent EPA from protecting the public from cross-state pollution indefinitely.

EPA finalized the cross-State air pollution rule on July 2011, establishing a cost effective program to reduce sulfur dioxide and nitrogen oxide emissions from coal-fired powerplants that negatively affect citizens in downwind States. The rule updates a 1997 Clean Air Act standard and replaces a 2008 standard that was struck down by the D.C. Circuit Court of Appeals.

Because this rule replaces the vacated rule from the D.C. Circuit Court of Appeals, if this resolution succeeds, by law EPA will not be able to issue a ''substantially similar'' rule, which means that supporting this resolution could prohibit EPA indefinitely from promulgating any rule to control cross state air pollution. This would be an enormous step backwards.

Contrary to what those who support this Resolution would like you to believe, the cross-State air pollution rule is a very reasonable regulation. By 2014, EPA estimates this Rule will yield up to $280 billion in annual health and environmental benefits, far outweighing the $800 million in annual projected costs. EPA worked closely with industry and specifically designed this rule to give powerplants maximum flexibility and keep compliance costs low. Not implementing this rule would mean that local businesses in many Eastern States would have to turn to more expensive, less cost efficient controls to meet air pollution standards.

Also contrary to what those who support this resolution are saying, the cross-State rule would mean more certainty, not less, for business. Powerplants have known this rule was coming for years, and getting rid of it would create serious uncertainly by throwing the issue back to the courts and reopening it to lawsuits. This could mean years of continued uncertainty for companies who won't know what standards they will be held to. The cross-State rule gives power plants the certainty they need.

The cross-State air pollution rule also creates jobs. The University of Massachusetts's Political Economy Research Institute estimates that this rule and EPA's other recent clean air rule—the Air Toxics MACT—together will create nearly 300,000 jobs a year on average over the next 5 years. In fact, thanks to environmental regulations under the Clean Air Act, since 1970, we have created millions of jobs in pollution control and environmental technologies industries, and the United States exports tens of billions of dollars of pollution control technologies annually. Using a term often thrown around these days, Senator PAUL's resolution would be ''job killing.''

Most importantly, nullifying this rule will have significant and immediate negative public health effects, especially for our children, seniors, and other vulnerable populations. In Massachusetts alone, the cross-State rule it is expected to avoid up to 390 deaths each year and result in up to $3.2 billion of annual health and environmental benefits. Nationally, by 2014, each year it will prevent up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 hospital and emergency room visits, 1.8 million days of missed work or school, 400,000 cases of aggravated asthma, and the list goes on.

These are not just statistics; these are real children who have to sit on the sidelines during a soccer game or are up wheezing late at night and making emergency trips to the hospital; laborers who can't finish a shift because of respiratory problems; senior citizens whose quality of life is dramatically diminished because they must be attached to a respirator 24 hours a day; and so many more. I recently heard the story of 6-year-old Mia Murphy in Massachusetts whose mother, Rachael Murphy, lives in fear of her daughter's next asthma attack. Only 6 years old, Mia can have coughing fits that last for hours. It is terrifying for both Mia and her mother when Mia can't breathe. Mia needs to take daily medication to control her asthma, but when she has a flare up, only a 5-day course of high dosage steroids can relieve her symptoms. While these steroid courses help, they also cause Mia to have nightmares and emotional outbursts. For Mia, a normal cold can cause a flareup for weeks. As Mia's mother says, ''Children rely on us to keep them safe.'' All children have a right to clean air. With other citizens in Massachusetts, Rachael has bravely spoken out to support efforts like the cross-State rule to improve the air quality in Massachusetts to help keep her children healthy. Without this rule, Massachusetts and other Northeast and Mid-Atlantic States will not be able to control air pollution in the region at a level that protects the public health of our citizens.

Forty years of the Clean Air Act have proven that environmental protection and economic growth go hand in hand. The American people support the Clean Air Act because they know it has improved our Nation's air quality and protected public health. S.J. Res. 27 would undermine this progress at the expense of America's most vulnerable populations. We cannot in good conscious let it pass.

Mr. LEVIN. Mr. President, I will oppose the motion to proceed to Senator RAND PAUL's resolution that would disapprove of the cross-State air pollution rule promulgated by the Environmental Protection Agency.

EPA's cross-State air pollution rule, also known as ''CSAPR,'' requires reductions of sulfur dioxide and nitrogen oxides that contribute to smog and fine particle pollution in downwind areas. To minimize costs, EPA allows trading

of air pollution permits and also provides flexibility to States for implementing the rule.

The State of Michigan, in particular west Michigan, has air quality problems due to pollution from areas such as Chicago, Milwaukee, and Gary. Poor air quality not only causes a variety of health problems, such as asthma, bronchitis and other respiratory ailments, but also has a detrimental impact on economic development and job creation. It simply makes no sense for a region to be penalized with pollution and requirements that could limit economic growth when the source of pollution comes from outside of that region. For that reason, I support the goal of the EPA rule.

I am pleased that EPA's cross-State air pollution rule is expected to help some Michigan counties meet the national air quality standards for smog and fine particulate matter. However, I am concerned that the rule does not appear to adequately address a number of air pollution problems in west Michigan caused by out of State sources. In 2014, Allegan County is projected to not be able to meet the national air quality standard for smog, even though Allegan County is not the source of the pollution. In fact, a 2009 EPA study concluded that smog levels in Allegan County and other areas in west Michigan are primarily due to transport of smog and smog-forming emissions from other major urban areas outside of Michigan. It is unfair for Allegan County—or any other county—to be penalized due to pollution sources outside of their control. This rule fails to remedy the kind of unfair situation Allegan County finds itself in.

The Rand Paul disapproval resolution would not only overturn the EPA regulation but any substantially similar rule. The rule can be improved, e.g., establishing better linkages between the source of pollution and downwind poor air quality, and adjusting the upwind emission requirements accordingly, but enactment of this resolution would prevent that from occurring.

For these reasons, I will oppose the resolution.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BLUNT. I rise in support of this resolution, a resolution that would allow the Congress to say this is a rule we should not go forward with, the EPA cross-border air pollution resolution of disapproval or the so-called transport rule, which places mandates on powerplants in certain States in order to spare neighboring States from emissions.

The compliance date for this rule is around the corner. It is January 1, 2012. It is an extraordinary time to comply with a rule that the EPA just issued in July. Six months to look at so much of the electric transmission capacity of the country does not make sense to me, and I think will not make sense to utility bill payers once they get their utility bills.

The Clean Air Act says that States are usually left to decide how best to meet new EPA rules, including decisions about compliance time.

By mandating this arbitrary deadline, the EPA will only put more pressure on job creators who are struggling to make ends meet as it is.

Another upcoming mandate from the EPA is the so-called utility MACT rule, a rule that deals with mercury. The combination of this transport rule and utility MACT rule will be devastating for our economy.

In fact, the combined effect of these two rules will cost Americans 1.4 million jobs by 2020, according to a NERA Economic Consulting study—1.4 million jobs. Where will those jobs go? They will go to some country that cares a lot less about what comes out of the smokestack than we do. The problem gets worse, not better.

These two rules will cause electricity rates to skyrocket over 20 percent in some regions of the country, according to the same study. We all remember the President's comments to the San Francisco Chronicle in 2008, where he said that under his policies electricity rates would necessarily skyrocket. The plan appears to be working. But is that the right plan for a country with 9 percent unemployment? Is that the right plan for a country where the No. 1 priority in the private sector is job creation? I don't think so.

Congress roundly and soundly rejected the House-passed—at least the Senate rejected it, and this Congress would reject the House-passed cap-and-trade idea that came from the administration. Now the EPA is trying to circumvent the will of the legislature by imposing cap-and-trade results with things such as the transport rule and the utility MACT rule. Unfortunately, these burdensome regulations will have the impact the President predicted; they will raise utility bills.

Higher electricity rates mean a higher cost of doing business. There is no doubt the higher costs will be passed down to families across America. There is no doubt the higher costs will cost jobs.

If we stand by and allow the EPA to impose these job-destroying regulations, job creators, families, seniors, and small business owners will be hit by a costly tax hike that comes in the utility bill. We should not allow this to happen.

I intend to vote for this proposal that would say this is not going to be a rule that becomes law, and I urge my colleagues to do the same.

REMEMBERING MEL HANCOCK

Mr. President, I wish to talk about a champion for a better and smaller government and an opponent of all job-killing regulations, and, in addition, a good friend and adviser of mine, someone whom many of us served with in the House, Mel Hancock, who was my predecessor in the House, where he served four terms because that was his pledge—that was the most he would serve.

He was much more than a politician. Mel Hancock was truly the ''citizen legislator,'' the individual who got into government only to make government better. Mel learned the ins and outs of the political system and developed a philosophy about taxes and government long before he came to Congress and, frankly, long before that philosophy became the philosophy that is so prevalent today.

Living in rural Stone County, MO, Mel Hancock had a profound influence from his father, John Hancock, and John Hancock spoke about his concerns about a growing and intrusive Federal Government. ''The power to tax is the power to destroy,'' Mel remembered hearing his father say.

Mel didn't hold public office until 1989. He sold farm equipment while in college and spent 10 years in the insurance business, where he became well known to many small business owners. In 1969, he started his own business called Federal Protection, Inc.

In 1977, when proposition 13 passed in California, he became the person who drove that issue in our State. One year later, in 1978, Mel and his wife Sug joined a small group around their kitchen table and formed a group that began to fight the idea of an overregulating, overtaxing government.

In 1980, in our State, voters passed what was called the Hancock amendment. That was one of the first State tax limitation amendments in the United States. Mel Hancock developed this amendment using a formula that limits total State revenue and expenses in Missouri to a percentage of personal income of residents in the State. It also required new local taxes, licenses or fees to be approved by voters in political subdivisions.

His public service didn't stop there. He ran for Congress when our local Congressman retired. He announced his candidacy and won in a crowded primary. As part of that campaign, Mel declared his intention to serve only a brief amount of time. In fact, he went on to be an advocate for term limits for the Missouri State legislature as well.

During his first three terms in the Congress, he served in the minority. But a sea change in 1994 took him to the majority, but it didn't change his pledge to be there only four terms. He got exactly what he wanted in the new Congress—a seat on the Ways and Means Committee. He walked away from that 2 years later, keeping his pledge to Missourians.

As a lifelong Republican, Mel built a reputation that reminded many of another Missourian, as his campaign theme became ''Give 'em Mel.''

Through his work in Washington and Missouri, he was decidedly ahead of his time. He rolled up his sleeves and went to work, taking the initiative to protect citizens and taxpayers from unrestricted taxes and the power of government, and he always remembered where he came from.

Mel was, first and foremost, devoted to his family, his wife Sug, whom he always called the boss, and his greatest pride was his children—Lee, Lu Ann, and Kim—and later grandchildren. He went right to work here. Mel became part of Washington. He often said that every day in America we decide between more government and less freedom or more freedom and less government. Mel Hancock could be counted on to always be on the side of more freedom.

I didn't go to his memorial service today because I decided the best way to recognize his legacy was to be here and vote against these two rules that he certainly would oppose if he was still in the Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. How much time remains on the Republican side and on this side?

The PRESIDING OFFICER. There is 9 minutes 50 seconds on the Republican side, 28 minutes 15 seconds on the Democratic side.

Mrs. BOXER. Thank you. I will use some time on our side until we have another speaker, which will probably about be 5 minutes. I know Senator REID will want to have the floor.

Mr. President, this is a very important vote that is coming up. I wish to put into perspective what we are talking about. In 1997—by my calculation, that is 14 years ago—several States went to the EPA and said their people were suffering because certain States were producing horrible pollution—toxic, dirty pollution—and it was floating right over to their States and then their States had to face the impact of that pollution, which was causing asthma attacks, heart attacks, cardiovascular problems, all sorts of problems and that their State, the recipient of the dirty air, was then expected to clean it up.

I liken that to this: If you had toxic garbage in your house and went and dumped it on your neighbor's front lawn and said now it is your problem. That is not what we believe in America. We believe in responsibility.

But the Paul amendment would say, no, we cannot ask those States that are producing pollution that is floating to other States and harming their people to do anything about it. That is what this rule is about. It is the cross-State air pollution rule. The pollution goes across one State into another. I believe 38 States would be adversely impacted if the Paul resolution were to pass.

Let's look at this. I am not just being rhetorical. The scientists have looked at this. They said that if the Paul amendment were to pass and we repeal this cross-State air pollution rule and States could feel very fine about dumping their pollution in another State, there would be 34,000 cases of premature death, there would be 19,000 emergency room and hospital visits, 400,000 cases of aggravated asthma attacks, and 1.8 million lost work and schooldays, and we would lose up to $280 billion in annual benefits by 2014.

So anyone who stands in this Chamber and tells us that by voting for the Paul resolution we are helping people, don't fall for it. It is wrong. If anyone comes to this floor and says: Oh, this is about jobs, it is wrong—because if we cannot breathe, we cannot work. Lost days at work are an economic burden. If we turn the clock back, all this great clean-tech economy we have, which is exported to the rest of the world—and it is huge; it employs more than 1 million people—we hurt those jobs. So the Paul resolution, which would cancel out a very important protective air pollution rule that helps our people—that resolution is one of the worst things to come before this Senate.

Let me tell you who backs me on this: The American Association of Cardiovascular and Pulmonary Rehab, the American Association of Respiratory Care, the American College of Preventive Medicine, the American Lung Association, the American Nurses Association, the American Public Health Association, the American Thoracic Society, the Asthma and Allergy Foundation of America, the National Association of Medical Direction of Respiratory Care, the National Association of County and City Health Officials, the National Home Oxygen Patients Association—which sees people gasping for air.

Have you ever seen a child gasp for air? It is something you don't forget. I will show a photo of a beautiful child who is forced to wear one of these inhalers too often because she cannot breathe. We hear lots of things: Oh, we need more time for this. How about the polluters knew about this since 1997? How about since 2005, when they learned the Bush administration rule was too weak—how about that?

I see Senator CARPER. Since we are going back and forth, this would be a good time for Senator LEE to speak. How much time is Senator LEE going to need?

Mr. LEE. About 5 minutes.

Mrs. BOXER. Mr. President, I ask unanimous consent for 5 minutes for Senator LEE, followed by 8 minutes for Senator CARPER.

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

The junior Senator from Utah is recognized.

Mr. LEE. Mr. President, I stand in support of this resolution. I do so for the following reason. Article I, section 1 of the Constitution makes abundantly clear that the legislative power of the United States shall be vested in Congress, which shall consist of a Senate and House of Representatives.

Legislative power is the power to make rules carrying the force of generally applicable law—in this instance, generally applicable Federal law. It was with wise reason that our Founding Fathers entrusted this power to those people entrusted by the citizens of the respective States for a limited time to make law because they understood that those who have the power to make law have the power to infringe on the individual liberties of the American people, such that whenever they exceed those powers, they can be held accountable to those they represent and on whose behalf they will be legislating.

Every single time we act, we have an effect on the American people. We need to be held accountable at regular intervals for those decisions—every 6 years in the case of Senators, every 2 years in the case of Members of the House of Representatives.

Occasionally, Congress has chosen to delegate that power. For instance, Congress might say we hereby enact the Clean Air Act and give power to the EPA to implement rules and enforce those rules, to make sure we have clean air. To the extent that we do that, particularly where the EPA or some other agency acts in a way that might have a very significant impact on our economy, I think we are selling the American people short of their birthright, which is the guarantee that laws will not be made on their behalf, particularly significant ones such as the one we are addressing today, without those who voted for them being held accountable.

There are great people at the EPA, as there are in every branch and office of our Federal Government. But it is only those people in Congress who are constitutionally authorized to make generally applicable Federal law. It is only these people who stand at regular intervals for reelection, accountable to their people. This is what the Congressional Review Act does. This is why this approach, this resolution under the Congressional Review Act, is so important.

I have heard some of my colleagues suggest this somehow represents an attempt to circumvent the normal legislative process. What I am saying is, this is the normal legislative process. When we are looking at a rule that by the EPA's own estimates could cost as many 3,000 energy sector jobs and could cost the American people $2.4 billion in compliance costs annually, we need to look seriously at the fact that we need to hold ourselves accountable.

If this rule is a good idea, if in fact this is necessary to protect the American people, if in fact the benefits of this outweigh the costs, then we should be confident. We should be comfortable discussing it, debating it, and passing it into law. That is what we are doing.

I am supporting this resolution because I support the legislative process envisioned and mandated by the Constitution, and I urge each of my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Delaware.

Mr. CARPER. Mr. President, I am compelled to rise in opposition to this resolution which would block the

EPA's ''good neighbor'' clean air rule from being implemented.

Before I talk about the real-world impacts that would result if we block this new clean air rule, I would like to go back in time 21 years ago when this body debated the last major update to the Clean Air Act.

That day, we weren't debating how to weaken or delay our clean air laws, we were considering bipartisan legislation that would improve our clean air laws and make them stronger. Eighty-nine Senators approved the Clean Air Act amendments of 1990, a Republican President, George Herbert Walker Bush, signed them into law, and we are all the better for it.

I believe we can protect our environment and grow our economy at the same time. It doesn't have to be one or the other. The Clean Air Act amendments of 1990 are great examples of just that. For every dollar we have spent installing new pollution controls and cleaning up our air, we have seen a $30 return in reduced health care costs, better workplace productivity, and saved lives. In other words, for four decades fewer people have gotten sick and missed work because of the Clean Air Act.

Just last year, it is estimated that 160,000 lives were saved from the Clean Air Act protections in place today. Here is some more good news. Our economy didn't take a slide because of these protections either. Quite the opposite. Since former President Bush signed the bipartisan Clean Air Act amendments of 1990 into law, electricity rates have stayed constant, and our economy has grown by 60 percent.

Despite the successes, more needs to be done. We know more today than we did 20 or 30 years ago about how pollution impairs our health. We know even more about how pollution travels from one State to another. We know more about how to curb that pollution in ways that make sense and are cost effective.

My State of Delaware has made great strides in cleaning up its own air pollution—investing millions in clean air technology. Unfortunately, air pollution knows no State boundaries and easily drifts from State to State. Delaware, like many east coast States, sits at the end of what I call America's tailpipe. That means most of the pollution in Delaware isn't caused by sources in my State. It is caused mainly by sources in Ohio, Indiana, or other States in the Midwest. In fact, 90 percent of Delaware's air pollution comes from beyond our borders.

As Governor of Delaware, I could have shut down our entire State economy, and we would still have been out of attainment of public health standards. This is pollution we need our neighbors to clean up. Unfortunately, that hasn't always happened.

Sadly, many of our upwind neighbors have not invested heavily enough in new clean air technologies. Some States have even built taller smokestacks so the pollution would fall on neighboring States, keeping their air clean and making our air dirty. At the end of the day, downwind States can spend millions of dollars to clean up their act, but unless we require upwind States to make serious reductions, States like mine would not get much healthier and people will continue to get sick and die.

For all Delawareans and all the others who are living at the end of that tailpipe, I say enough is enough. The EPA and the courts agree. This is why the EPA has implemented this cross-State air pollution rule. This rule follows the intent and the direction of the Clean Air Act amendments of 1990. It ensures that all of us do our fair share to reduce air pollution.

That is the way it ought to be. Like my colleagues, I try to live my life by the Golden Rule, to treat other people the way I want to be treated. That is why this rule is fair. My State and neighboring States shouldn't have to suffer because other States aren't required to clean up their act at our expense.

Furthermore, even if we ignore the fairness and equity arguments for the cross-State air pollution rule, it is still a no-brainer because the cost-to-benefit ratio of these new protections is overwhelming. This rule will save up to 34,000 lives every year. That is roughly the number of people who fit into Fenway Park for a Red Sox game. All these great benefits will be negated if this resolution passes.

To my friends who are thinking about voting for this resolution, let me ask you this: What if the prevailing winds in this country blew instead of west to east, from east to west? What if those of us who live along the east coast, from Virginia to Maine, chose to operate older, dirty coal-fired electric plants? What if we built tall smokestacks that sent the harmful emissions coming from our plants upward into the air to be carried away by the winds from our regions only to end up in the air and breathed by people living in areas to our west? What if by operating these older, dirtier powerplants we lowered the cost of electricity along the east coast while raising it for our neighbors in the Midwest? What if by operating these older, dirtier powerplants we decreased the health care costs associated with dirty air for Americans living along the east coast while increasing health care costs for Americans living in the Midwest?

I will tell you what they would say. They would say it is unfair. They would say we shouldn't be able to get away with polluting their communities year after year. They would say somebody should right this wrong. They would say: Haven't you heard about the Golden Rule; that we should treat all others the way we want to be treated? They would say enough is enough.

Here are the facts. The technology exists to end this scourge of pollution. Utilities all around the country have already installed it. In doing so, they have put tens of thousands of people to work, including hundreds in my own State of Delaware. The utilities have the money. We have a trained workforce that wants to go to work. We just need to act.

A clean environment and a strong economy can go hand in hand. We don't have to choose between one or the other. Join me in defeating this proposal. Give your neighbors who live in our part of the country—give their kids and their grandparents—air to breathe that would not send them home from school or work or off to the emergency room and into a hospital or worse yet, take their lives.

Please join me and vote no against this motion to proceed to this resolution.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The junior Senator from Texas.

Mr. CORNYN. Mr. President, I yield myself 5 minutes.

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

Mr. CORNYN. Mr. President, Texas has some of the most highly industrialized and populated areas in the Nation, and air quality in these and other areas of the State is improving. We are actually taking very positive steps toward reduction of pollutants. For example, ozone has been reduced by 27 percent across our State since 2000, and nitrogen oxide, a precursor to ozone formation, has been reduced by 58 percent over roughly the same period of time.

But I rise in support of this resolution because it represents regulatory overreach and an abuse of power. This rule, when it takes effect January 1, will significantly harm grid reliability, destroy jobs, and raise electricity prices for consumers living on a fixed income and for businesses we are depending upon to create jobs in our country.

The reason this rule is an abuse of power as regards to the State of Texas is that we were not included in the rule when the Environmental Protection Agency first proposed it. Suddenly, miraculously, we were included in the final rule. Having less than a year ago concluded that Texas emissions have no significant downwind effects, the EPA has reversed course and included us in this rule without the opportunity to challenge the claim.

Without fair notice, the EPA has mandated that Texas slash its SO_2 emissions by half and greatly reduce NO_X emissions in less than 5 months—an unprecedented and impossible timetable with which to comply. The standard timeframe for permitting and constructing and installing new emissions controls is several years. But as a result of this abuse of power by the Environmental Protection Agency, and without due process and fair notice and the opportunity to be heard, this rule is being imposed on my State.

Already, one power producer has announced that 500 jobs will be lost. The integrity of our State grid is at risk. Our grid operator has said as a result of the unprecedented heat wave and the historic drought Texas has been experiencing, if we had had these rules in place last summer we would have experienced rolling outages during August, when people were relying on their air conditioners to deal with triple-digit temperatures. This would have meant rolling blackouts, businesses forced to cut back, hardships—even to the threat of safety—for many of our senior citizens.

I visited some of those seniors in Houston, TX, recently, and, of course, many of them are on a fixed income. They can't afford to pay more for their electricity bills. They are struggling to pay their bills right now, and they sure don't want to have to experience the potential hardship or public safety hazard of having a brownout or a blackout or outage should they need their heat during the winter or their air-conditioning during the summer.

The EPA has said: Well, we got it approximately right, but we are going to make some revisions. But revisions are not enough. The EPA recently corrected errors from modeling assumptions and corresponding emissions budgets for several of the States under the rule, but other mistakes remain.

Haste makes waste, Mr. President. We know that is true. Why can't the EPA do it the right way? Give us some time, notice, and opportunity to be heard so we can get this done right.

The EPA overestimates base generation capacity for our grid by 20,000 megawatts. This includes 100 percent of the installed wind generation in Texas—as though wind power is always available. Our electric grid derates wind generation to 8.7 percent due to its unpredictability and reliability as a generation source. Put, simply, the wind does not blow 24 hours a day, 365 days a year. This estimate also includes powerplants that are currently retired and mothballed.

So the EPA got it wrong. But when we say: Please, give us a chance to show you the facts and to show you the science that would help make our air more clean but not kill jobs and create hardship for our senior citizens and those on fixed incomes, their answer is, tough luck, tough luck.

Our only recourse, Mr. President, is to support a resolution such as this one because we cannot get fundamental fairness from this agency of the Federal Government when it comes to my State. So I support the resolution.

Mr. President, I yield the floor, and I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. The Republicans have 1½ minutes, and the Democratic side has 16 minutes 10 seconds.

Mrs. BOXER. Mr. President, we have heard the same theme over and over from our Republican friends: We need time, give us time. The EPA is rushing this.

Well, how much time do they need to fix a problem that is forcing children to put on these inhalers? How much time do they need to enforce a rule that is keeping people from dying prematurely; that is keeping them from getting heart attacks?

Here is the deal. In 1997, several States went to the EPA and said: Something is really wrong. We have kids like this gasping for air, and the air pollution isn't coming from our State. It is coming from the States to the west of us.

Now, I want to make it clear that my State of California doesn't have a dog in this fight. We are not involved in this. We don't pollute. We don't have a lot of coal-powered plants. And we are in the far west. Frankly, having that ocean along our State helps us. We have plenty of air pollution, but we are not getting it from another State to our west. So I stand here speaking, frankly, as a Senator who cares about clean air, who cares about the public health, and who also sees this as a moral issue.

I have said this every way I can say it. It is immoral to take poison and put it on someone else's front yard. It is immoral to walk away from your responsibility, particularly if you have a truck to put it in and take it away.

Well, we have the technology to make cleaner utilities, to make cleaner power. And as my friend TOM CARPER so eloquently stated, clean tech creates jobs.

We have the technology. We have the ability to create jobs cleaning up the environment. We have an ability to make sure fewer children, such as this beautiful child, don't have to resort to inhalers if we clean up our powerplants, and we have the ability to do that. The other side is crying, We need time. That is all we need, we need time. Well, I think 14 years is enough time.

Then in 2005, the courts said again how important it was to do this. So they knew about this in 1997, they knew about it in 2005, and now they are crying bitter tears and they want to continue to dump poison in States next door. This is just the tip of the iceberg of the Republican Party's desire to repeal important health and safety regulations. The American people do not agree with it.

Let me show you a poll that was taken last month in terms of where people stand. This cross-State air pollution rule is very popular with the people of this country because they see very clearly. I think when we were kids our moms always said, clean up your room. You know, you owe it to the rest of the family, clean up your room. Polluters have to clean up their room. Polluters can't pollute at will and, as Senator CARPER said, build these big smokestacks and blow that pollution over to, in this case, 38 other States and hurt the people in those States. That is not the American way. What Senator PAUL is doing is the height of irresponsibility.

I want to put back the picture of that child again.

How is it responsible to allow the pollution to go on and on and on when you have the technology developed to stop it, and when it is moving out of your State and going to another State and harming children?

Mr. DURBIN. Would the Senator from California yield for a question?

Mrs. BOXER. I would be happy to yield.

Mr. DURBIN. First, I wish to thank the Senator for her leadership on this issue, and I wish to direct a question through the Chair.

I noticed earlier that Senator PAUL, who is asking for us to basically eliminate the standard of protection when it comes to air pollution that crosses State boundaries, if I am not mistaken, his resolution would eliminate the standard.

Mrs. BOXER. It would.

Mr. DURBIN. There would be none. And if I am not mistaken as well, he has said on the floor this has no direct impact on asthma and pulmonary disease, even producing a chart to that effect.

I wish to ask the Senator from California—because I visited an emergency room hospital, one of the children's hospitals in Chicago, and the emergency room physician said to me, Do you know what the No. 1 reason is that children show up in emergency rooms? And I said, Fall off their bicycles? Trauma? No. Asthma. Asthma.

She said, Senator, I will have young people come into this emergency room who are fighting for breath, saying, I am asthmatic and I can't breathe, and I watch as they die in front of me. That is the reality of asthma. This isn't just an inconvenience; it is life threatening.

I wish to ask the Senator from California on what basis could any Senator say there is no connection between air pollution, soot, and the particles in the air, and pulmonary disease and asthma?

Mr. PAUL. Senator, I would be happy to answer that question.

Mr. DURBIN. I directed the question to the Senator from California. I don't know what the timeframe is, but I am happy to have her response.

Mrs. BOXER. I will respond on my time; the Senator can respond on his.

Let me tell you something. As far as I know, we do not have one person in this Senate who is a physician with a degree in lung specialty, thoracic specialty, cardiovascular specialty; therefore, we need to look to those people.

You are right. When you go to the hospital and talk to physicians, they will tell you about children dying in their arms. I have seen that testimony, I have heard it in front of our committee. The fact is, this rule will prevent 400,000 cases of aggravated asthma

attacks and 1.8 million lost work and school days. This is factual.

I want to say that hearing people come on this floor questioning whether there is an association between soot in the air and asthma attacks, frankly, is to me unimaginable. And we have all of the health organizations that disagree with Senator PAUL on that.

Mr. DURBIN. I wish to ask another question through the Chair of the Senator from California.

Two weeks ago, I went to the University of Illinois Children's Hospital. A woman came there who had been suffering from asthma her entire life and talked to me about how there were days when the air was so bad, she couldn't go outside, children there with their parents and doctors telling me exactly the same thing. Yet those who are trying to repeal this air safety rule—Senator PAUL and those who support him—are arguing these doctors and patients are wrong. So I wish to ask the Senator, because she was alluding to it here, what kind of medical support do you have for your position that Senator PAUL's amendment, if it passes, will endanger the lives of those who are currently suffering from asthma, pulmonary disease, and maybe cardiovascular disease? And tell me what medical groups have come forward on one side or the other, please.

Mrs. BOXER. Absolutely. I don't know of any medical groups that support the Paul resolution. But I do have in my hand a letter signed by many groups, which I wish to quote from.

I ask unanimous consent to have printed in the RECORD this important letter Senator DURBIN is speaking of.

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

NOVEMBER 4, 2011.

DEAR SENATOR: Our organizations write to express our strong opposition to S.J. Res. 27, a resolution by Senator Rand Paul that employs the Congressional Review Act to reverse the Environmental Protection Agency's (EPA) final Cross-State Air Pollution Rule (CSAPR). If enacted, S.J. Res. 27 would vacate CSAPR and the lifesaving protections it provides to the public and bar EPA from reissuing any substantially similar clean air protections without express Congressional authorization.

CSAPR requires power plants to substantially reduce emissions of sulfur dioxide and nitrogen oxides that contribute to life-threatening particulate matter and ozone air pollution in downwind states. Ozone and particulate matter are associated with numerous adverse health effects, including lung disease, irreversible reductions in lung function, asthma attacks, aggravation of other respiratory and cardiovascular diseases, and premature death. EPA estimates that CSAPR will prevent up to 34,000 premature deaths, 400,000 asthma attacks, 15,000 heart attacks, and 19,000 hospital visits each year starting in 2014.

The rule covers emission sources in 28 states. It was developed after an earlier rule, known as the Clean Air Interstate Rule was deemed illegal and an insufficient response to the health threats posed by cross-state pollution. CSAPR provides much-needed public health benefits by reducing upwind air pollution that significantly contributes to ozone or particle pollution in downwind areas. Blocking CSAPR, S.J. Res. 27 would force people living in downwind states to continue to suffer from high levels of unhealthy pollution from out-of-state power plants.

A vast majority of the public opposes Congressional interference with EPA's implementation of the Clean Air Act. According to a nationwide, bipartisan study conducted for the American Lung Association, seventy-two percent of voters oppose Congressional action blocking EPA from updating clean air standards. Sixty-six percent of voters think the EPA should set pollution standards, not Members of Congress.

We urge you to vote ''No'' on S.J. Res. 27 and similar attacks on CSAPR. The public health benefits of CSAPR are long overdue. We hope your constituents can count on you to protect their health in the face of efforts to block, delay and weaken these lifesaving protections.

Sincerely,

American Association of Cardiovascular and Pulmonary Rehabilitation, American Association of Respiratory Care, American College of Preventive Medicine, American Lung Association, American Nurses Association, American Public Health Association, American Thoracic Society, Asthma and Allergy Foundation of America, National Association for Medical Direction of Respiratory Care, National Association of County and City Health Officials, National Home Oxygen Patients Association Trust for America's Health.

Mrs. BOXER. Blocking the cross-air pollution rule, cross-State pollution rule would force people living in downwind States to continue to suffer from high levels of unhealthy pollution from out-of-State powerplants. They say they express their strong opposition. They say ozone and particulate matter are associated with numerous adverse health effects, including lung disease, irreversible reductions in lung function—irreversible.

So it is not as though you have a bad day and you are gasping for air, and suddenly the next day it comes back. Irreversible reduction in lung function. Asthma attacks. And, by the way, we are told there will be 400,000 cases of aggravated asthma attacks if we go back on this rule. Aggravation of other respiratory and cardiovascular diseases. And, I would say to the Senator, they add premature death. Here they are saying 34,000 cases of premature death. I will give you a few of the names of the people who signed this.

I am so glad the Senator came down here. He has been such a great leader on these issues and, I want to say for the record, led me and so many others, the majority of the House, in saying no more smoking on airplanes. And, boy, we remembered how it was in those days, and I know the Senator's personal experience with lack of lung function and his own dad. So the Senator coming over here today is very appreciated. I will give you the names of some of these organizations.

Mr. DURBIN. I am glad the Senator entered it in the RECORD. If the Senator will yield for one more question.

Mrs. BOXER. I will.

Mr. DURBIN. It seems to me that the Republican argument from Senator PAUL comes along two lines. First, air pollution doesn't hurt, so don't be worried if there is more of it. And what we have is medical evidence and testimony from the experts he is wrong. I don't know if he presented any doctors—I would love to know—who support that position, that air pollution doesn't cause problems. We know it does. It stands to reason it does. Medical and human experience tells us.

The second argument that he is making, if you can get past the first, is this is how we are going to create jobs in America. On 168 separate occasions, the Republican-led House of Representatives has sought to repeal those environmental protections of our air and the safety of the water we drink, and they have bragged about it, saying when we get rid of all of these standards on air and water pollution, more Americans will go to work.

I wish to ask the Senator from California to respond, because the way I see it, if the Paul resolution passes, sadly, the people who will go to work are those who work in emergency rooms, those who work to make nebulizers for those suffering from asthma, and people who make oxygen tanks. I am sorry to say this but that is the reality. If you ignore the health consequences, the jobs created will be to treat those who are going to be afflicted by pulmonary disease because of this eradication of a standard.

I wish to ask the Senator from California, talk to me about job creation and pollution.

Mrs. BOXER. Absolutely. Well, first of all, I want people to know that since the Clean Air Act passed and there were all these predictions of a horrible recession, there has been a huge number of jobs created and it is all documented on one of these charts here. I can tell you, our GDP rose more than any other industrialized nation in the world as we cleaned up the air.

The Senator and I were on a trip to China. We did not see the Sun for days and days and days. I don't know if you missed this or caught this story in the New York Times. The Chinese elites in the government—many of whom we met with there to try to push our agenda, which is trade with China and all the other things we want and making sure their currency is floating—this is what we learned:

Chinese leaders are largely insulated from Beijing's famously foul air.

In the Great Hall there they have all these fabulous clean air devices. In their homes they are protected, in their cars they are protected. But guess what. The people are suffering and struggling. They don't even get to see the Sun shine there. If I could say, I don't want to see elitism here. Every single person in our country deserves to have a chance to breathe clean air.

To get specifically to the point, to talk about the economy—because I think that is critical—Senator PAUL's resolution is bad for this economy. It is bad for jobs. It is bad for our families.

That is why it is opposed by every health professional.

Let me say this. We are talking about 400,000 cases of aggravated asthma attacks if this resolution passes. We are talking about 34,000 cases of premature death.

I want to make a point here. If you are the head of household and you die prematurely because of filthy, polluted, poisonous air that is floating in from another State, you can't work and your family is in deep trouble. I will tell you this, the annual benefits by 2014—annual, of this rule—are estimated to be $280 billion a year. So if anyone stands up here and says we are fighting for jobs, we are fighting for the people, we are fighting for the economy by rolling back clean air rules, don't believe it for a minute. If you don't want to listen to me or Senator DURBIN, listen to the people I know you respect, from the American Association of Cardiovascular Rehabilitation, the American College of Preventive Medicine, the American Lung Association, the American Nurses Association. Those nurses have held those babies.

How much time remains on our side?

The PRESIDING OFFICER. The Senator has 5 seconds.

Mrs. BOXER. I hope we vote down this resolution.

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

Who yields time? The junior Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, I rise in support of clean air, clean water, electricity, and jobs.

Interestingly, the other side hasn't read the EPA v. North Carolina opinion that says the regulations were not overturned. We are arguing for keeping in the current regulations. We are just arguing that we not be overzealous and that we not add $2 billion in new regulations on top of the current regulations.

We have $2 trillion worth of regulations heaped on our economy, 14 million people out of work—2 million new people out of work since this President came into power. We cannot allow this administration to continue with its job-killing regulations.

We can have a clean environment and we can have jobs. We are arguing for the existing regulations. We are arguing against placing additional burdens. We are arguing for the existing regulations. They don't seem to get it, so they make up all these numbers. All of their numbers are completely fictitious because they don't account for the current regulations that would still be in place if we don't increase these regulations.

This is about whether we can have a balanced approach in our society, whether we can have a clean environment and have jobs. What I am arguing for here is some reasonableness.

The PRESIDING OFFICER. The time of the Senator has expired.

DISAPPROVING THE RULE SUBMITTED BY THE FEDERAL COMMUNICATIONS COMMISSION WITH RESPECT TO REGULATING THE INTERNET AND BROADBAND INDUSTRY PRACTICES—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 6, which the clerk will report.

The bill clerk read as follows:

Motion to proceed to the consideration of the joint resolution (S.J. Res. 6) disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.

The PRESIDING OFFICER (Mrs. HAGAN). Under the previous order, there will be 5 minutes of debate equally divided between the two leaders or their designees.

Who yields time? If no one yields time, time will be charged equally to both sides.

Mr. LEAHY. Madam President, a bedrock principle of the Internet is that consumers should be able to access the lawful Internet content of their choice without service providers discriminating based on the source of the content. This has allowed the online marketplace to evolve into the vibrant and competitive system that we are all accustomed to today. Last December, the Federal Communications Commission took action to promulgate ''network neutrality'' rules, which are set to go into effect later this month. These are rules that will create transparency and foster competition. I oppose the resolution being considered by the Senate today that disapproves of the Commission's actions in this area.

Many Americans have either no choice or a limited choice of broadband service providers. This is particularly true in rural areas like Vermont. This lack of competition in the market raises the threat of providers discriminating against certain lawful Web sites and Internet content. Net neutrality rules are crucial in ensuring that the Internet remains the ultimate free marketplace of ideas, where better products or services succeed on their own merits and not based on special financial relationships with providers.

Congress and the executive branch must take steps to ensure that competition on the Internet is vibrant. This has taken on new importance as the Internet has become increasingly central to our lives. The online marketplace is going to be a key driver of the 21st century economy, and implementing net neutrality rules now, while it is still growing, will ensure that the online marketplace will continue to be dynamic well into the future.

The Judiciary Committee held hearings on this issue several years ago, and it is an issue in which I have been interested. I was an original cosponsor of the Internet Freedom Preservation Act in both the 109th and 110th Congresses. That bill would have gone even further to preserve an open Internet than the actions taken by the FCC last year. I will remain a strong supporter of strong and responsible net neutrality regulations in the Senate, and I oppose the resolution being considered today.

Ms. AYOTTE. Madam President, I rise today in support of S.J. Res. 6, the FCC Internet and broadband resolution of disapproval. There are so many reasons to support this resolution and oppose the FCC's rulemaking on net neutrality.

I could focus on regulatory overreach, the lack of cost-benefit analysis to justify this rulemaking, consistent court rulings showing the lack of FCC legal authority to implement net neutrality or even the aggressive nature of this administration to regulate at all costs.

However, today I would like to talk about the most important reason to support this Resolution in opposition of net neutrality—jobs.

Last year, the telecommunications industry invested over $65 billion in our domestic economy. These billions of dollars go toward infrastructure, network expansion, and continual upgrades, all of which will drive job creation in a growth sector. For every billion dollars invested, there is a direct correlation to 3,400 created jobs.

What is at stake in this debate is nothing more than the government trying to take over the Internet in a misguided attempt to regulate a dynamic industry into a static platform. This approach will stifle innovation.

If companies are devoting $65 billion a year to building out their networks, but do not have the ability to control and manage their investments, then they are going to stop investing tens of billions of dollars into their product. It really is that simple. No company is going to continue to invest at such a fast rate if they will be forced to cede partial control over to government regulators.

In a down-economy, telecommunications has been one of the few bright spots. Why? Because of a light-touch, hands-off regulatory approach. Now the FCC is pursuing a political agenda by attempting to undermine the industry. The FCC has not won in the courts or through the legislative process in Congress, so it has resorted to expanding the regulatory process.

According to a 2010 study entitled ''The Economic Impact of Broadband Investment,'' 434,000 jobs have been created in the broadband industry in the past decade, and in the next 5 years, we can expect over 500,000 additional jobs to be created.

To help protect these jobs, we must stop this government over-reach. IT investment accounts for 47 percent of all U.S. nonstructural investment and as I mentioned, the job creation from this is a bright spot in our economy. We must continue the hands-off approach

that results in job creation and allows our companies—big, small and everything in between—to do what they do best: innovate, invest in the future, and create jobs.

We need to support policies that encourage investment in tomorrow's technologies, not hamper innovation. According to the FCC's own National Broadband Plan, in 2003 only 15 percent of Americans had access to broadband. Today that number is 96 percent, and we cannot stop until we have 100 percent market-saturation. Parts of northern New Hampshire are included in this remaining 4 percent, so to get the rest of my state, and our great country, access to broadband, we must have policies that encourage private-sector investment and growth.

We have heard it said many times, but it is worth repeating: net neutrality is a solution in search of a problem that does not exist. There is no market failure and no justifiable reason to impose such onerous regulations. Quite the contrary—competition is at an all-time high in the telecommunications and broadband industry. Since the Internet was privatized in 1994, there has been a steady movement away from government control and roadblocks.

As FCC Commissioner Robert McDowell pointed out in his December 2010 dissent to the FCC's rulemaking on net neutrality, there are fewer than a handful of cases of alleged misconduct by an Internet service provider, and each of those cases was resolved by the courts in favor of the consumer. So as you can see, the consumer is well-protected by the existing system and does not need the heavy-hand of the government inserting itself with more regulations.

The White House this week issued a veto threat for this resolution. However, in doing so it made our point for us. The White House says it would be ''ill-advised to threaten the very foundation of innovation in the Internet economy'' but then says we need to keep the Internet ''free and open.'' Well I have news for the White House—the Internet is free and open. I sent a letter, along with 10 of my Senate Commerce Committee Republicans to FCC Chairman Julius Genachowki a couple of months ago asking him to provide a market justification and cost/benefit analysis for imposing net neutrality regulations. In his response, he could not cite any examples of market failure to justify such a rash rulemaking. Why? Because no rationale exists. There is no market failure.

I fear that if net neutrality were to become law, we would be taking an irreversible step backwards at a time when our economy needs it least.

I urge my colleagues to support this resolution and say no to government attempting to take over the Internet.

Mr. LEVIN. Madam President, I will oppose the motion to proceed to S.J. Res. 6 a joint resolution of disapproval of the FCC rule regarding net neutrality.

This resolution of disapproval would overturn the FCC's rule that would codify and supplement existing Internet openness principles while maintaining the ability of Internet service providers to engage in reasonable network management. The rules would prohibit Internet access providers from preventing its users from sending or receiving lawful content over the Internet; prohibit Internet access providers from preventing users from connecting lawful devices to the network; and would require Internet access providers to treat lawful content, applications, and services in a nondiscriminatory manner. It also included additional provisions that will create an Open Internet Advisory Committee to assess and report to the FCC on developments in mobile broadband.

The Internet has become an indispensable tool that has spurred innovation, provided virtually unlimited access to information and commerce, and increased communication through Web sites, e-mail, and blogs. It has become difficult to imagine life without the Internet, a system both open and unrestricted.

The Internet plays a critical role in our society because it provides an equal platform for all users, allowing for the free exchange of ideas and information. It is important that the Internet remain free and open and not risk becoming a system with limited access for some of the smaller Web sites and their users.

Mrs. HUTCHISON. Madam President, over the past 20 years, the Internet has grown and flourished without burdensome regulations from Washington. With the strength of free market forces behind it, the Internet has been an open platform for innovation. It has spurred business development, much needed job creation, millions of jobs in fact. If we are going to keep an open and free Internet and keep the jobs it spawns, we should reject the FCC regulation on net neutrality.

The FCC reversed its successful hands-off approach last December by passing net neutrality rules where the FCC has essentially granted itself power over all forms of communication, including the Internet. Congress did not explicitly delegate this authority to the FCC, and it is our responsibility to hold on to the power that only we authorize regulations where they are needed. Unelected agencies do not get to decide on their own that something needs to be done that Congress has not, in its congressional and constitutional responsibility, decided is necessary.

These regulations on broadband providers establish the FCC as the Internet's gatekeeper—a role for which government is not really suited when innovation could be stifled. Instead of spending their resources on new job-creating investments, on new products, on new services, Internet providers are going to have to spend money on lawyers and lobbyists to comply with and go through the processes the FCC will require. Congress has never given the FCC this authority.

Regulators and bureaucrats all across the government are overstepping their bounds in many areas—the NMB, the NLRB, the EPA—and it is time for Congress to push back, and we can do it today. Regulators should not regulate without the explicit authority of Congress. The court said so in the Comcast case.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. HUTCHISON. Madam President, the success of the Internet should not be tampered with. We need to pass S.J. Res. 6 that is before us today.

Madam President, have the yeas and nays been called for?

The PRESIDING OFFICER. They have not.

Mrs. HUTCHISON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mrs. HUTCHISON. Madam President, what about our second vote on the other Congressional Review Act?

The PRESIDING OFFICER. That will take consent, to order the yeas and nays.

Mrs. HUTCHISON. I ask for the yeas and nays on that as well.

The PRESIDING OFFICER. Is there objection to ordering the yeas and nays? Without objection, it is so ordered.

Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 46, nays 52, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—46

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

NAYS—52

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

NOT VOTING—2

Inouye	McCain

The motion was rejected.

DISAPPROVING A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO THE MITIGATION BY STATES OF CROSS-BORDER AIR POLLUTION UNDER THE CLEAN AIR ACT—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S.J. Res. 27.

There will be 2 minutes of debate equally divided in the usual form.

The Senator from Kentucky.

Mr. PAUL. Madam President, I rise in support of clean air, clean water, electricity, and jobs. We need to, if we are going to maintain our economy, discontinue and not overreach with job-killing regulations. We are asking for the continuation of the existing regulations. This action would allow for the continuation of the existing regulations. If we look at EPA v. North Carolina, it says remand without vacating the order.

The other side claims we are for no regulations. We are asking for the continuation of the existing regulations on pollution. The rules are working, but if we keep increasing the burden, we are going to cause increased joblessness.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I hope colleagues will take a moment to look at this picture, because this is what we are talking about: exhaling toxic air, and little kids and members of our families who have to use this kind of inhaler. Exhale pollutants, inhale with an inhaler. This is a poster done by the American Lung Association. Every respected public health group opposes the Paul resolution.

If your neighbor dumped toxic garbage on your front lawn, that would harm your family. You would do two things. No. 1, you would say clean it up and, No. 2, you would say never do it again. That is all the rule does that Senator PAUL is trying to eviscerate here.

Vote no for jobs, for clean air, for our families. Sixty-seven percent of the American people, including 68 percent of Independents, oppose the Paul resolution. Please vote no.

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

The Senator from Kentucky.

Mr. PAUL. There are emotions and there are facts. The facts are that emissions have been declining for six decades. The current rules are working. If you vote for increased regulations, you are voting to kill jobs.

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

The yeas and nays are ordered on the motion to proceed to S.J. Res. 27.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—41

Barrasso	Grassley	Moran
Blunt	Hatch	Murkowski
Boozman	Heller	Nelson (NE)
Burr	Hoeven	Paul
Chambliss	Hutchison	Portman
Coats	Inhofe	Risch
Coburn	Isakson	Roberts
Cochran	Johanns	Rubio
Corker	Johnson (WI)	Shelby
Cornyn	Kyl	Thune
Crapo	Lee	Toomey
DeMint	Lugar	Vitter
Enzi	Manchin	Wicker
Graham	McConnell	

NAYS—56

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

NOT VOTING—3

Inouye	McCain	Sessions

The motion was rejected.

Mrs. BOXER. Madam President, I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, first of all, I want to say a big thank-you to colleagues for voting to defeat the Paul joint resolution, which was a real attack on the health of our families.

SIGNING AUTHORITY

Mrs. BOXER. Madam President, I ask unanimous consent that from Thursday, November 10, through Monday, November 14, the majority leader be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

MORNING BUSINESS

Mrs. BOXER. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 1:30 p.m. with the time equally divided between the two leaders or their designees, and with Senators permitted to speak for up to 10 minutes each.

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

The Senator from South Carolina.

VETERANS TAX CREDIT

Mr. DEMINT. Madam President, I want to speak for a few minutes about the proposed veterans tax credit. I know what I am about to discuss will not make me very popular. I will probably be accused of not supporting veterans by the politicians pandering for their votes, but I am not going to be intimidated into voting for something that may make sense politically but is inherently unfair, and it is not going to work. The measure the Senate is now considering at President Obama's urging is to offer tax credits to employers who hire unemployed veterans. It might sound like good politics, but it is not good policy.

We have learned over the past few years since President Obama took office that employers hire based on their long-term plans, not short-term stimulus. It costs an employer about $63,000 a year to create an average private sector job. A new tax credit for a couple thousand dollars is simply not enough to increase employment. We have to recognize the fact that businesses are not going to hire until the government gets out of their way and creates a stable environment where businesses can thrive.

Let's be clear: I want veterans to have work opportunities. Once a man or woman has completed his or her service to our country, I hope they are welcomed into the job market. But veterans are not hired simply because they are veterans. By and large, they demonstrate admirable qualities that are invaluable in the workforce, such as selflessness, hard work, and dedication to improving oneself. Many other Americans who are suffering in this same bad economy—such as single moms, young graduates, and minorities—also demonstrate these same commendable character traits. The best way to get our veterans back to work is by doing what will help the economy and get all Americans back to work. Sadly, this tax credit does not do that.

The government has tried offering credits to hire particular categories of people many times before. A Government Accountability Office report studied the targeted jobs tax credit that was passed back in 1978. The credit was intended to encourage companies to favor the disadvantaged in hiring, but a followup study found that it was not ''effective or economical'' in helping the targeted group. The program was eventually allowed to expire.

Unfortunately, that tax credit was quickly replaced with the welfare-to-work and work opportunity tax credits in 1996. The Urban Institute-Brookings Tax Policy Center studied these credits, which were intended to help the needy, low-income veterans, inner-city youth, and ex-felons. But it found that the credits had ''not had a meaningful effect on employment rates among the disadvantaged.''

President Obama signed another law, the Hiring Incentives to Restore Employment Act, in March of 2010 to give companies a tax credit to hire unemployed workers. There is no evidence this encouraged employers to hire, as unemployment has remained stubbornly high since President Obama came into office, especially over the last year while this credit was available.

Despite the overwhelming evidence that these tax credits do not stimulate hiring for targeted groups, the Obama administration continues to push Congress to pass another tax credit, this time exclusively for veterans. By using a politically sensitive group the day before Veterans Day, the Democrats are hoping they can trick Republicans into further complicating the Tax Code, when we should be doing everything possible to simplify it.

If we want to help veterans and all Americans, we need to get serious about fixing our economy. There are almost 14 million unemployed Americans and another 10 million underemployed and discouraged workers who need work. We need a simpler tax code that businesses can navigate, not a more complicated one, riddled with incentives for employers to hire one particular group over another. The endless morass of tax credits and loopholes is exactly what is wrong with our Tax Code. We should also repeal ObamaCare and Dodd-Frank, which are proven job killers. We will have a chance to vote on that later today. We need to open more domestic energy resources.

The answers are right in front of our faces. But, instead, we are pandering to different political groups with programs that have proven to be ineffective. We are giving more false promises to Americans in order to benefit political ends.

All Americans deserve the same opportunity to get hired. I cannot support this tax credit because I do not believe the government should privilege one American over another when it comes to work. I am deeply thankful for the courageous and selfless service of our veterans. They have performed for our country a service, and we will always be indebted to them. Above all, I am thankful for their sacrifices to protect freedom and equal opportunity in America. But we do not pay them back for their service and sacrifice with false promises of government programs that have been proven not to work.

Let's be honest with our veterans and with all Americans and do what we need to do to fix this economy.

Thank you, Madam President. I yield back 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. COONS. 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. COONS. Madam President, I rise today, on the eve of Veterans Day, to speak on behalf of those who have fought for our country only to return home to find that their fight must continue, this time their fight for a job, for employment. I rise today to offer my support on the floor for the VOW to Hire Heroes Act, which I believe is now before this body.

I am a cosponsor of this bill, because as a nation we must do more to appreciate, to support the service of our returning heroes, and to help them to fully recover from their service abroad by returning to meaningful employment in the civilian sector.

We have not had as many servicemembers coming home from military service abroad in a long time. Unfortunately, so many of them come home to a bitterly slow recovery from the great recession. The employment rate among all veterans from service in Iraq or Afghanistan is now 30 percent higher than the national unemployment rate. It is at roughly 12.1 percent. That means nearly a quarter million veterans who are unemployed.

This bill is about equipping them, equipping them effectively to return home to full employment. We have a tremendous asset in the highly trained, highly skilled, highly motivated veterans we have deployed overseas in the service of freedom and who are now returning home seeking service in employment with America's businesses.

We are talking about men and women who are real leaders, tested leaders who have learned something useful about managing people through some of the most difficult situations imaginable, folks in whom we invest hundreds of millions of dollars every year, year in and year out, in training them and equipping them—billions of dollars in equipping them to the highest service levels when we send them overseas. We should invest comparably in making sure that that training, that equipment, is relevant as they return home.

This summer I hosted a roundtable in Delaware on veterans jobs. Nineteen participants came from a wide range of sectors: from the military, from labor, from businesses, from all sorts of different civilian support organizations that work with our returning veterans. As we had a long and productive conversation, the message was loud and clear: We can and should incentivize private businesses to hire veterans. We can help connect the private sector—these businesses across America—with veterans whom they want to hire. And we can and should do a better job of helping returning veterans transition to civilian service.

In Delaware and across the country, we have had some great programs in the past: Helmets to Hard Hats, for example, one with which I became familiar in my previous service in county government, that connected folks in the building trades who wanted to welcome into their ranks veterans returning from recent service, with those who have served our country honorably overseas and are now home fighting for jobs.

There is also the Employer Support of the Guard and Reserve, or ESGR, with which I regularly communicated as county executive and continue to offer my support as Senator, that helps make sure those who serve overseas in the Guard and Reserve know that their employers understand and respect their legal obligations and their moral obligations to provide employment opportunities comparable to those they had before they deployed.

We also had participating in this important conversation this summer Delaware companies that have made a public pledge to hiring veterans, Summit Aviation in Middletown, JPMorgan Chase, with a very large presence in Delaware, which has made a very real and sustained commitment to hiring returning veterans.

We have a jobs crisis in America. Today, Delaware's veterans unemployment rate is 8 percent. While that is good compared to the national average, 8 percent should not be a good number. In my view, this Congress could have no higher priority than helping Americans get back to work and in that priority helping America's veterans get back to work.

The bill we are on today is the fourth major jobs bill full of ideas, many of which originally came from the other side of the aisle for job creation that we have introduced and considered—the American Jobs Act, a bill that would put public safety workers and teachers back to work and sustain their public service role; a bill that would invest in the infrastructure bank and public dollars for infrastructure all over this country—and all of these bills have been blocked—not defeated but blocked, prevented through filibuster from even coming to the floor. If ever there were a jobs bill that has earned bipartisan support, it is the one this body will vote on later today. Today, we have an opportunity to make it easier for our veterans to find jobs, and

I am encouraged by very real signs that this bill may pass, so that all of us can go home tomorrow to our States, participate in Veterans Day ceremonies, having voted for a bill designed to help so many of America's service men and women ease their path back to full employment in the civilian economy. I believe we owe them nothing less.

This bill offers tax credits to businesses in the private sector that would hire veterans. It guarantees servicemembers access to training designed to facilitate their transition to civilian life, and allows them full use of the skills they have gained in service to our Nation, and it cuts through some of the bureaucratic redtape that has made it difficult for veterans to get access to Federal resources.

I am proud to be a cosponsor of this bill, just as I was proud to cosponsor with Senator MURRAY of Washington the hiring heroes act this spring. We owe it to America to work more aggressively together, across the aisle, in confronting this ongoing jobs crisis. I urge my colleagues to vote in favor of the VOW to Hire Heroes Act today.

OBTAINING PERMANENT RESIDENCY

Madam President, I also wish to take another few minutes to discuss a bill that I hope will pass the Senate later today on a similar topic. It is a small bill addressing a complicated issue, but it will make a big difference in the lives of many of our servicemembers.

When an American marries a foreign national, an immigrant, and that immigrant decides he or she wants to become an American citizen, they begin a process of obtaining permanent residency, of applying for and seeking a green card. Before the 2-year mark in that process, the couple must fill out a form together and appear for an in-person interview. You have a 90-day window to file that paperwork and another 90 days to appear for this in-person interview together. Here is the problem. What if you are in the military and deployed abroad. What if the American in this couple is in a war zone and cannot make it back to the United States in that limited, tightly defined 90-day window for an in-person interview. You might miss your opportunity for you and your spouse to have the interview and secure his or her green card in this United States.

Our soldiers, in my view, have enough to worry about without adding this to the list. The bill we will offer later today is a simple fix. My colleague, Senator GRAHAM of South Carolina, and I have introduced a bill that Congresswoman ZOEY LOFGREN introduced in the House earlier this year. It would give our servicemembers the flexibility to wait until after their deployments have concluded in order to conduct these in-person interviews. That measure passed the House of Representatives 426 to 0. It is my hope it will also pass this Senate unanimously tonight.

We are blessed in this Nation to be served by volunteers, by men and women who go to the other side of the world to serve us in the interest of freedom. The two bills I have spoken of here on the floor today are things that we can and should do together across the aisle to advance their interests in having the enjoyment of liberty for which they sacrificed so much.

I yield the floor.

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

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks from the Senator from West Virginia, Mr. MANCHIN, and the Senator from Indiana, Mr. COATS, that I be recognized as in morning business.

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

The Senator from West Virginia.

EPA DEADLINE EXTENSION

Mr. MANCHIN. Mr. President, I rise today to speak about a very real problem, making sure that we do everything we can to protect jobs, safeguard our environment, and make sure utility companies can provide reliable and affordable electricity from our domestic resources. There are two EPA rules that are at the heart of this issue. One is the utility MACT rule, which would require a decrease in mercury emissions at powerplants, and the cross-State air pollution rule, which would require powerplants to lower emissions of pollutants that may reduce air quality in neighboring States.

Some utilities have already complied with these rules. Many have not. You can put the blame for the past sins on anybody and everybody, and we seem to do it well here from time to time. This is not what we are here for today.

My good colleague and my friend from Indiana will be speaking after me. This is truly a bipartisan effort trying to bring reasonability and common sense to this subject. But we have proven here in this body time and again that you truly cannot fix it if you blame people for it. What we intend to do with our legislation is truly fix the problem.

Let me be clear. I believe both of these rules aim to accomplish important objectives. But as they are written, they are nearly impossible to realize. If we do not extend the deadline for utilities to responsibly comply, we are going to lose the jobs and the reliability of the electricity we depend upon, and that hike of rates to consumers will be unimaginable. So we need to find a balance with our economy and the environment. That is why I am proud to stand today with my friend Senator COATS, a Republican from Indiana, to offer a commonsense solution to this problem, and to move forward with responsible, reasonable legislation that would get plants in compliance.

We are offering a bill today which is called the Fair Compliance Act of 2011, which has broad support from labor and industry and across the aisle. It is rare for so many groups with different points of view to come together behind a bill, but let me give you a list of some of our supporters: the Building and Construction Trades, the International Brotherhood of Boilermakers, International Brotherhood of Electrical Workers, United Mine Workers of America, AES, American Electric Power, Enerfab, the Electric Reliability Coordinating Council, to name a few.

I believe this bill provides a reasonable, responsible extension of the deadlines, while also protecting our most important priority, our environment and our responsibility to the environment, the reliability of our electric grid, the consumers who have to buy energy and can only afford to pay a reasonable price, using our own domestic resources so that we depend less on foreign energy and, most importantly, the thousands of jobs that are on the line.

I yield the floor for my friend from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank my colleague from West Virginia, Senator MANCHIN, for joining with me to produce a bipartisan, commonsense solution that is supported by both industry and labor, a piece of legislation that will ensure that the provision established through the Clean Air Act relative to the emissions of sulfur dioxide, nitrous oxide, mercury, and other emissions will not be reduced and eliminated.

We do nothing to stop the progress that has been made over many years in regard to cleaning up our air. We should be proud as Americans that we have taken the steps necessary to produce a cleaner environment, to eliminate toxic pollutants in the air. Over $100 billion has been spent by industry to retrofit their energy-producing plants with equipment that reduces and eliminates these pollutants. So we are not here today to advocate in favor of pumping more toxins into the air. We are here today to say we need a reasonable provision in place that would allow these industries to continue to spend the billions of dollars they are spending and do it in a timely manner so that we can reach the goal established through the Clean Air Act and other regulations.

But I think this current regulation we had a vote on—the Paul resolution—less than an hour ago, which came close to passing, now sets the stage for this particular provision, which the Senator from West Virginia, JOE MANCHIN, and I have cosponsored.

The Fair Compliance Act simply says that we want to continue to meet those standards, but we need to do it in a time-sensitive way so that industry can comply with the necessary procedures to arrange the plans, hire the contractors, and install the equipment. The timeline proposed by the EPA is

simply unattainable, unreasonable, and punitive. It costs jobs and money. Furthermore, it negatively impacts these necessary energy-producing facilities in the United States that are critical to our economy and employment. What we need now is an extension of 2 years on one of the provisions and 3 years on the other so that companies can address these rules together.

For those who have indicated on the floor in previous debate that we are undermining and undercutting regulations from going forward to reduce contaminants in the air, that is absolutely incorrect. We are ensuring that these will take place in a reasonable way that won't cost us jobs and further harm our economy.

Just to repeat something and to ask my colleague from West Virginia, my understanding is that this has significant labor and industry support. My colleague has outlined a number of industries and a number of labor unions that have supported this.

I know there is some concern that the utilities have avoided these rules in the past—that has been alleged—although they have spent over $100 billion in compliance. And some say this is just another delaying tactic. I ask my colleague, what would he say to people who object to this legislation on those grounds?

Mr. MANCHIN. Mr. President, let me say to the Senator that that question has been out there, and the naysayers are saying we should not delay it longer or extend it any more. This has gone through a real storied past, if you will. It had been repealed by previous administrations, it had gone through a court system and was overturned, and we are back where we are.

They are going to say: Well, some of them have complied and some haven't. There is ample time.

We can sit here—and we have talked and we have watched, in the last year, the blame game. That doesn't work. We haven't fixed a thing in this body this year by blaming the other side or blaming a previous administration or some other partisan group. We have a chance, with what the Senator and I have teamed up on, to fix this.

The only thing I would say, which the Senator eloquently laid out, is that a 2-year extension on one to comply, not just to extend and forgive—we are not asking to reduce in any way possible or to amend the Clean Air Act. We want it in force, and we want to do it with the energy we have used for the last century—it is domestic, and it is a fossil fuel. We have cleaned up the air in West Virginia by putting scrubbers and SCRs on boilers to the tune of 89 percent within the last two decades. We can do a lot more.

What we are allowing now is to bring plants into compliance without shocking the system. The shock is this: The cost, if I may quote this—even by EPA's own estimate, they peg the cost—if this rule is not extended so that we can comply, it will cost $2.4 billion. Who do you think will pay that? It will be your consumers, your constituents, and, most importantly, people who cannot afford it. It is putting a burden on, it is challenging jobs that rely on reliable, dependable, and affordable energy so that they can compete globally. It is knocking us out of the market to compete. Why would we shoot ourselves in the foot economically?

We can work within the Clean Air Act and comply with it, and it doesn't make any of these rules less stringent. We are not saying relax it. We are just saying: Let us comply. Don't blame what happened in the past. Let's fix what is before us right now.

That is what I would say to my good friend.

If I may, I will ask my good friend a question. What has he heard from the utilities in Indiana about the EPA's current timeline? What have they told the Senator?

Mr. COATS. I thank my friend for asking me that question, and I thank him so much for his answer to the previous question. I have visited those utilities. Let me mention one.

Tanners Creek is down along the Ohio River. It is a facility that will have to retire many units under this proposal, at the cost of more than 60 jobs. These types of closures may result in increased energy costs for consumers and the loss of electricity that will flow into the grid, potentially causing blackouts or interruptions in electric supply.

They are good citizens. They have plans to deal with their plants, to comply with these regulations. But they need more time to do it. They have also said: If we have to do this immediately, with all the plants all across the country, there is a shortage of equipment and contractors that are able to manufacture this type of equipment necessary and install it. That will drive up costs.

As the Senator from West Virginia has said, all of this is borne on the backs of the taxpayers, those who receive utility bills, whether for residences or companies that receive bills that are producing in the Midwest. The Senator's State and my State—we make big stuff, such as cars, locomotives, airplanes, major airplane parts, and big machines—things at the industrial heart of America. So it takes a lot of energy to produce the kinds of products that are made in our States.

To have a sudden spike in utility costs at a time when our economy is struggling is the worst thing we could do in this economy. While this amendment is not designed to specifically address that issue, it certainly helps us as we work our way through the downturn in the economy that has kept people out of work and kept our economy from growing as it should.

This is just another blow to the manufacturing industry in the Midwest, particularly in terms of hiring and in terms of being competitive and making a product. So the industries have come forward and said: We will comply, and we have complied—$100 billion-plus in compliance, which is a record to date. It will be continued as we go forward. We are simply asking for a sensible timeframe in which to do this.

In conclusion—and then I will turn it back to my friend—to my colleagues, I simply say that the allegation that this undermines what we are trying to do relative to providing clean air for American citizens to breathe is exaggerated and not true. Our bill requires compliance with the Clean Air Act, and it does not take away any regulation relative to these emissions that are poured into the air out of our utilities.

It is a bipartisan bill. This is not something that divides us on a partisan basis. It has industry support and labor support. It ensures full compliance with the Clean Air Act and reduction levels through regulations. It ensures that we won't have energy disruptions and blackouts and grid problems. It keeps jobs, and it spreads out the costs so that utility payers aren't hit with the shock of an increase in their bills. And the time to do it is set in a way that it will be accomplished within a more reasonable period of time. It synchronizes the two rules on reductions of emissions, the sulfur and nitrous oxide, as well as mercury and other toxins, so utilities can make the necessary changes at the same time.

We urge our colleagues to look at the details of the bill and study this. I see no reason why those who are concerned just about the environment and those who might be concerned just about the production capacity can't come together in a compromise and achieve the ends they both want to meet.

With that, I yield the floor and turn it back to my colleague. I thank him for his work in this process. We have been working together to do this in a way that both sides can support.

Mr. MANCHIN. I thank my good friend, the Senator from Indiana, Mr. COATS, for his diligence in working on this issue. In the greatest Nation on Earth, not to have an energy policy is wrong. It is also wrong to be so insecure—or less secure, if you will—by depending on foreign oil as we have. We know the results we are faced with now.

We are saying: Let us comply and make sure we are working in harmony with the environment and the economy. We can make that happen within a reasonable amount of time. That is all we have asked for. We are not asking to make the rules less stringent or to forget about them and throw caution to the wind. We know jobs and the economy are at stake. We know that, basically, the security of the Nation is at stake. But until we find a fuel of the future, we need to use what we have right here in America. Coal has supplied energy for a hundred years and will do so until we find a fuel that will replace it that is dependable, reliable,

and affordable. So what we are asking for is something that is reasonable, and we are not blaming anything.

AMENDMENT NO. 927, AS MODIFIED

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Reid for Tester amendment No. 927 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 927), as modified, is as follows:

Strike title II and insert the following:

TITLE II—VOW TO HIRE HEROES

SEC. 201. SHORT TITLE.

This title may be cited as the ''VOW to Hire Heroes Act of 2011''.

Subtitle A—Retraining Veterans

SEC. 211. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (k), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

(5) begins on or after July 1, 2012.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—

(1) IN GENERAL.—For purposes of this section, an eligible veteran is a veteran who—

(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

(2) DETERMINATION OF ELIGIBILITY.—

(A) DETERMINATION BY SECRETARY OF LABOR.—

(i) IN GENERAL.—For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

(ii) REFERRAL TO SECRETARY OF VETERANS AFFAIRS.—If the Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in accordance with the terms of the agreement required by subsection (h).

(B) DETERMINATION BY SECRETARY OF VETERANS AFFAIRS.—For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

(f) EMPLOYMENT ASSISTANCE.—For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

(g) CHARGING OF ASSISTANCE AGAINST OTHER ENTITLEMENT.—Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

(h) JOINT AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

(2) APPEALS PROCESS.—The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

(i) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of—

(i) eligible veterans who participated; and

(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned).

(B) Data related to the employment status of eligible veterans who participated.

(j) FUNDING.—Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than $2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

(k) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

(l) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

Subtitle B—Improving the Transition Assistance Program

SEC. 221. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Except as provided in paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require the participation in the program carried out under this section of the members eligible for assistance under the program.

''(2) The Secretary of Defense and the Secretary of Homeland Security may, under regulations such Secretaries shall prescribe, waive the participation requirement of paragraph (1) with respect to—

''(A) such groups or classifications of members as the Secretaries determine, after consultation with the Secretary of Labor and the Secretary of Veterans Affairs, for whom participation is not and would not be of assistance to such members based on the Secretaries' articulable justification that there is extraordinarily high reason to believe the exempted members are unlikely to face major readjustment, health care, employment, or other challenges associated with transition to civilian life; and

''(B) individual members possessing specialized skills who, due to unavoidable circumstances, are needed to support a unit's imminent deployment.''.

(b) REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.—Section 1142(a)(2) of such title is amended by striking ''may'' and inserting ''shall''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 222. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) STUDY ON EQUIVALENCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Labor shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, enter into a contract with a qualified organization to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces

through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences and the qualifications required for various positions of civilian employment in the private sector.

(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, the Department of Education, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) TRANSMITTAL TO CONGRESS.—The Secretary of Labor shall transmit to the appropriate committees of Congress the report submitted under paragraph (3), together with such comments on the report as the Secretary considers appropriate.

(5) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pension of the Senate; and

(B) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Education and the Workforce of the House of Representatives.

(b) PUBLICATION.—The secretaries described in subsection (a)(1) shall ensure that the equivalences identified under subsection (a)(1) are—

(1) made publicly available on an Internet website; and

(2) regularly updated to reflect the most recent findings of the secretaries with respect to such equivalences.

(c) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MILITARY EXPERIENCES.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member's participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(d) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall make the individualized assessment provided a member under subsection (a) available electronically to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) USE IN ASSISTANCE.—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 223. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) TRANSITION ASSISTANCE PROGRAM CONTRACTING.—

(1) IN GENERAL.—Section 4113 of title 38, United States Code, is amended to read as follows:

''§ 4113. Transition Assistance Program personnel

''(a) REQUIREMENT TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

''(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

''(1) Counseling.

''(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

''(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

''(4) Other related information and services under such section.

''(5) Such other services as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

''4113. Transition Assistance Program personnel.''.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act.

SEC. 224. CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

Section 1144(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''public or private entities; and'' and inserting ''public entities;'';

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5), the following new paragraph (6):

''(6) enter into contracts with private entities, particularly with qualified private entities that have experience with instructing members of the armed forces eligible for assistance under the program carried out under this section on—

''(A) private sector culture, resume writing, career networking, and training on job search technologies;

''(B) academic readiness and educational opportunities; or

''(C) other relevant topics; and''.

SEC. 225. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.''.

SEC. 226. COMPTROLLER GENERAL REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program (TAP) and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

SEC. 231. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

SEC. 232. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking ''who have been rehabilitated to the point of employability''.

SEC. 233. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.—

(1) IN GENERAL.—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking ''A person'' and inserting the following:

''(a) IN GENERAL.—A person''; and

(B) by adding at the end the following new paragraph:

''(b) ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.—(1) Except as provided in paragraph (4), a person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

''(A) the person is described by paragraph (1) or (2) of subsection (a); and

''(B) the person—

''(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

''(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

''(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

''(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

''(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when—

''(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or

''(B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

''(3) In this subsection, the terms 'compensation', 'regular compensation', 'benefit year', 'State', 'State law', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

''(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.''.

(2) DURATION OF ADDITIONAL REHABILITATION PROGRAM.—Section 3105(b) of such title is amended—

(A) by striking ''Except as provided in subsection (c) of this section,'' and inserting ''(1) Except as provided in paragraph (2) and in subsection (c),''; and

(B) by adding at the end the following new paragraph:

''(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.''.

(b) EXTENSION OF PERIOD OF ELIGIBILITY.—Section 3103 of such title is amended—

(1) in subsection (a), by striking ''in subsection (b), (c), or (d)'' and inserting ''in subsection (b), (c), (d), or (e)'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

''(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

''(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on June 1, 2012, and shall apply with respect to rehabilitation programs beginning after such date.

(d) COMPTROLLER GENERAL REVIEW.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the training and rehabilitation under chapter 31 of title 38, United States Code; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the review and any recommendations of the Comptroller General for improving such training and rehabilitation.

SEC. 234. COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

''§ 4104A. Collaborative veterans' training, mentoring, and placement program

''(a) GRANTS.—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than three organizations, for periods of two years.

''(b) COLLABORATION AND FACILITATION.—The Secretary shall ensure that the recipients of the grants—

''(1) collaborate with—

''(A) the appropriate disabled veterans' outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans' employment representatives (in carrying out the functions described in section 4104); and

''(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

''(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

''(c) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

''(1) information describing how the organization will—

''(A) collaborate with disabled veterans' outreach specialists and local veterans' employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

''(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

''(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

''(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

''(d) REPORTS.—(1) Not later than six months after the date of the enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

''(2) Not later than 18 months after the date of enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall—

''(A) conduct an assessment of the performance of the grant recipients, disabled veterans' outreach specialists, and local veterans' employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

''(i) veterans who applied for training under this section;

''(ii) veterans who entered the training;

''(iii) veterans who completed the training;

''(iv) veterans who were placed in meaningful employment under this section; and

''(v) veterans who remained in such employment as of the date of the assessment; and

''(B) submit to the appropriate committees of Congress a report that includes—

''(i) a description of how the grant recipients used the funds made available under this section;

''(ii) the results of the assessment conducted under subparagraph (A); and

''(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,500,000 for the period consisting of fiscal years 2012 and 2013.

''(f) DEFINITIONS.—In this section—

''(1) the term 'appropriate committees of Congress' means—

''(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

''(B) the Committee on Veterans' Affairs and the Committee on Education and Workforce of the House of Representatives; and

''(2) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.''.

(b) CONFORMING AMENDMENT.—Section 4103A(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting ''and facilitate placements'' after ''intensive services''; and

(2) by adding at the end the following:

''(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

''4104A. Collaborative veterans' training, mentoring, and placement program.''.

SEC. 235. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) APPOINTMENTS TO COMPETITIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Chapter 21 of title 5, United States Code, is amended by inserting after section 2108 the following:

''§ 2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles

''(a) VETERAN.—

''(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a veteran defined under section 2108(1) for purposes of making an appointment in the competitive service, if the individual—

''(A) meets the definition of a veteran under section 2108(1), except for the requirement that the individual has been discharged or released from active duty in the armed forces under honorable conditions; and

''(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

''(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be discharged or released from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

''(b) DISABLED VETERAN.—

''(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a disabled veteran defined under section 2108(2) for purposes of making an appointment in the competitive service, if the individual—

''(A) meets the definition of a disabled veteran under section 2108(2), except for the requirement that the individual has been separated from active duty in the armed forces under honorable conditions; and

''(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

''(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be separated from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

''(c) PREFERENCE ELIGIBLE.—Subsections (a) and (b) shall apply with respect to determining whether an individual is a preference eligible under section 2108(3) for purposes of making an appointment in the competitive service.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2108 of title 5, United States Code, is amended—

(i) in paragraph (1), in the matter following subparagraph (D), by inserting '', except as provided under section 2108a,'' before ''who has been'';

(ii) in paragraph (2), by inserting ''(except as provided under section 2108a)'' before ''has been separated''; and

(iii) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or section 2108a(c)'' after ''paragraph (4) of this section''.

(B) TABLE OF SECTIONS.—The table of sections for chapter 21 of title 5, United States Code, is amended by adding after the item relating to section 2108 the following:

''2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles.''.

(b) EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code; and

(B) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 236. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) IN GENERAL.—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to members of the Armed Forces on terminal leave work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) REPORT.—Not later than 540 days after the date of the commencement of the pilot program, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives an interim report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 237. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

(a) IN GENERAL.—Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Assistant Secretary shall'' and inserting ''Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training,'';

(ii) by striking ''not less than 10 military'' and inserting ''not more than five military''; and

(iii) by inserting ''for Veterans' Employment and Training'' after ''selected by the Assistant Secretary''; and

(B) in paragraph (2), by striking ''consult with appropriate Federal, State, and industry officials to'' and inserting ''enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and''; and

(3) by striking subsections (d) through (h) and inserting the following:

''(d) PERIOD OF PROJECT.—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.''.

(b) STUDY COMPARING COSTS INCURRED BY SECRETARY OF DEFENSE FOR TRAINING FOR MILITARY OCCUPATIONAL SPECIALTIES WITHOUT CREDENTIALING OR LICENSING WITH COSTS INCURRED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF LABOR IN PROVIDING EMPLOYMENT-RELATED ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, complete a study comparing the costs incurred by the Secretary of Defense in training members of the Armed Forces for the military occupational specialties selected by the Assistant Secretary of Labor of Veterans' Employment and Training pursuant to the demonstration project provided for in such section 4114, as amended by subsection (a), with the costs incurred by the Secretary of Veterans Affairs and the Secretary of Labor in providing employment-related assistance to veterans who previously held such military occupational specialties, including—

(A) providing educational assistance under laws administered by the Secretary of Veterans Affairs to veterans to obtain credentialing and licensing for civilian occupations that are similar to such military occupational specialties;

(B) providing assistance to unemployed veterans who, while serving in the Armed Forces, were trained in a military occupational specialty; and

(C) providing vocational training or counseling to veterans described in subparagraph (B).

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall submit to Congress a report on the study carried out under paragraph (1).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings of the Assistant Secretary with respect to the study required by paragraph (1).

(ii) A detailed description of the costs compared under the study required by paragraph (1).

SEC. 238. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking ''clause (1)'' and inserting ''paragraph (1)'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(7) performance measures for the provision of assistance under this chapter, including—

''(A) the percentage of participants in programs under this chapter who find employment before the end of the first 90-day period following their completion of the program;

''(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

''(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

''(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

''(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.''.

SEC. 239. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: ''Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.''; and

(2) by amending subsection (d) to read as follows:

''(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

''(A) an analysis of the implementation of providing such priority at the local level;

''(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

''(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

''(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.''.

SEC. 240. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) IN GENERAL.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary shall require that each disabled veterans' outreach program specialist and local veterans' employment representative who receives training provided by the Institute, or its successor, is given a final examination to evaluate the specialist's or representative's performance in receiving such training.

''(2) The results of such final examination shall be provided to the entity that sponsored the specialist or representative who received the training.''.

(b) EFFECTIVE DATE.—Subsection (d) of section 4109 of title 38, United States Code, as added by subsection (a), shall apply with respect to training provided by the National Veterans' Employment and Training Services Institute that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 241. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(c) CONSOLIDATION.—Section 4102A of such title is amended by adding at the end the following new subsection:

''(h) CONSOLIDATION OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND VETERANS' EMPLOYMENT REPRESENTATIVES.—The Secretary may allow the Governor of a State receiving funds under subsection (b)(5) to support specialists and representatives as described in such subsection to consolidate the functions of such specialists and representatives if—

''(1) the Governor determines, and the Secretary concurs, that such consolidation—

''(A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and

''(B) does not hinder the provision of services to veterans and employers; and

''(2) the Governor submits to the Secretary a proposal therefor at such time, in such manner, and containing such information as the Secretary may require.''.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

SEC. 251. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting ''the terms, conditions, or privileges of employment, including'' after ''means''.

Subtitle E—Other Matters

SEC. 261. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' and inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), $14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and $24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))''.

(b) RETURNING HEROES TAX CREDITS.—Subparagraph (A) of section 51(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' at the end of clause (i),

(2) by striking the period at the end of clause (ii)(II), and

(3) by adding at the end the following new clauses:

''(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

''(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(c) SIMPLIFIED CERTIFICATION.—Paragraph (13) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) CREDIT FOR UNEMPLOYED VETERANS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), for purposes of paragraph (3)(A)—

''(I) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (ii)(II) or (iv) of such paragraph (whichever is applicable) if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date, and

''(II) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (iii) of such paragraph if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

''(ii) REGULATORY AUTHORITY.—The Secretary may provide alternative methods for certification of a veteran as a qualified veteran described in clause (ii)(II), (iii), or (iv) of paragraph (3)(A), at the Secretary's discretion.''.

(d) EXTENSION OF CREDIT.—Subparagraph (B) of section 51(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) after—

''(i) December 31, 2012, in the case of a qualified veteran, and

''(ii) December 31, 2011, in the case of any other individual.''.

(e) CREDIT MADE AVAILABLE TO TAX-EXEMPT ORGANIZATIONS IN CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—Subsection (c) of section 52 of the Internal Revenue Code of 1986 is amended—

(A) by inserting ''(1) IN GENERAL.—'' before ''No credit'', and

(B) by adding at the end the following new paragraph:

''(2) CREDIT MADE AVAILABLE TO QUALIFIED TAX-EXEMPT ORGANIZATIONS EMPLOYING QUALIFIED VETERANS.—For credit against payroll taxes for employment of qualified veterans by qualified tax-exempt organizations, see section 3111(e).''.

(2) CREDIT ALLOWABLE.—Section 3111 of such Code is amended by adding at the end the following new subsection:

''(e) CREDIT FOR EMPLOYMENT OF QUALIFIED VETERANS.—

''(1) IN GENERAL.—If a qualified tax-exempt organization hires a qualified veteran with respect to whom a credit would be allowable under section 38 by reason of section 51 if the organization were not a qualified tax-exempt organization, then there shall be allowed as a credit against the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during the applicable period an amount equal to the credit determined under section 51 (after application of the modifications under paragraph (3)) with respect to wages paid to such qualified veteran during such period.

''(2) OVERALL LIMITATION.—The aggregate amount allowed as a credit under this subsection for all qualified veterans for any period with respect to which tax is imposed under subsection (a) shall not exceed the amount of the tax imposed by subsection (a) on wages paid with respect to employment of

all employees of the organization during such period.

''(3) MODIFICATIONS.—For purposes of paragraph (1), section 51 shall be applied—

''(A) by substituting '26 percent' for '40 percent' in subsection (a) thereof,

''(B) by substituting '16.25 percent' for '25 percent' in subsection (i)(3)(A) thereof, and

''(C) by only taking into account wages paid to a qualified veteran for services in furtherance of the activities related to the purpose or function constituting the basis of the organization's exemption under section 501.

''(4) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to any qualified veteran, the 1-year period beginning with the day such qualified veteran begins work for the organization.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'qualified tax-exempt organization' means an employer that is an organization described in section 501(c) and exempt from taxation under section 501(a), and

''(B) the term 'qualified veteran' has meaning given such term by section 51(d)(3).''.

(3) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary of the Treasury as being equal to the loss to that possession that would have occurred by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit in effect after the amendments made by this section.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—The credit allowed against United States income taxes for any taxable year under the amendments made by this section to section 51 of the Internal Revenue Code of 1986 to any person with respect to any qualified veteran shall be reduced by the amount of any credit (or other tax benefit described in paragraph (1)(B)) allowed to such person against income taxes imposed by the possession of the United States by reason of this subsection with respect to such qualified veteran for such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

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

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from credit provisions described in such section.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 262. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''May 31, 2015'' and inserting ''September 30, 2016''.

SEC. 263. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.''.

SEC. 264. EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.

Section 5317(g) of title 38, United States Code, is amended by striking ''September 30, 2011'' and inserting ''September 30, 2016''.

SEC. 265. MODIFICATION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS.

(a) IN GENERAL.—Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (iv), by striking ''November 18, 2011'' and inserting ''October 1, 2016'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016'';

(B) by striking clauses (ii) and (iii);

(C) by redesignating clause (iv) as clause (ii); and

(D) in clause (ii), as redesignated by subparagraph (C), by striking ''October 1, 2013'' and inserting ''October 1, 2016'';

(3) in subparagraph (C)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(4) in subparagraph (D)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

(1) November 18, 2011; or

(2) the date of the enactment of this Act.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

SEC. 301. ONE HUNDRED PERCENT LEVY FOR PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. 302. STUDY AND REPORT ON REDUCING THE AMOUNT OF THE TAX GAP OWED BY FEDERAL CONTRACTORS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury, or the Secretary's delegate, in consultation with the Director of the Office of Management and Budget and the heads of such other Federal agencies as the Secretary determines appropriate, shall conduct a study on ways to reduce the amount of Federal tax owed but not paid by persons submitting bids or proposals for the procurement of property or services by the Federal government.

(2) MATTERS STUDIED.—The study conducted under paragraph (1) shall include the following matters:

(A) An estimate of the amount of delinquent taxes owed by Federal contractors.

(B) The extent to which the requirement that persons submitting bids or proposals certify whether such persons have delinquent tax debts has—

(i) improved tax compliance; and

(ii) been a factor in Federal agency decisions not to enter into or renew contracts with such contractors.

(C) In cases in which Federal agencies continue to contract with persons who report having delinquent tax debt, the factors taken into consideration in awarding such contracts.

(D) The degree of the success of the Federal lien and levy system in recouping delinquent Federal taxes from Federal contractors.

(E) The number of persons who have been suspended or debarred because of a delinquent tax debt over the past 3 years.

(F) An estimate of the extent to which the subcontractors under Federal contracts have delinquent tax debt.

(G) The Federal agencies which have most frequently awarded contracts to persons notwithstanding any certification by such person that the person has delinquent tax debt.

(H) Recommendations on ways to better identify Federal contractors with delinquent tax debts.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate, a report on the study conducted under subsection (a), together with any legislative recommendations.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

SEC. 401. MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY.

(a) IN GENERAL.—Subparagraph (B) of section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) an amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) which is not included in gross income under section 86 for the taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(c) NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury, or the Secretary's delegate, shall annually estimate the impact that the amendments made by subsection (a) have on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury or the Secretary's delegate estimates that such amendments have a negative impact on the income and balances of such trust funds, the Secretary shall transfer, not less frequently than quarterly, from the general fund an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of such amendments.

TITLE V—BUDGETARY EFFECTS

SEC. 501. STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

OVERREGULATION

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding that I have as much as 5 minutes.

Mr. President, I appreciate very much what has been described. Perhaps people can look at this in terms of the overregulation we are doing in this country, the fact that there is a direct relationship between the amount of revenue that comes into the government and the amount of regulations.

I have always used this—in fact, it is still permissible to use it. According to OMB, for each 1 percent addition to the GDP, it creates an additional $50 billion of revenue. There are other ways of doing it other than tax increases.

To turn it around, look at what this administration has done. They have regulations such as the greenhouse gas regulation, which would be between a $300 billion and $400 bill loss each year. The ozone—which they postponed, but nevertheless they proposed it—would be $676 billion in lost GDP. You can do your math on that. For each 1 percent—and 1 percent is $140 billion—for each 1 percent, it would be about a $50 billion loss in revenue. Boiler MACT is a $1 billion loss in GDP. Utility MACT, which is what they have been talking about, across State lines, is $140 billion in compliance costs. Cement MACT—all of these are huge losers in terms of revenue that can be generated.

So I would only like to say—and I wish I had time to get into more detail on this—that shortly we will be voting on McCain amendment No. 928. It has a lot of great features in it, but one that has been almost overlooked is the feature that would take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases. This was the Upton-Inhofe bill. My bill, actually, was tested here, and we had a majority of people who were in support of it. It passed overwhelmingly in the House of Representatives.

So part of this amendment addresses what would have been done by the Waxman-Markey bill, which would cost us, not just once but every year, between $300 billion and $400 billion. The big question was, since the President could not get this body to pass a bill on cap and trade, he decided he would do it through regulation. But doing it through regulation would still cost between $300 billion and $400 billion a year. So what they had to do was to come up with an endangerment finding.

That endangerment finding was based on flawed science. In fact, we have a recent response to a request by the IG of the EPA who said, in fact, that was true—that the science on which this was based was faulty science. So after we realized that—and everyone else realized it—we went back to these people who were on record opposing the legislation regulating greenhouse gases and tried to get a bill passed that would take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases. So that is what this was all about.

We were not able to get that, but that provision is in amendment No. 928 by Senator MCCAIN and others. I hope people will realize, in addition to those things being talked about, and the new jobs that would come with the passage of that amendment, there is also this provision which would be a huge boost to our economy and would eliminate an unnecessary tax increase of between $300 billion and $400 billion a year.

With that, I yield the floor.

3% WITHHOLDING REPEAL AND JOB CREATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 674, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

Pending:

Reid (for Tester) amendment No. 927, as modified, to amend the Internal Revenue Code of 1986 to permit a 100-percent levy for payments to Federal vendors relating to property, to require a study on how to reduce the amount of Federal taxes owed but not paid by Federal contractors, and to make certain improvements in the laws relating to the employment and training of veterans.

McCain amendment No. 928 (to amendment No. 927), to provide American jobs through economic growth.

The PRESIDING OFFICER. There will be 15 minutes of debate equally divided.

The Senator from Montana.

AMENDMENT NO. 927

Mr. TESTER. Mr. President, the economy has hit us all hard. Montanans who have done everything right are losing their jobs, and some are even losing their homes. To get the economy back on track we need to employ some common sense. We need to put politics aside, and we need to work together on behalf of the struggling families across this country.

In particular, we need to do the right thing on behalf of our men and women who have served our Nation in uniform. The unemployment rate for younger veterans who have served since September 11, 2001, continues to remain well above average. It is unacceptably high and is getting worse. It is a national disgrace. Our service men and women deserve better.

These men and women left the comforts of home and put their lives on hold to fight for us in some of the harshest conditions imaginable. Far too many have paid the ultimate sacrifice, while thousands continue to struggle with the wounds of war—those seen and those unseen. They face daily challenges many of us can never fully comprehend, and they have endured sacrifices we can never fully repay. Many of them served multiple tours. Even the Montana National Guard's largest unit was sent to Iraq twice in the last 8 years. That is a long time—especially for a Reserve component—to be away from home. But they carried out their assignments as the best-trained, most professional military in the world. And for that we are proud and we are grateful.

When I visited Iraq and Afghanistan earlier this year, I was protected by some of the most well-trained, professional, and downright inspirational men and women our country has ever produced. I recall in one instance standing at a command operating base looking out over a valley in Afghanistan where, months earlier, the Taliban had run roughshod. I thought about how difficult the conditions were for the young men and women who were there wearing the uniform of our country, standing shoulder to shoulder with members of the Afghan Army.

In the hours we were there, I did not hear one complaint, only commitment and pride in their work from our troops. I will never forget that. If we fail to do right by them, what does that say about us?

Simply put, we have a responsibility to provide for all veterans and their families. It is something I have never taken lightly, and it is something that continues to motivate me every single day. It means providing them with the best services and care, and it means giving them every opportunity to succeed and empowering them with the tools they need to find good-paying jobs.

The legislation before us today does exactly that. It would provide important tax credits to encourage more employers to hire veterans who are out of work. It would provide additional education and job training for veterans to gain additional skills to be more successful in an increasingly competitive job market. It would take important steps to help ease the transition between military service and the civilian workforce.

Let me give an example of how this bill would directly affect one of my constituents. A chap by the name of Nathan Wiens grew up in Glasgow, MT, a small town in the northeastern corner of the State. He attended Montana State University on an ROTC scholarship, earned a degree in civil engineering, and was deployed to Iraq as a captain in the Army. During his years in the Army, Nathan used his engineering degree. But when he came home, his military experience did not count toward his professional engineering certification. Now Nathan has to spend a couple of years building up the civilian equivalent of the military experience he already has just to be able to qualify to become a certified professional engineer. This bill will help fix it so that military experience counts.

This bill says if someone spends 6 years in the Army driving a truck, they ought to be able to get their commercial driver's license a whole lot faster than someone who does not have that experience.

It would require the Department of Labor, in conjunction with the VA and the Department of Defense, to take a hard look at what military skills and training should be translatable to the civilian sector. It would make it easier to get these licenses and certifications that our veterans need.

This bill will give employers valuable information about the skill sets our veterans have gained while they have served in the military. These are the kinds of commonsense ideas we should be taking a look at. It is the responsible thing to do for America's veterans.

It would not surprise anyone this proposal has ideas from both Democrats and Republicans because this is an issue that shouldn't be partisan. Every Member of the Senate should be committed to helping veterans find jobs.

Montana has more veterans per capita than any other State in the Union, except Alaska. We have 103,000 veterans in Montana. As I travel across the State and visit with them and their families, the topic of veterans employment remains at the forefront of their minds. It is important to them. It is important to their friends and loved ones. It is important to our communities. It should be important to each and every one of us.

We deal with a lot of contentious issues here, but this should not be one of them. Let's work together to do the right thing and get this bill passed because it is the least we can do for those to whom we owe so much.

With that, Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Without objection, the Senator may ask for the yeas and nays on his amendment.

Mr. TESTER. I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I first want to thank Senator TESTER for his comments.

Mr. President, if we pass these two measures today, if we repeal the 3-percent withholding and take steps to help our veterans find work, the American people will win, and for 1 day at least partisanship will lose.

Veterans Day is tomorrow. So let's renew our commitment to the men and women who have answered the call of duty and who have fought for us and for our freedom and continue to do so.

Our returning heroes face a jobs crisis. We all know it. We hear about it. It is as relevant in Massachusetts as it is in Montana and every other State in this great country. We are here to make a difference today, and that is what this bill will do. This bill will give a much needed boost to the employment of veterans.

I earlier filed a hire a hero act, and I am glad it has been incorporated with the President's proposals and is moving forward today. The 3-percent withholding provision is also something I have been working on for many months as well. So I am glad these two bills are coming to fruition. It will give, as I said, a much needed boost to our unemployed heroes, and it will improve our veterans transitioning from military to civilian life.

I hope Congress will seize on this momentum and work in a bipartisan manner to pass more jobs legislation. Contrary to what we read and hear from the media, there are things we can all agree on, and these are two good examples.

So I say again, if we can do these two things—repeal the 3-percent withholding and help our veterans—maybe it will usher in an era of good will, with one good deed leading to another good deed, and so on, and so on. So let's end this stealth tax and do something meaningful for our veterans. Let's start working together. Above all, let's put Americans first because we are all Americans first.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided between the votes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

Mr. PAUL. Mr. President, I rise in support of the Republican jobs plan. I think it is very important that the American people know there are different visions about how we would create jobs in this country, whether the jobs should be created by the private sector or the jobs should be created by borrowing money from China, taxing us more, and then redistributing that money into government-created jobs.

There are different visions in this country about how we create jobs. The one thing we know is, we need millions of jobs—not tens of thousands of jobs but millions of jobs.

What I ask the President to do is to come in from the campaign trail and talk to us. I think he needs to be here, not raising money, not out fundraising for his campaign, not bashing Republicans on the campaign trail. He needs to be in Washington. He needs to be engaged with the committee, the supercommittee. He needs to be engaged with Republican counterparts.

I have told the President, personally, I will work with him. I will come from the Republican side of the aisle, and we can figure out areas in which we agree. There are many aspects of the Republican jobs plan that some Democrats have said they might support: Reducing the corporate income tax, lowering the rates, and eliminating loopholes.

The thing is, on the campaign trail, we are told Republicans are unwilling to eliminate loopholes for millionaires who don't pay taxes. The truth is, we are very willing. This has been offered in the supercommittee. It has been offered by our side. It is offered in the Republican jobs plan. We are willing to eliminate loopholes that make the Tax Code unfair, that allow either millionaires or corporations to pay no taxes. But we want to do it in the context of tax reform.

There are a couple things historically that government has done that has created jobs. In the 1960s, President Kennedy reduced the top rate from 90 to 70.

Unemployment was cut in half. In the 1980s, Reagan lowered the top rate from 70 to 50. Unemployment was cut in half. Reagan again lowered the top rate from 50 to 28, and unemployment was cut in half.

Interestingly, through all these rate cuts of the top taxpayers, as we cut the rates, tax revenue didn't go down. Tax revenue has stayed about 18 percent of GDP no matter what the rates are. But what lowering the top rates does is it spawns economic activity.

So I ask the President to come in from the campaign trail, to come in from his Canadian bus tour, and talk to us on the Hill—talk to us about ways we could create jobs again. We need millions of jobs. Fourteen million Americans are out of work. Two million Americans have lost their jobs since this President came into the White House.

They say the definition of ''insanity'' is doing the same thing over and over and expecting a different result. We need conversation on Capitol Hill between Republicans and Democrats, but we also need leadership from the White House. Continuing to bash us on the campaign trail is getting us nowhere as a country.

A couple things I have heard from the President as he has campaigned around the country: One, he said Republicans are too stupid to understand his plan, so he is going to break up his jobs plan and give it to us in pieces because we can't understand the whole thing.

In diplomacy, they sometimes talk about the stick and the carrot. I am sure feeling the stick from the President, but I am not seeing a carrot. What we need to have is conversation where we can bridge these differences and find some common ground.

We have a corporate income tax higher than anybody in the world. We keep heaping new regulations onto our businesses. We need to lower our corporate income tax. How can they compete? We worry about jobs going overseas?

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

Mr. PAUL. I urge support of the Republican jobs plan.

Mr. LEVIN. Mr. President, the legislation before the Senate is the latest effort by Senate Democrats to pass portions of the President's American Jobs Act that will boost the economy and put Americans back to work. The underlying legislation will repeal a 3 percent withholding on contractors that was designed to encourage contractors to pay their taxes; and the amendment offered by my colleague from Montana, Senator TESTER, will help veterans by providing hiring incentives to employers who hire our heroes and expanding education and training opportunities for older veterans.

The 3 percent withholding on contractors was enacted in 2005 and, because of implementation problems, has never been put into effect. I have heard from businesses in Michigan, universities in Michigan, mayors and countless others that this withholding provision is unworkable. Because Congress and the President recognize this problem, Congress has continued to delay its effective date.

The repeal of the 3 percent withholding requirement should be paid for by finding other ways to promote tax fairness and improving tax compliance. I have offered several of these proposals before. Unfortunately, rather than paying for this bill with measures to promote tax compliance and fairness, it is paid for by revising the way the modified adjusted gross income is calculated in determining eligibility for health care programs. According to the Joint Tax Committee and the Congressional Budget Office, this means that somewhere between 500,000 and a million people receiving early retiree, disability, and other social security benefits will no longer be eligible for Medicaid. If changes in income eligibility for Medicaid need to be considered, then any savings from those changes should be reinvested back into Medicaid to strengthen our health care system. I believe it is unwise to take savings from health care programs to pay for the repeal of the 3 percent withholding requirement. This legislation does do some important things to help America's veterans who continue to face big challenges even after leaving the battlefield. Veterans comprise almost 10 percent of the U.S. population. While overall employment of veterans has been at or below the national average, those veterans who have served in the past decade have seen their unemployment rate rise to above the national average. Male veterans aged 18–24 had an unemployment rate of almost 22 percent in 2010. Almost 12 percent of all homeless adults are veterans. It is a national embarrassment that we are failing to serve those who have served us.

This bill will provide business tax credits for the hiring of veterans, including those with disabilities. The tax credit is scaled to increase depending on how long that veteran has been unemployed. The bill also helps unemployed veterans pay for school and provides Vocational Rehabilitation and Employment Benefits for disabled veterans. And finally, the bill allows active servicemembers to begin pursuing federal employment opportunities prior to separation from the military, easing their transition from the military to jobs at the VA, Homeland Security or other federal agencies that would benefit from the experience a veteran offers.

Because it will help to hire veterans, who have sacrificed so much to help our country, and repeals the 3 percent withholding requirement, I will vote for the bill although the health care eligibility changes are the wrong way to pay for.

AMENDMENT NO. 928

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant editor of the Daily Digest called the roll.

Mr. LEE (when his name was called). ''Present.''

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 40, nays 56, as follows:

[Rollcall Vote No. 202 Leg.]

YEAS—40

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Heller	Risch
Burr	Hoeven	Roberts
Chambliss	Hutchison	Rubio
Coats	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Toomey
Corker	Johnson (WI)	Vitter
Cornyn	Kirk	Wicker
Crapo	Kyl	
DeMint	Lugar	

NAYS—56

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

ANSWERED ''PRESENT''—1

Lee

NOT VOTING—3

Inouye	McCain	Sessions

The PRESIDING OFFICER. On this vote, the yeas are 40, the nays are 56. One Senator responded ''present.''

Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is rejected.

AMENDMENT NO. 927, AS MODIFIED

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided. The Senator from Montana.

Mr. TESTER. Mr. President, we are now going to take up amendment No. 927, which is the VOW To Hire Heroes Act. This is a veterans employment act, broad based, bipartisan. It has Republican ideas and it has Democratic ideas in it. It is paid for. It is the right thing to do because we all know that veterans right now returning from Iraq and Afghanistan have a much higher unemployment rate than the rest of our population. Because of that high unemployment rate it is necessary we get this amendment agreed to and attached to this bill.

I ask concurrence with amendment No. 927.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I rise in support of my friend, the Senator from Montana, and commend him for his leadership on this issue. I look forward to supporting him in his efforts to support our veterans.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Ms. SNOWE (when her name was called). ''Present.''

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. PAUL), and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 203 Leg.]

YEAS—94

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

NAYS—1

DeMint

ANSWERED ''PRESENT''—1

Snowe

NOT VOTING—4

Inouye	Paul
McCain	Sessions

The amendment (No. 927), as modified, was agreed to.

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment, as modified, is agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I just want to remind everyone this is on the 3-percent withholding. I know I have been working on this and others have been working on this for some time. This is part of the President's jobs bill. Who said we can't get together and do something? By working together, we are going to do something the American people want: get rid of the stealth tax that is basically hurting job creation in my State and in other States throughout the country.

I wish to thank the leadership on both sides for working through this. I encourage everyone to vote for it. I hope we can have a nice signing ceremony when it is done to show there is truly bipartisan work because one good deed equals another good deed and so on and so forth.

Remember, we are Americans first. We need to start doing the things the American people want us to do.

I thank the Chair.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Ms. SNOWE (when her name was called). ''Present.''

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN) and the Senator from Hawaii (Mr. INOUYE) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 204 Leg.]

YEAS—95

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

ANSWERED ''PRESENT''—1

Snowe

NOT VOTING—4

Hagan	McCain
Inouye	Sessions

The bill (H.R. 674), as amended, was passed, as follows:

H.R. 674

Resolved, That the bill from the House of Representatives (H.R. 674) entitled ''An Act to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.'', do pass with the following amendment:

Strike title II and insert the following:

TITLE II—VOW TO HIRE HEROES

TITLE II—VOW TO HIRE HEROES

SEC. 201. SHORT TITLE.

This title may be cited as the ''VOW to Hire Heroes Act of 2011''.

Subtitle A—Retraining Veterans

SEC. 211. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (k), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

(5) begins on or after July 1, 2012.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—

(1) IN GENERAL.—For purposes of this section, an eligible veteran is a veteran who—

(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

(2) DETERMINATION OF ELIGIBILITY.—

(A) DETERMINATION BY SECRETARY OF LABOR.—

(i) IN GENERAL.—For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

(ii) REFERRAL TO SECRETARY OF VETERANS AFFAIRS.—If the Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in accordance with the terms of the agreement required by subsection (h).

(B) DETERMINATION BY SECRETARY OF VETERANS AFFAIRS.—For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

(f) EMPLOYMENT ASSISTANCE.—For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

(g) CHARGING OF ASSISTANCE AGAINST OTHER ENTITLEMENT.—Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

(h) JOINT AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

(2) APPEALS PROCESS.—The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

(i) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of—

(i) eligible veterans who participated; and

(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned).

(B) Data related to the employment status of eligible veterans who participated.

(j) FUNDING.—Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than $2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

(k) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

(l) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

Subtitle B—Improving the Transition Assistance Program

SEC. 221. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Except as provided in paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require the participation in the program carried out under this section of the members eligible for assistance under the program.

''(2) The Secretary of Defense and the Secretary of Homeland Security may, under regulations such Secretaries shall prescribe, waive the participation requirement of paragraph (1) with respect to—

''(A) such groups or classifications of members as the Secretaries determine, after consultation with the Secretary of Labor and the Secretary of Veterans Affairs, for whom participation is not and would not be of assistance to such members based on the Secretaries' articulable justification that there is extraordinarily high reason to believe the exempted members are unlikely to face major readjustment, health care, employment, or other challenges associated with transition to civilian life; and

''(B) individual members possessing specialized skills who, due to unavoidable circumstances, are needed to support a unit's imminent deployment.''.

(b) REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.—Section 1142(a)(2) of such title is amended by striking ''may'' and inserting ''shall''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 222. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) STUDY ON EQUIVALENCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Labor shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, enter into a contract with a qualified organization to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences and the qualifications required for various positions of civilian employment in the private sector.

(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, the Department of Education, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) TRANSMITTAL TO CONGRESS.—The Secretary of Labor shall transmit to the appropriate committees of Congress the report submitted under paragraph (3), together with such comments on the report as the Secretary considers appropriate.

(5) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pension of the Senate; and

(B) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Education and the Workforce of the House of Representatives.

(b) PUBLICATION.—The secretaries described in subsection (a)(1) shall ensure that the equivalences identified under subsection (a)(1) are—

(1) made publicly available on an Internet website; and

(2) regularly updated to reflect the most recent findings of the secretaries with respect to such equivalences.

(c) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MILITARY EXPERIENCES.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member's participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(d) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall make the individualized assessment provided a member under subsection (a) available electronically to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) USE IN ASSISTANCE.—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 223. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) TRANSITION ASSISTANCE PROGRAM CONTRACTING.—

(1) IN GENERAL.—Section 4113 of title 38, United States Code, is amended to read as follows:

''§ 4113. Transition Assistance Program personnel

''(a) REQUIREMENT TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

''(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

''(1) Counseling.

''(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

''(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

''(4) Other related information and services under such section.

''(5) Such other services as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

''4113. Transition Assistance Program personnel.''.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act.

SEC. 224. CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

Section 1144(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''public or private entities; and'' and inserting ''public entities;'';

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5), the following new paragraph (6):

''(6) enter into contracts with private entities, particularly with qualified private entities that have experience with instructing members of the armed forces eligible for assistance under the program carried out under this section on—

''(A) private sector culture, resume writing, career networking, and training on job search technologies;

''(B) academic readiness and educational opportunities; or

''(C) other relevant topics; and''.

SEC. 225. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.''.

SEC. 226. COMPTROLLER GENERAL REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program (TAP) and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

SEC. 231. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

SEC. 232. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking ''who have been rehabilitated to the point of employability''.

SEC. 233. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.—

(1) IN GENERAL.—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking ''A person'' and inserting the following:

''(a) IN GENERAL.—A person''; and

(B) by adding at the end the following new paragraph:

''(b) ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.—(1) Except as provided in paragraph (4), a person who has completed a rehabilitation program

under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

''(A) the person is described by paragraph (1) or (2) of subsection (a); and

''(B) the person—

''(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

''(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

''(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

''(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

''(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when—

''(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or

''(B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

''(3) In this subsection, the terms 'compensation', 'regular compensation', 'benefit year', 'State', 'State law', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

''(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.''.

(2) DURATION OF ADDITIONAL REHABILITATION PROGRAM.—Section 3105(b) of such title is amended—

(A) by striking ''Except as provided in subsection (c) of this section,'' and inserting ''(1) Except as provided in paragraph (2) and in subsection (c),''; and

(B) by adding at the end the following new paragraph:

''(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.''.

(b) EXTENSION OF PERIOD OF ELIGIBILITY.—Section 3103 of such title is amended—

(1) in subsection (a), by striking ''in subsection (b), (c), or (d)'' and inserting ''in subsection (b), (c), (d), or (e)'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

''(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

''(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on June 1, 2012, and shall apply with respect to rehabilitation programs beginning after such date.

(d) COMPTROLLER GENERAL REVIEW.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the training and rehabilitation under chapter 31 of title 38, United States Code; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the review and any recommendations of the Comptroller General for improving such training and rehabilitation.

SEC. 234. COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

''§4104A. Collaborative veterans' training, mentoring, and placement program

''(a) GRANTS.—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than three organizations, for periods of two years.

''(b) COLLABORATION AND FACILITATION.—The Secretary shall ensure that the recipients of the grants—

''(1) collaborate with—

''(A) the appropriate disabled veterans' outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans' employment representatives (in carrying out the functions described in section 4104); and

''(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

''(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

''(c) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

''(1) information describing how the organization will—

''(A) collaborate with disabled veterans' outreach specialists and local veterans' employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

''(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

''(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

''(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

''(d) REPORTS.—(1) Not later than six months after the date of the enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

''(2) Not later than 18 months after the date of enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall—

''(A) conduct an assessment of the performance of the grant recipients, disabled veterans' outreach specialists, and local veterans' employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

''(i) veterans who applied for training under this section;

''(ii) veterans who entered the training;

''(iii) veterans who completed the training;

''(iv) veterans who were placed in meaningful employment under this section; and

''(v) veterans who remained in such employment as of the date of the assessment; and

''(B) submit to the appropriate committees of Congress a report that includes—

''(i) a description of how the grant recipients used the funds made available under this section;

''(ii) the results of the assessment conducted under subparagraph (A); and

''(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,500,000 for the period consisting of fiscal years 2012 and 2013.

''(f) DEFINITIONS.—In this section—

''(1) the term 'appropriate committees of Congress' means—

''(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

''(B) the Committee on Veterans' Affairs and the Committee on Education and Workforce of the House of Representatives; and

''(2) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.''.

(b) CONFORMING AMENDMENT.—Section 4103A(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting ''and facilitate placements'' after ''intensive services''; and

(2) by adding at the end the following:

''(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

''4104A. Collaborative veterans' training, mentoring, and placement program.''.

SEC. 235. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) APPOINTMENTS TO COMPETITIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Chapter 21 of title 5, United States Code, is amended by inserting after section 2108 the following:

''§2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles

''(a) VETERAN.—

''(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a veteran defined under section 2108(1) for purposes of making an appointment in the competitive service, if the individual—

''(A) meets the definition of a veteran under section 2108(1), except for the requirement that the individual has been discharged or released from active duty in the armed forces under honorable conditions; and

''(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

''(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be discharged or released from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

''(b) DISABLED VETERAN.—

''(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a disabled veteran defined under section 2108(2) for purposes of making an appointment in the competitive service, if the individual—

''(A) meets the definition of a disabled veteran under section 2108(2), except for the requirement that the individual has been separated from active duty in the armed forces under honorable conditions; and

''(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

''(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be separated from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

''(c) PREFERENCE ELIGIBLE.—Subsections (a) and (b) shall apply with respect to determining whether an individual is a preference eligible under section 2108(3) for purposes of making an appointment in the competitive service.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2108 of title 5, United States Code, is amended—

(i) in paragraph (1), in the matter following subparagraph (D), by inserting '', except as provided under section 2108a,'' before ''who has been'';

(ii) in paragraph (2), by inserting ''(except as provided under section 2108a)'' before ''has been separated''; and

(iii) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or section 2108a(c)'' after ''paragraph (4) of this section''.

(B) TABLE OF SECTIONS.—The table of sections for chapter 21 of title 5, United States Code, is amended by adding after the item relating to section 2108 the following:

''2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles.''.

(b) EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code; and

(B) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 236. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) IN GENERAL.—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to members of the Armed Forces on terminal leave work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) REPORT.—Not later than 540 days after the date of the commencement of the pilot program, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives an interim report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 237. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

(a) IN GENERAL.—Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Assistant Secretary shall'' and inserting ''Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training,'';

(ii) by striking ''not less than 10 military'' and inserting ''not more than five military''; and

(iii) by inserting ''for Veterans' Employment and Training'' after ''selected by the Assistant Secretary''; and

(B) in paragraph (2), by striking ''consult with appropriate Federal, State, and industry officials to'' and inserting ''enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and''; and

(3) by striking subsections (d) through (h) and inserting the following:

''(d) PERIOD OF PROJECT.—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.''.

(b) STUDY COMPARING COSTS INCURRED BY SECRETARY OF DEFENSE FOR TRAINING FOR MILITARY OCCUPATIONAL SPECIALTIES WITHOUT CREDENTIALING OR LICENSING WITH COSTS INCURRED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF LABOR IN PROVIDING EMPLOYMENT-RELATED ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, complete a study comparing the costs incurred by the Secretary of Defense in training members of the Armed Forces for the military occupational specialties selected by the Assistant Secretary of Labor of Veterans' Employment and Training pursuant to the demonstration project provided for in such section 4114, as amended by subsection (a), with the costs incurred by the Secretary of Veterans Affairs and the Secretary of Labor in providing employment-related assistance to veterans who previously held such military occupational specialties, including—

(A) providing educational assistance under laws administered by the Secretary of Veterans Affairs to veterans to obtain credentialing and licensing for civilian occupations that are similar to such military occupational specialties;

(B) providing assistance to unemployed veterans who, while serving in the Armed Forces, were trained in a military occupational specialty; and

(C) providing vocational training or counseling to veterans described in subparagraph (B).

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall submit to Congress a report on the study carried out under paragraph (1).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings of the Assistant Secretary with respect to the study required by paragraph (1).

(ii) A detailed description of the costs compared under the study required by paragraph (1).

SEC. 238. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking ''clause (1)'' and inserting ''paragraph (1)'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(7) performance measures for the provision of assistance under this chapter, including—

''(A) the percentage of participants in programs under this chapter who find employment before the end of the first 90-day period following their completion of the program;

''(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

''(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

''(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

''(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.''.

SEC. 239. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: ''Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.''; and

(2) by amending subsection (d) to read as follows:

''(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

''(A) an analysis of the implementation of providing such priority at the local level;

''(B) whether the representation of veterans in such programs is in proportion to the incidence

of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

''(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

''(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.''.

SEC. 240. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) IN GENERAL.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary shall require that each disabled veterans' outreach program specialist and local veterans' employment representative who receives training provided by the Institute, or its successor, is given a final examination to evaluate the specialist's or representative's performance in receiving such training.

''(2) The results of such final examination shall be provided to the entity that sponsored the specialist or representative who received the training.''.

(b) EFFECTIVE DATE.—Subsection (d) of section 4109 of title 38, United States Code, as added by subsection (a), shall apply with respect to training provided by the National Veterans' Employment and Training Services Institute that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 241. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(c) CONSOLIDATION.—Section 4102A of such title is amended by adding at the end the following new subsection:

''(h) CONSOLIDATION OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND VETERANS' EMPLOYMENT REPRESENTATIVES.—The Secretary may allow the Governor of a State receiving funds under subsection (b)(5) to support specialists and representatives as described in such subsection to consolidate the functions of such specialists and representatives if—

''(1) the Governor determines, and the Secretary concurs, that such consolidation—

''(A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and

''(B) does not hinder the provision of services to veterans and employers; and

''(2) the Governor submits to the Secretary a proposal therefor at such time, in such manner, and containing such information as the Secretary may require.''.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

SEC. 251. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting ''the terms, conditions, or privileges of employment, including'' after ''means''.

Subtitle E—Other Matters

SEC. 261. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' and inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), $14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and $24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))''.

(b) RETURNING HEROES TAX CREDITS.—Subparagraph (A) of section 51(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' at the end of clause (i),

(2) by striking the period at the end of clause (ii)(II), and

(3) by adding at the end the following new clauses:

''(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

''(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(c) SIMPLIFIED CERTIFICATION.—Paragraph (13) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) CREDIT FOR UNEMPLOYED VETERANS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), for purposes of paragraph (3)(A)—

''(I) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (ii)(II) or (iv) of such paragraph (whichever is applicable) if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date, and

''(II) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (iii) of such paragraph if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

''(ii) REGULATORY AUTHORITY.—The Secretary may provide alternative methods for certification of a veteran as a qualified veteran described in clause (ii)(II), (iii), or (iv) of paragraph (3)(A), at the Secretary's discretion.''.

(d) EXTENSION OF CREDIT.—Subparagraph (B) of section 51(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) after—

''(i) December 31, 2012, in the case of a qualified veteran, and

''(ii) December 31, 2011, in the case of any other individual.''.

(e) CREDIT MADE AVAILABLE TO TAX-EXEMPT ORGANIZATIONS IN CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—Subsection (c) of section 52 of the Internal Revenue Code of 1986 is amended—

(A) by inserting ''(1) IN GENERAL.—'' before ''No credit'', and

(B) by adding at the end the following new paragraph:

''(2) CREDIT MADE AVAILABLE TO QUALIFIED TAX-EXEMPT ORGANIZATIONS EMPLOYING QUALIFIED VETERANS.—For credit against payroll taxes for employment of qualified veterans by qualified tax-exempt organizations, see section 3111(e).''.

(2) CREDIT ALLOWABLE.—Section 3111 of such Code is amended by adding at the end the following new subsection:

''(e) CREDIT FOR EMPLOYMENT OF QUALIFIED VETERANS.—

''(1) IN GENERAL.—If a qualified tax-exempt organization hires a qualified veteran with respect to whom a credit would be allowable under section 38 by reason of section 51 if the organization were not a qualified tax-exempt organization, then there shall be allowed as a credit against the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during the applicable period an amount equal to the credit determined under section 51 (after application of the modifications under paragraph (3)) with respect to wages paid to such qualified veteran during such period.

''(2) OVERALL LIMITATION.—The aggregate amount allowed as a credit under this subsection for all qualified veterans for any period with respect to which tax is imposed under subsection (a) shall not exceed the amount of the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during such period.

''(3) MODIFICATIONS.—For purposes of paragraph (1), section 51 shall be applied—

''(A) by substituting '26 percent' for '40 percent' in subsection (a) thereof,

''(B) by substituting '16.25 percent' for '25 percent' in subsection (i)(3)(A) thereof, and

''(C) by only taking into account wages paid to a qualified veteran for services in furtherance of the activities related to the purpose or function constituting the basis of the organization's exemption under section 501.

''(4) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to any qualified veteran, the 1-year period beginning with the day such qualified veteran begins work for the organization.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'qualified tax-exempt organization' means an employer that is an organization described in section 501(c) and exempt from taxation under section 501(a), and

''(B) the term 'qualified veteran' has meaning given such term by section 51(d)(3).''.

(3) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401)

amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary of the Treasury as being equal to the loss to that possession that would have occurred by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit in effect after the amendments made by this section.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—The credit allowed against United States income taxes for any taxable year under the amendments made by this section to section 51 of the Internal Revenue Code of 1986 to any person with respect to any qualified veteran shall be reduced by the amount of any credit (or other tax benefit described in paragraph (1)(B)) allowed to such person against income taxes imposed by the possession of the United States by reason of this subsection with respect to such qualified veteran for such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

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

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from credit provisions described in such section.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 262. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''May 31, 2015'' and inserting ''September 30, 2016''.

SEC. 263. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.''.

SEC. 264. EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.

Section 5317(g) of title 38, United States Code, is amended by striking ''September 30, 2011'' and inserting ''September 30, 2016''.

SEC. 265. MODIFICATION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS.

(a) IN GENERAL.—Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (iv), by striking ''November 18, 2011'' and inserting ''October 1, 2016'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016'';

(B) by striking clauses (ii) and (iii);

(C) by redesignating clause (iv) as clause (ii); and

(D) in clause (ii), as redesignated by subparagraph (C), by striking ''October 1, 2013'' and inserting ''October 1, 2016'';

(3) in subparagraph (C)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(4) in subparagraph (D)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

(1) November 18, 2011; or

(2) the date of the enactment of this Act.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

SEC. 301. ONE HUNDRED PERCENT LEVY FOR PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. 302. STUDY AND REPORT ON REDUCING THE AMOUNT OF THE TAX GAP OWED BY FEDERAL CONTRACTORS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury, or the Secretary's delegate, in consultation with the Director of the Office of Management and Budget and the heads of such other Federal agencies as the Secretary determines appropriate, shall conduct a study on ways to reduce the amount of Federal tax owed but not paid by persons submitting bids or proposals for the procurement of property or services by the Federal government.

(2) MATTERS STUDIED.—The study conducted under paragraph (1) shall include the following matters:

(A) An estimate of the amount of delinquent taxes owed by Federal contractors.

(B) The extent to which the requirement that persons submitting bids or proposals certify whether such persons have delinquent tax debts has—

(i) improved tax compliance; and

(ii) been a factor in Federal agency decisions not to enter into or renew contracts with such contractors.

(C) In cases in which Federal agencies continue to contract with persons who report having delinquent tax debt, the factors taken into consideration in awarding such contracts.

(D) The degree of the success of the Federal lien and levy system in recouping delinquent Federal taxes from Federal contractors.

(E) The number of persons who have been suspended or debarred because of a delinquent tax debt over the past 3 years.

(F) An estimate of the extent to which the subcontractors under Federal contracts have delinquent tax debt.

(G) The Federal agencies which have most frequently awarded contracts to persons notwithstanding any certification by such person that the person has delinquent tax debt.

(H) Recommendations on ways to better identify Federal contractors with delinquent tax debts.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate, a report on the study conducted under subsection (a), together with any legislative recommendations.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

SEC. 401. MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY.

(a) IN GENERAL.—Subparagraph (B) of section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) an amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) which is not included in gross income under section 86 for the taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(c) NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury, or the Secretary's delegate, shall annually estimate the impact that the amendments made by subsection (a) have on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury or the Secretary's delegate estimates that such amendments have a negative impact on the income and balances of such trust funds, the Secretary shall transfer, not less frequently than quarterly, from the general fund an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of such amendments.

TITLE V—BUDGETARY EFFECTS

SEC. 501. STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Ms. SNOWE. Mr. President, I would like to express my support for provisions contained within the amendment offered by Senator TESTER, as they will make critical strides in addressing the reality that far too many of our Nation's veterans are finding it difficult—if not impossible—to find work in the civilian job market after they leave military service. Senator TESTER's amendment is illustrative of how our Nation's government should work, as it contains ideas from both bodies of Congress, both Republicans and Democrats, and the executive branch.

Over the past year, I have been particularly pleased to support many of the concepts contained within this amendment in other forms. I joined Senator PATTY MURRAY, chair of the Veterans' Affairs Committee, in June by cosponsoring the Hiring Heroes Act, which is the source of a great number of the sections of this amendment. I am also gratified to see that this amendment contains the President's September proposal to offer tax credits to businesses that hire unemployed and disabled veterans. As I said then, providing tax incentives for these hires is an excellent means of fostering job creation—in this case, it has the added benefit of helping to address veteran unemployment rates.

Earlier this week, Secretary of Defense Leon Panetta held a roundtable on veteran unemployment in which he noted that today's newest veterans—the men and women who have risked their health and their very lives by serving in places like Iraq, Afghanistan, and other parts of the world—are ''the next greatest generation''' which have ''dedicated themselves to serving this country.''

On this point, Secretary Panetta could not be more correct. As a senior member of the Senate Select Committee on Intelligence, I have had no higher privilege than witnessing firsthand our exceptional servicemen and women on the frontlines in Afghanistan and Iraq. Their steadfast courage, leadership, and dedication ensures that our armed forces are second to none and the finest on the planet.

Yet despite their extraordinary commitment to this Nation, unparalleled technical and practical skills, and remarkable capabilities demonstrated under the most difficult conditions possible, too many of our Nation's veterans remain unemployed today.

Indeed, according to the Bureau of Labor Statistics' October 2011 report, post-9/11 veterans have had a particularly challenging time finding employment, with more than 12 percent of them currently unemployed. Not only is this number far too high, but it greatly exceeds the nation's unemployment level for nonveterans. Our youngest veterans—those between ages 18 and 24—are experiencing even greater difficulty finding jobs, with unemployment rates exceeding 20 percent.

For our veterans—and our Nation—such statistics are nothing less than a travesty. And that is why I so strongly support the efforts of this Chamber to lend a well-deserved helping hand to our veterans in their efforts to find employment. Indeed, when it comes to securing a job, is there any question that we all should be fighting for those who have so nobly fought for America?

The amendment before the Senate today is a crucial effort to do so. Some of its provisions will ensure that our servicemembers receive assistance in preparing for their transition to life as a civilian, looking for a job, and identifying good career options. Other provisions will establish a pioneering effort to identify equivalencies between the skills our servicemen and women develop in the military and the qualifications required for civilian employment. Still other sections will extend the opportunity for servicemembers and veterans to receive supplemental rehabilitation and vocational benefits, providing them additional time to prepare for the job market.

Efforts such as these are imperative in order to allow our veterans to prepare to be competitive in today's job market. Other items in this amendment, such as tax credits of up to $9,600 for each unemployed or disabled veteran hired by a business, offer further help by encouraging companies to give our veterans the chance they deserve to work.

As Secretary Panetta said at the recent roundtable, ''the best thing we could do to honor those that have served is to make sure that when they come back, they have some opportunity to be able to become a part of our society and not just wind up on the unemployment rolls.'' Striving to increase those opportunities is the absolute least we should do.

In that light, I strongly believe we should take all reasonable steps possible to provide our servicemembers and veterans with the training they need to make the transition into the civilian workforce. We should also do all we can to encourage companies to hire veterans returning from Iraq, Afghanistan and elsewhere around the world.

For these reasons, I am very pleased to see the Senate considering the Tester amendment today. At the same time, it is my practice to vote ''present'' on legislation which contains the potential or appearance of association with the private business activity of my spouse. As such, and in consultation with the Senate Select Committee on Ethics, I voted ''present'' in this particular instance, despite my overwhelming support for the vast majority of this amendment.

Mr. President, over the past year, I have been pleased to support many of the concepts contained in H.R. 674, as amended and passed by the Senate today. This June, I joined Senator PATTY MURRAY, chair of the Veterans' Affairs Committee, by cosponsoring the Hiring Heroes Act, which is the source of a great number of provisions in this bill intended to address the high unemployment rate of our Nation's veterans. This bill also now contains the President's proposal to offer tax credits to businesses that hire unemployed and disabled veterans—I have supported this proposal since the President announced it in September, and I continue to believe that providing tax incentives to businesses for hiring veterans is an excellent means of fostering job creation while helping to address veteran unemployment rates.

And of course, I could not be more pleased to have helped to author the repeal of the 3 percent withholding provision that is at the heart of H.R. 674. This provision will greatly aid small businesses that are hard-hit by current law requirements that withhold a portion of payments to contractors until they pay taxes on the earnings. By repealing this mandate, which threatens to overburden business owners and taxpayers alike, and stifle the economy at a time when we cannot afford any unnecessary obstacles in the road to recovery, H.R. 674 will help businesses, their owners, and their employees all over our Nation.

For these reasons, I was gratified to see the Senate pass H.R. 674 today. However, it is my practice to vote ''present'' on legislation which contains the potential or appearance of association with the private business activity of my spouse. As such, and in consultation with the Senate Select Committee on Ethics, I voted ''present'' in this particular instance, despite my overwhelming support for the vast majority of this bill.

VOTE EXPLANATION

● Mrs. HAGAN. Mr. President, I was unavoidably detained for rollcall vote No. 204, passage of H.R. 674 as amended. This legislation repeals the imposition of 3 percent withholding on certain payments made to vendors by government agencies. It also includes an amendment I supported to provide our veterans with greater job opportunities in today's difficult economy.

Had I been present for rollcall vote No. 204, I would have voted yea on final passage.●

The PRESIDING OFFICER. The majority leader.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2012—MOTION TO PROCEED

Mr. REID. Mr. President, the next vote will be on cloture on the motion to proceed to the energy and water appropriations bill. That will be the last vote of the day. There will be no votes on Friday or Monday. There will be debate on this measure on which in a few minutes we hope to invoke cloture on the motion to proceed. Debate will begin Monday afternoon. Senators FEINSTEIN and ALEXANDER are the managers of that bill. We will start that on Monday. There will be a vote Tuesday morning on a judge. So have a good

break, and we feel pretty good about the work we have gotten done this week.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 157, H.R. 2354, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes.

Harry Reid, Amy Klobuchar, Dianne Feinstein, Patrick J. Leahy, Richard J. Durbin, John F. Kerry, Charles E. Schumer, Al Franken, Tom Udall, Richard Blumenthal, Kirsten E. Gillibrand, Carl Levin, Jeff Merkley, Ron Wyden, Thomas R. Carper, Daniel K. Inouye, Benjamin L. Cardin.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2354, an act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), and the Senator from Alabama (Mr. SESSIONS).

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

The yeas and nays resulted—yeas 81, nays 14, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—81

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

NAYS—14

Coburn	Heller	Paul
Corker	Inhofe	Risch
Cornyn	Johanns	Rubio
Crapo	Johnson (WI)	Vitter
DeMint	Lee	

NOT VOTING—5

Hutchison	McCain	Sessions
Inouye	Nelson (FL)	

The PRESIDING OFFICER. On this vote, the yeas are 81, the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that after my remarks of no more than 12 minutes, that Senator COBURN be recognized for up to 15 minutes, and then Senator HARKIN be recognized.

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

OHIO'S ELECTION RESULTS

Mr. BROWN of Ohio. Madam President, on Tuesday, Ohio, my State, made history. Overwhelmingly, Ohio voters made a simple choice between what is right and what is wrong. They answered the question at the heart of any election: Whose side are you on?

Tuesday, Ohioans showed they stood with teachers and firefighters, with police officers and nurses and librarians, and other public workers and the middle class. They showed they want leaders focused on creating jobs rather than taking potshots at people who teach, who plow our roads, who guard our prisons, who teach our children, and who safeguard our public health. They showed they are ready to rebuild what was once a national consensus: that our Nation's strength is rooted in the strength of our middle class.

There used to be a consensus among educators and elected officials, community leaders, and business leaders that our economy is designed to build a strong middle class, to help people become part of that middle class. We used to see that consensus on Medicare and Pell grants, on civil rights and women's rights, on tax and economic policy, and we used to have that consensus on collective bargaining rights.

Rights earned at the bargaining table provide a path to the middle class for millions of workers who belong to unions and millions of workers who do not belong to unions. Collective bargaining is the tool we have had in this country for three-quarters of a century for labor and management relations in a democracy. Collective bargaining has helped minimize strikes and work stoppages because it allows a process where people sit down at a table, talk to one another, disagree, come to agreement, come to a consensus, a process to resolve disputes.

In Ohio, balanced budgets and collective bargaining have coexisted for nearly three decades. Collective bargaining not only strengthens middle-class jobs, it protects public health, and it protects community safety. During the passage of the legislation called S. 5 earlier this year, which was rammed through the legislature by the Republican Governor and the Republican majority in the House and Senate, even though a number of Republicans dissented on it, I had a roundtable in a church right on Capitol Square in Columbus.

A young teacher said to me from the Columbus suburbs: You know, when I sit at the bargaining table and bargain on behalf of my teachers, I do not just bargain for better wages and higher and better pensions and health care. She said: I also bargain for class size because I know my colleagues can teach better and students can learn better if class sizes are smaller.

Then a police officer said: When I bargain, I not only bargain for better wages, of course, and better benefits for my members, the Fraternal Order of Police, I also bargain for safety vests because it matters to me that the men and women who wear the badge work in the safest possible conditions.

But somewhere along the way we lost this consensus that we once had in this country. From what we have seen at statehouses across the country, you would think teachers and nurses, you would think sanitation workers and firefighters, you would think police officers and librarians caused the fiscal crisis and the budget deficit.

We hear Governors around the country, we hear Washington pundits talk about the privileged class of public sector workers. Now who is playing class warfare, when, in fact, they go after public workers to the point that I have heard young teachers tell me—and I have heard parents who have kids in college at Bowling Green or Akron U or University of Toledo or Xavier say: You know, my daughter or my son were going to be teachers. But I am not sure they want to be with the attacks that the Governor and conservative politicians have made against teachers.

So who are these privileged elite who have been attacked by conservative politicians? They are the people who clear snow off our streets. They are the people who run into burning buildings to save people and property. They are the people who teach our children. So let's be clear. It was recklessness on Wall Street that caused the financial crisis, not teachers, not librarians, not mental health counselors, not sanitation workers, not cafeteria workers at Mansfield Senior High. It is a crisis made worse by our Nation's economic tilt away from manufacturing.

Thirty years ago, more than 25 percent of the GDP in our country was in manufacturing. Only about 10 percent was financial services. That has almost flipped now. Financial services is about one-quarter of our GDP, and manufacturing is only 10 or 11 percent. You know what it has done in your home State of Missouri, Madam President, what this means for middle-class workers. We have moved far too much into

financial services because of government policy and far too much away from manufacturing.

States face budget crises because people do not have jobs—do not have these good-paying jobs and cannot pay taxes, so the revenue does not come. Yet instead of a balanced approach to State fiscal problems, we have had an ideologically motivated approach to destroy collective bargaining.

In the elections last year in my State, 1 year ago this week, there was a sweep, as there was in some other States, of Republicans all saying: Put us in office and we will fix this problem with all of the lost jobs. They won, in large part, because of lost jobs. That is what elections are about. Yet almost from the beginning, the Governor and the radicals in the legislature in my State did not do a lot about jobs. What they did a lot of was attacking collective bargaining rights. They attacked women's rights. They attacked voting rights.

That is not what we should be doing. We should be working together in job creation. They seem, in many ways, more interested in payback than in progress. That is not shared sacrifice. As the middle class didn't happen on its own, it will not unravel on its own either.

Tuesday, Ohioans took an important step in protecting the very rights of collective bargaining that people of all stripes in our country have enjoyed for 75, 80, 85 years. It is an important step in protecting the very collective bargaining right that created our middle class.

Our mission is to continue to build a strong middle class and help people become part of the middle class. It is about creating jobs and fairness. For too long there has been class warfare in this country, waged from the top, aimed at the middle class. When the wealthiest people in this country continue to do better and better, and the wide swath of people in the middle—70 to 90 percent—have barely had a pay increase in 10 years, you know that is what happened. They love to say that our side commits class warfare. What has happened is they have committed the class warfare, we are just pointing it out. The class warfare they have committed has been class warfare waged from the top and aimed at the middle class.

That is a big reason we have seen this decline in the middle class. Tuesday, this week, Ohio pushed back, and we will continue to do so because this Nation is exceptional, because of our continued struggle to form a more perfect union, where opportunity grows and expands for all. It is not restricted to a privileged few. We do so because we are a nation and my State is a State that speaks more loudly and fights harder and stands up for the dignity and the honor of fair play.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent that following Senator HARKIN, the Senator from Georgia, Mr. ISAKSON, be recognized.

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

MEDICARE AND YOU

Mr. COBURN. Mr. President, myself and Senator BARRASSO are two of the three doctors in the Senate. Both of us have practiced for over 25 years. We have put out several reports. Every year, Medicare recipients receive a message from Medicare, called ''Medicare and You.'' What we thought we would do is come to the floor and tell our colleagues, as well as the American people, that we also put out a ''Medicare and You'' report. There is a lot that wasn't in the ''Medicare and You'' report this year.

I ask unanimous consent to have a colloquy between myself and the Senator from Wyoming, Dr. BARRASSO, as to what we are reporting in our Medicare and You statement.

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

Mr. COBURN. This booklet, which will be available on coburn.senate.gov and barrasso.senate.gov to every Medicare patient out there, explains what has actually happened to Medicare in the last year and a half. It explains that $530 billion has been cut out of Medicare. It explains the physician reimbursement cuts were not addressed when we addressed health care and, consequently, a 27-percent cut is coming if Congress doesn't change that.

It explains that Medicare Advantage—both the options and the number of people eligible for that—has been taken away by the Affordable Care Act. It explains that the CLASS Act was put in to save money, but it won't, and it has now been abandoned by the administration. The fact is there is an independent payment advisory board, whose sole purpose is to cut payments for Medicare procedures and supplies and drugs to save money—even when that will instigate the loss of available drugs.

Finally, it creates a $10 billion trust fund for an innovation center that is a smokescreen for a rationing board very similar to the IPAB.

I want Dr. BARRASSO to go over the Medicare cuts now, if he will.

Mr. BARRASSO. Mr. President, I congratulate and thank Dr. COBURN for his significant leadership in this area. Medicare patients all across the country are getting a thick book—150 pages or so. In Wyoming, it is about 150 pages, and it is called ''Medicare and You, 2012.''

Under Dr. COBURN's leadership, we have prepared a report, also called ''Medicare and You, 2012,'' but it is, as I do week after week, a second opinion about the big book people are getting at home. The cover is quite distinct from the book that goes to other Medicare patients around the country, because this starts by saying ''Your Medicare Program was cut $530 billion by President Obama's controversial health care law and used for a brand new program for someone else.''

That is the fundamental problem here. When we talk about Medicare, we think of our parents and others, and I think of so many of my patients on Medicare. We need to strengthen Medicare. What this administration did by taking $530 billion from the health care law has not strengthened Medicare; it devastated Medicare and our seniors on Medicare to the point where the Medicare Actuary said the funding will be exhausted by 2016—5 years from now. We go through that in this report.

My concern is that my patients and Dr. COBURN's patients will see their health care impacted by a denial of care, by care being refused because of the limitations within the law and the significant impact on physicians, hospitals, nursing homes, hospices, and home health agencies, which are a lifeblood for seniors, all as a result of what we have seen passed and signed into law by this President.

It is interesting, because we recently heard from the Senator from Ohio, who talked about the vote in Ohio on Tuesday. What was not brought up is that there was another ballot initiative specifically related to the Obama health care law. Those same people he was praising so much also voted by 2 to 1—a margin of over a million voters—that they did not want the Obama health care mandate to apply to them. This is no surprise, and the popularity of this health care plan has continued to fall ever since it was signed into law.

I ask my colleague, Dr. COBURN, about some of the issues that will impact not just the patients through the payment mechanism but their ability to see a doctor under this Medicare change.

Mr. COBURN. The other thing Medicare recipients should recognize is that under the laws as previously set, the reimbursement for your physician in January is scheduled to decline 27 percent. When I talk to seniors in the State of Oklahoma, one of the No. 1 problems that somebody turning 65 has is now finding that physician who will care for them under the Medicare payment guidelines. What was never spoken of was the fact that there was no fix in the health care bill for the very real need to attract more physicians into caring for seniors.

As we have seen, Congress may or may not fix that—it is $300 billion to fix that. That is the cost of it. Whether we fix it or not, the fact is we are playing with the access of Medicare patients to care. Denied access is denied care.

If you live in a community much like mine where no new doctors have been coming in because there is a shortage of primary care doctors, and those who do come in will not take the lower reimbursement for Medicare because they cannot afford to, it may mean that you have to drive 70 miles to get that care. That is not access, and it is

not health care. It means you don't have available health care because the government runs the program so poorly.

Let me finish up, since we don't want to go over our time. The other thing I want to talk about for a minute is this innovation center. In the health care law, we set aside a $10 billion slush fund for innovation in payment and procedures for Medicare patients. We are going to be spending $10 billion to figure out how to pay for it more cheaply and limit the combinations, or increase the combinations of combining these things so that the reimbursements are less.

First of all, I don't understand why it is going to take $10 billion, but it is a slush fund. No. 2 is that if you don't like the results of that, there is nothing we can do about it except reverse the Affordable Care Act, Obamacare. No. 2, you can't sue. You have no injunctive relief. You have no opportunity to express your desire in a court of law or through an administrative procedure to challenge their elimination of paying for certain procedures that may in fact save the country money but may in fact also hurt the very patients who are on Medicare.

We have this fund that we cannot find out anything about; no rules have been put out on it, and we cannot find the details of it. Yet, we know what the purpose of the fund is. It is like the IPAB fund. It is designed to ration the care that seniors need to control the cost of Medicare.

What do we know about Medicare? One dollar of every three dollars spent on Medicare doesn't help anybody get well and doesn't keep anybody from getting sick. The reason it doesn't work is because of the government's mandate—we have all these stories about shortages of drugs. The reason there are shortages of drugs in our country is because Medicare has mandated prices 90 percent of the time so low that we only have one supplier. Some of them either have a technical problem or have decided to stop making a drug that is critical to our seniors because we have a price control bureaucracy.

There are large problems with the Medicare law. They need to be recognized and addressed. They need to be fixed, and the last thing we ought to do is spend $10 billion figuring out how not to get somebody treatment, or lessen the availability of treatment through the innovation council.

I yield the rest of my time to the Senator from Wyoming.

Mr. BARRASSO. We have talked about this. There is a program that his patients and mine have enjoyed, called Medicare Advantage, and there is an advantage for patients signing up for that program. About one in four Americans on Medicare signs up for Medicare Advantage. The advantages of this program are that it coordinates care, works with preventive care. Yet, the President has targeted that for elimination. By 2017, half of the people on this program, who say they like and have it, will no longer be eligible to participate in it because of this health care law. We explain that to the American people in our second opinion on ''Medicare and You.''

Finally, Dr. COBURN talked about the IPAB, the Independent Payment Board. It is a rationing board to me, a board designed to deny and refuse care. These are unelected bureaucrats. They don't need to have a medical background or don't necessarily need to see patients. It is specifically related to cutting the amount of money that is paid for patients to have procedures, to see physicians, and to get the care they need, which is why there is great concern throughout this country and why the President's health care law becomes more unpopular every day.

Mr. COBURN. If the Senator will yield for a moment, one of the reasons our cancer cure rates are a third better than England is because we don't have an IPAB and they do. The No. 1 reason survival rates from cancer in England are lower is because treatments are denied by their IPAB for the best treatments, which will save more people's lives at the best price. That is something that should not be discounted.

I yield the floor.

Mr. BARRASSO. This health care law continues to be bad for patients, for providers, for the doctors who take care of them, and it is bad for the taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

EDUCATION

Mr. HARKIN. Madam President, I would like to take this opportunity to talk about a bipartisan bill that was recently passed out of the Health, Education, Labor and Pensions Committee, the HELP Committee, which I chair and of which Senator MIKE ENZI of Wyoming is the ranking member. This bipartisan bill reauthorizes the Elementary and Secondary Education Act of 1965 and would replace its current iteration, which everyone knows by the title of ''No Child Left Behind.'' I want to start with a few words about the Federal role in education in this country since ESEA is a key part of that role.

While it is certainly true education is primarily a State and local function, the Federal Government does play an important role, and a well-educated citizenry is clearly in the national interest. A central Federal role is to ensure all Americans, regardless of race, gender, national origin, religion, or disability, have the same equal opportunity to a good education as any other American citizen.

Likewise, the Constitution expressly states that our National Government was formed specifically to ''promote the general welfare, and secure the blessings of liberty.'' The general welfare, I submit, is greatly in danger when the populace is not adequately educated, and education is critical to liberty. As Frederick Douglass so eloquently noted, education ''means emancipation. It means light and liberty.''

It is no surprise that the Northwest Ordinance of 1787 expressly stated that ''schools and the means of education shall be forever encouraged.'' That law encouraged new territories to establish schools.

The Federal Government also encouraged States to establish public colleges and universities through the Morrill Act of 1862, which started the whole land grant college movement.

Moving into the 20th century, the Servicemen's Readjustment Act, known as the GI bill, provided grants to World War II veterans to pursue a college education.

In 1954, the Supreme Court struck down laws endorsing racial segregation in public schools.

In 1958, Congress authorized the National Defense Education Act, the first Federal loan program to students for higher education. That was one I borrowed money from when I went to Iowa State University.

That was followed by the Higher Education Act of 1965 and the Federal Pell grants enacted in 1972.

The Elementary and Secondary Education Act was passed in 1965 and provided aid to States and school districts to improve education for children from low-income families.

In 1975, Congress passed the Education for All Handicapped Children Act, which later became the Individuals with Disabilities Education Act, which was to assist States and districts in educating children with disabilities.

In 1994, Congress passed the Goals 2000: Educate America Act and the Improving America's Schools Act.

In 2001, Congress passed the No Child Left Behind Act, which went even further in terms of what was required of schools to receive Federal funds.

I go through all this so you can see that the Federal role in education spans over 200 years, and its primary objective has always been to increase educational opportunity and to enhance educational attainment. This context is important to any discussion about the reauthorization of the Elementary and Secondary Education Act.

The original goal of ESEA was to provide resources to the schools with the most disadvantaged students. This funding was needed because many States and districts use education funding formulas that provide fewer resources to high-poverty schools. Again, when anyone wants to talk about this, I say go back and read Jonathan Kozol's book entitled ''Savage Inequalities,'' written in the mid-1980s, in which he pointed out the gross inequality in our schools in America depending upon your ZIP Code—depending upon where you lived. We knew from that time that educating poor students actually requires more resources, not fewer, and title I was our attempt to

create a better, more equitable education system. Title I of ESEA has never fully realized that goal, but it has served as a significant source of funding to our most impoverished schools, leading to more educational opportunity for low-income students over the last 40 years.

In the early 1990s, a national consensus emerged around the idea that for the United States to remain competitive in the world economy, our education system needed significant improvements. Foremost among these was the movement for a ''standards-based reform.'' That was the idea that statewide academic standards and assessments aligned with those standards were a key lever for ensuring that all students received a good education. To that end, the 1994 reauthorization of ESEA required that States have one educational accountability system for all students, including racial and ethnic minorities, students with disabilities, and English-language learners. Along with Goals 2000, it required that States put in place standards and assessments so that we would actually know how students were doing.

During the next reauthorization—that was the No Child Left Behind Act in 2001—lawmakers felt compelled to be more prescriptive with States to ensure they improved their low-performing schools and focused on closing pernicious student achievement gaps. Therefore, NCLB, as it is known, defined ''adequate yearly progress'' for schools and districts. It required districts to implement public school choice, supplemental educational services in schools, and it set aside 20 percent of their title I funds for these activities. It also included a list of rigorous interventions for schools in corrective action and an additional category of ''restructuring'' for the most chronically low-performing schools with even more severe consequences attached.

What was the result of this more heavyhanded and prescriptive version of ESEA? Well, ''The Proficiency Illusion,'' a 2007 report by the Fordham Institute, found that State definitions of student proficiency varied erratically, and comparisons across the States were not valid.

A new term was coined in education. It was called the hockey stick. In reaction to the 2014 proficiency deadline that schools were to meet, what happened is that States backloaded the student gains needed to reach this goal. So it kind of came in the shape of a hockey stick lying on its side. So it was at a low level, and then all of a sudden, in the last 2 or 3 years, all of these proficiency standards would have to be met. That is why so many more schools are now failing to make adequate yearly progress across the country as we approach 2014. The slope gets steeper, and it gets tougher for them to make that yearly progress.

Another thing happened. Districts responded to the new restructuring category by choosing the least prescriptive—and some would say the weakest—option. In effect, districts could do as much or as little as they wanted in these severely underperforming schools.

Lastly, the No Child Left Behind law drove a critical transparency and focus on the performance of student subgroups—which was good, but its prescriptiveness also led to a culture of compliance and not innovation. So they would comply, but nothing would be done to change the system.

Given this history, we must now ask what the next reauthorization of ESEA should look like. Should the Federal Government come down harder on States and districts, be more prescriptive, more punitive?

I strongly believe that we must maintain a robust Federal role. In looking at the most recent national assessment of educational progress—also called NAEP—scores, we see that more than 50 percent of the students who are eligible for free or reduced lunch—read that as ''poor kids,'' OK?—scored ''below basic'' on the fourth grade reading assessment, as compared to only 17 percent of students who were not eligible for free or reduced-price lunches. Fifty percent of the poor kids read ''below basic,'' compared to only 17 percent of kids who were not poor. On the eighth grade mathematics assessment, almost half—49 percent—of African-American students scored ''below basic.'' Got that? On eighth grade math, 49 percent of African-American students scored ''below basic,'' as compared to only 16 percent of White students.

Madam President, we believe in equal opportunity in this country, but you cannot have equality of opportunity when you have inequality of education. Our economy, our ethics, and our commitment to equal opportunity all demand that the Federal Government continue to have a strong role in ensuring an educated citizenry. But just as the Federal role has evolved from Federal land grants to student Pell grants, we must be willing to shift to new approaches when the old ones aren't working.

I do not believe No Child Left Behind is the pinnacle of Federal education laws. I believe we can and must do better. Our bipartisan bill follows a different course, one of a more strategic partnership—partnership—with States and districts within Federal guidelines or Federal parameters.

In making this move, it is important to note that States have stepped up to the standards and accountability plate in recent years.

In 2009, the Common Core State Standards Initiative was launched, a State-led effort to develop high-quality standards that are common across State lines. Thus far, 46 States and the District of Columbia have adopted the English language arts standards, and 45 States have adopted the math standards.

In 2011, the Council of Chief State School Officers released its accountability principles for next-generation accountability systems, now endorsed by 45 States. These principles include setting performance goals for all schools and districts aligned to college- and career-ready standards; measuring student outcomes based on status and growth; differentiating between schools and districts and providing supports and interventions; and targeting the lowest performing schools for significant interventions. States committed through these principles to doing deeper diagnostic reviews as appropriate—looking at more than just student test scores and high school graduation rates—to better link accountability determinations to meaningful supports and interventions.

This is all being done by the States. So these commitments by the States have led me to believe we may be entering an era in which the Federal Government can work in partnership with States to improve our Nation's schools, while continuing to provide a backstop to avoid returning to old ways of discrimination and exclusions. I think that is what the bipartisan bill passed by the HELP Committee last month does.

This bill, in many ways, resembles the ESEA blueprint released by Secretary Duncan almost 2 years ago. Our bill gets rid of AYP—the annual yearly progress—but it sets Federal parameters for State-designed accountability systems, which they are already doing. They are doing that on their own. These systems must cover all students, including students with disabilities and English-language learners; they must continue to measure and report on the performance of all schools; they must expect continuous improvement for all schools and subgroups of students; and they must provide for interventions in low-performing schools or schools with low-achieving student subgroups.

State accountability plans are also subject to peer review and approval by the Secretary of Education—an important safeguard on the quality and integrity of these systems. In short, we do not want to have a race-to-the-bottom type of system where States race to the bottom to see who has to do the least to meet these quality improvements.

The HELP Committee's bill also sets the high bar of having students graduate from high school college- and career-ready. It also tightens the Federal focus on turning around persistently low-achieving schools—the bottom 5 percent—and our Nation's dropout factories—those high schools that graduate less than 60 percent of their students—less than 60 percent of their students.

We focus on those schools with significant student achievement gaps. What I mean by that is sometimes you might have very good schools by all appearances—all the test scores are great, they graduate a lot of students—

but there are subgroups there—usually students of color, English-language learners, students with disabilities—who aren't receiving the proper type of education. But because the rest of the school looks so good, they are sort of not seen. They are sort of invisible. These are the achievement-gap schools which we have focused on and which, I might add, States have already said they are going to focus on too.

Our bill takes the significant step of closing the comparability loophole so that funds provided through title I ESEA will finally serve as additional dollars—not replacement but additional dollars—for our neediest students. And title I schools will get their fair share of Federal resources.

It also provides districts with more flexibility in how States and districts spend their Federal funds while ensuring that the resources designated to serve our most disadvantaged students get to those students. The bill incentivizes the development of rigorous and fair teacher and principal evaluation systems. We don't mandate it, but we do incentivize teacher and principal evaluation systems, and it provides these critical school staff with the support they need to continually improve teaching and learning.

The bill also leverages opportunities for more children to access high-quality early learning programs and adds new protections for some of our most vulnerable children—homeless kids and students in foster care—so they can be better served by schools.

Our bill strategically consolidates programs and focuses grant funds on a smaller number of programs to allow for greater flexibility. It invests in effective programs to train and support principals and teachers for high-need schools. It fosters innovation through new programs such as Race to the Top, Investing in Innovation, and Promise Neighborhoods.

So as I have said many times over the past few years, I believe this is a good bill. I am proud of our efforts. The bill is the result of many months of bipartisan negotiation and, as such it is a carefully crafted compromise. It does not contain everything I want, nor does it contain everything Senator ENZI wanted. I said the other day: This is not my bill and this is not Senator ENZI's bill, but it is our bill—and I don't mean just the two of us, but I mean our committee bill. It is, as currently written, a bill that moves us forward beyond the punitive nature of No Child Left Behind.

Last, I want to make clear that as this process moves forward, I believe it is crucial that we maintain the integrity and balance of this bipartisan compromise. We owe it to our kids and our Nation to produce a strong bill that will actually move the needle in improving our educational system. That will be the barometer that will guide me as this process moves forward.

To that end, I would note that, historically, education policy has been done in a bipartisan fashion, and I believe the House must also maintain that approach. Without a bipartisan bill coming out of the House, I believe it would be difficult to find a path forward that will draw the support we need from both sides of the aisle to be able to send a final bill to the President that he can sign. Here in the Senate we have demonstrated it is possible to reach bipartisan consensus on ESEA. We all need to work together in a bipartisan way to replace No Child Left Behind with this new and better law.

With the reauthorization of ESEA, we are on the brink of change, and change many times is difficult. But we must work together to move from a culture of minimal compliance with Federal requirements to one of shared innovation, shared responsibility, and success for students. I look forward to working toward this new partnership and to the next chapter of an effective Federal role in promoting educational excellence and equity.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

VETERANS DAY

Mr. ISAKSON. Madam President, tomorrow I will join with what I hope will be every American in paying tribute to our veterans who have served us over 200 years to protect the liberty, the freedom, and the peace that all of us enjoy—our veterans from the Revolutionary War, veterans who created this great Republic, to our veterans who serve today in Afghanistan and the war on terror.

In the history of our country, every generation has been called at a time of trouble, and in America's good fortune every generation has responded. There are significant dates in the history of our country that remind us of the great military victories that we have had and the great sacrifices our soldiers have made: December 7, 1941, the terrible attack on Pearl Harbor; June 6, 1944, when Americans bravely stormed Omaha Beach and began the invasion of Europe which ran out Nazi Germany. We all remember, with horror and with terror, 9/11/2001 when New York, Washington, and all of America and all peace-loving people were attacked by al-Qaida, and just a few days later, September 20, when we began and initiated our effort to go after al-Qaida wherever it was, and now recognizing, a little over 10 years later, terrorists have been disrupted, bin Laden has been killed, and America and the world are a safer place.

In the financial and economic history of our country, there have also been significant dates which we should remember and significant responses which we also should recognize: the tragedy of October 1929 when the market crashed and the Great Depression began, the difficulty of Black Friday in 1987 when the markets had a terrible crash. Those were all memorable times, and we hated to see our financial and economic stability upset.

Well, there is another critical day coming in America's history, and it is coming 13 days from today on November 23, 2011, when the select committee we in this Senate and the Members of the House created to address our troubles economically in this country, which are rooted in our spending, rooted in our tax system, and rooted in our entitlement system—the select committee is to come back with at least $1.2 trillion in cuts, revenue increases, or reform of entitlements over a 10-year period of time, to be matched with the $900 billion that we cut in August to, hopefully, get us on some type of a track that will be a sustainable recovery in getting our balance back in line. But there is fear that a deal will not be reached, and that is a failure that is not an option, in my judgment.

Yesterday, there was an offer put on the table that involved revenues, involved the reform of entitlements, and involved spending cuts put on the table to begin the discussion to find common ground to have $1.2 trillion or more in cuts. Unfortunately, as I understand it, the conversation ended, and they are not back at the table yet, and there are 13 days left to go.

As just one Member of the Senate, but as the father of three and grandfather to nine, someone who has lived in this country almost 67 years, I implore my colleagues on the select committee, and all of us in the Senate, to be supportive of their effort to get back to the table, to put all issues back on the table, and understand that failure is not an option.

Today in Greece, in Italy, in Spain, and in the European Union there is great fear. There is a search for leadership in those that can control their debt, control their entitlements, and control their spending.

America, as it led on D-day on June 6, 1944, as it led in the battle against al-Qaida and terrorists, must lead economically at this time more than ever. It is time for us to put forward a plan that gives us a chance to recover our economy over time, lower our debt and our deficit over time, and reduce our spending over time. It is not an instant, 1-day cure that we seek, but it is an amortization of our liabilities to get our leverage down and our hopes and our prosperity up.

So as one Member of the Senate, I implore our members of the select committee to come back to the table, to put every issue on the table, to forthrightly discuss them, and understand that November 23, 2011, is going to be a historic day in this country—historic because we found a solution and began a process or historic because we as Americans for the first time looked the other way.

As one Member of the Senate, I don't want to look the other way. I want to look my constituents square in the eye and say that I was willing to look at spending; I was willing to look at entitlement reform; I was willing to look at revenues.

I am willing to find a path forward so America can remain in the future what it always has been; that is, a beacon of economic security in a troubled world.

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. CARDIN. 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. CARDIN. I ask unanimous consent to speak as in morning business.

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

VETERANS DAY

Mr. CARDIN. Madam President, tomorrow, Veterans Day, our Nation will pay our respect and honor to the men and women who have served in our military.

I know we say this frequently, but every day we should honor the men and women who have served our Nation in uniform. Every day we should have in our thoughts and prayers those who are currently in harm's way defending America's freedom. We want to make sure we do everything we can to make sure they have the support of this Nation to complete their mission safely and return to their families safely.

So I take this time to express the appreciation of this Senator, on behalf of the people of Maryland, to the men and women who have served our Nation, who are our veterans, their families, and those who are currently serving our Nation in the military service. They have defended this Nation and the freedoms we enjoy today from our traditional threats from hostile countries to our current threats that come from extremists and terrorists. Our men and women in our Armed Forces have served our Nation very proudly.

We need to show our appreciation by words and deeds, and I know I speak for the Members of this body that we need to make sure we provide the very best in health care to those who are returning from Iraq and Afghanistan and to those who have served our Nation. I have visited and seen firsthand our soldiers who have returned and how they are being treated, and I tell you we need to keep up this commitment.

I compliment my friend, Congressman RUPPERSBERGER, my colleague from Maryland, who started a program known as Miles for Heroes, where soldiers who were returning home would come into BWI Airport and Baltimore, but for them to get to their homes they had to purchase their own tickets in order to see their families. In many cases, our soldiers who returned home for treatment, their families could not afford to travel to visit them in the medical facility.

Congressman RUPPERSBERGER introduced a proposal where they could use frequent flier miles and donate that so our soldiers and their families could get airline tickets to see each other. It has been extremely successful. We celebrated an anniversary of that not too long ago at the BWI Airport.

I mention that because I have filed S. 1776 to extend this program to hotel miles so families can not only have the transportation costs to visit their wounded warriors but also have a place to stay. I think that makes abundant sense, and I hope we will be able to act on that. To me, this is what we should be doing on Veterans Day, not only again showing our words but also showing our deeds.

When I was at Baltimore Washington International Airport, I had a chance to visit the returning soldiers, literally just coming home from Afghanistan and Iraq. It was an incredible experience to see their faces as they reunited with their families, having served this Nation in combat. But there was also concern on some of their faces because they do not know whether they are going to have a job to return to once they return to the work place. We took some steps to help them today in that regard by the passage of a bill that will provide incentives for employers to provide employment for our veterans returning home from Afghanistan and Iraq. That is exactly what we should be doing, showing our support for our veterans.

I wished to take this time to pay respect and to honor those who serve in our military. Tomorrow, on November 11, at 11 o'clock in the morning, I will be at Cheltenham at the veterans cemetery for a commemoration where we will pay honor to all the men and women who have served our Nation, and I will then express, on behalf of the people of Maryland and the people of this Nation, our gratitude for preserving our way of life and being a beacon of hope for freedom-loving people around the world.

CROSS-BORDER AIR POLLUTION

Madam President, earlier today we rejected the resolution by Senator PAUL that would have undone the cross-state air pollution standards. I voted against that resolution. I wish to compliment my colleagues for the strong bipartisan vote that rejected the resolution that would have prevented this regulation from going into effect. I wish to share with my colleagues some of my reasons.

This is a matter of a sense of fairness. Let me talk for a moment about Maryland. Maryland has done all it can to protect the health of its citizens with some of the most stringent clean air standards in the Nation. We have done that. We have enacted those standards. We have implemented those standards. But here is the problem: 50 percent of the smog that comes into Maryland that affects the health of Marylanders comes in from other States. Maryland can do everything it can to prevent the air pollution in our State, but it is coming in from other States, affecting the health of our citizens.

We have 140,000 Maryland children who suffer from asthma. Dirty air makes it difficult for these children to have a productive day in school. We have workers who cannot work on bad air days. It is critically important that we move forward with sensible cross-State air pollution standards. That is exactly what the Obama administration brought forward. Thanks to the vote in the Senate, those regulations will be able to go forward.

I wish to dispel another myth. Some say we cannot have clean air and job growth. We cannot have a clean environment. We have to choose between jobs and the environment. I tell you, we need to have a clean environment in order to get the type of job growth we want. I can give the number of people who lose days from work as a result of poor air quality and the effect it has on their health. I can talk about the productivity in the workplace as a result of illness that is generated because of dirty air. All that has absolutely been documented by our scientists. They can demonstrate that. But let me talk a little bit about concrete jobs in the Maryland example.

In 2007, the Maryland legislature implemented the toughest powerplant emission laws on the east coast of the United States. They used 2002 as a baseline and they reduced SO_X emissions by 80 percent by this year. They reduce NO_X emissions by 75 percent by next year. It will reduce mercury emissions by 90 percent by 2013. These are the major air pollutants we are aimed at reducing. Maryland has done that.

What impact has that had on our economy? Two thousand skilled construction worker jobs were created as a result of the investment that was made in clean air. We now have Brandon Shores, one of the cleanest coal-burning powerplants in the country. That is the legacy Maryland has given us. We have created jobs and have done what we can for clean air to help our children and help our community.

As I said earlier, there is very little more that Maryland can do. We have to rely now on the help of other States. It is for that reason that we have seen utilities that are supporting us. Constellation Energy, Excelon, PG&E have supported reasonable standards for air quality, and they recognize it is the right thing to do to have these standards apply to all States because pollution knows no State border.

I was encouraged by the vote we had on this issue. It was a vote for healthy air for our children, for jobs for our construction industry, and a stronger economy for America's future.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Illinois.

Mr. KIRK. Madam President, I wish to follow the remarks of my colleague in a colloquy, briefly, saying I agree with him which is why I voted to support restrictions on cross-State air pollution. Certainly coming from Maryland, I understand that one State can

pollute another, especially given the prevailing westerly winds. But even in the State of Illinois we estimate that the rule will reduce pollution in Chicagoland by 7 to 13 percent and in high-ozone time, the highest pollution, 24 percent.

We have also seen quite a number of our powerplants already reengineer their plants to control pollution, expecting this regulation which, by the way, comes from the Bush administration, the initial legislation, and pursuant to a Federal court order.

I commend my colleague and say there is bipartisan agreement that we control cross-State pollution. This rule, by the data that was provided by the Congressional Research Service, has a significant amount of benefit in reducing particulate matter that would be in the State of Illinois and especially Eastern States.

Mr. CARDIN. If my colleague will yield, we had a strong bipartisan vote on the floor on this issue. He is exactly right. All States in this country will benefit from it. Illinois is a State that also receives pollution from other States. Pollution does not know a State line. We cannot stop the air from traveling. I think my colleague is exactly right. This was not just the east coast. It happens to be at the tailpipe, as we say it, of the pollution in America, but the Midwest is very much impacted and this regulation will help the health of the people of the Midwest and throughout the country.

I thank my colleague for his comments.

HONORING OUR VETERANS

Mr. KIRK. I actually rose to speak on several other topics which I will do in turn. First, I wish to say tomorrow we are going to honor generations of veterans who wore the uniform of the United States. As a Member of the House, I worked to help save my congressional district's veterans hospital in north Chicago, IL, after Washington bureaucrats recommended its closure by the Department of Defense, by the Department of Veterans Affairs.

We actually arranged to bring the Department of Defense and the VA together in a naval hospital and a VA hospital, to combine them in what became the Captain James A. Lovell Federal Health Care Center, building on synergy and seamless care for Active Duty and veterans alike. It became the first combined VA-Navy hospital in the Nation. It is a world-class facility that delivers medical care to about 4,000 Active Duty at Great Lakes and about 42,000 recruits and a equivalent number of veterans in the region.

I like to think about the waiting room of this hospital in which grizzled veterans from—one I remember meeting from the battle of Savo Island, 1942, World War II right next to the rawest new recruits to the Navy, in the same waiting room about to receive care from the same nurses and doctors at this now combined Navy-VA hospital.

In the Senate, I became the new ranking member of the Military Construction and VA Affairs Appropriations Subcommittee. Now we are going to see if we can expand this model of care, not just to one part of northern Illinois but to the country. We should go to the next level, not just integrating one set of hospitals but for the whole country.

Here, the greatest potential is in medical records. It should be the policy of this Congress, the Appropriations Committee and our subcommittee, that we create in the end one military VA health record so there is a seamless continuum of care for the men and women who have joined to protect our country from the first day they sign up as a recruit until their sunset years as a veteran.

I shared a draft of this speech with the chairman of our subcommittee, Chairman JOHNSON, and also Chairman CULBERSON of the House subcommittee, and the administration, to hopefully drive consensus in the House and Senate forward on this issue. I think we all now agree there should be more Defense Department and VA collaboration on health care but especially focused on health records.

With Chairman JOHNSON, we held a March hearing on the progress of moving forward to a military veteran—what is called—fully integrated electronic health record or IEHR. The system will provide servicemembers with a single medical record from their enlistment through their final days as a veteran. I wish to applaud Secretary Shinseki, Secretary Gates, and Secretary Panetta, his successor, for pushing the very separate Department of Defense and VA bureaucracies into a single common record system. The integrated health record developed jointly by VA and DOD is a very large and necessary IT project. It will encompass quite a lot of effort to be caring for around 15 million servicemembers, veterans, and eligible families each year.

For more than 20 years, these two executive departments built entirely separate health care systems, but the taxpayer did pay for both. A 20-year marine leaving Active-Duty health care would then, potentially, today, have three separate health care records—a military one, a veterans record, and a civilian care record through TRICARE. This meant that information on medical treatment or service-connected disabilities could easily be split between these records. VA doctors or VA benefits personnel would not have the complete information in assessing care for this American in uniform or just out of uniform.

The new system will hopefully eliminate paper records, missing files, and replace them all with a common record, complete with Active-Duty medical history that the VA medical care providers can access in all hospitals and clinics throughout the country.

A project of this magnitude, 6 years of work, several hundred million dollars in expense, is not without risk. It is our responsibility to make sure both departments, DOD and VA, make the right cost-effective decisions to defend the hard-working taxpayer. In past years, normal practice inside Washington would be to give a project such as this to a massive government contractor that would hijack it into an unwieldy and proprietary system which rapidly became outdated, with technology that was only licensed to that contractor. In the Congress we cannot let that happen with this project. In times of physical austerity it is critical that the government work carefully with Chairman JOHNSON in the Senate and Chairman CULBERSON in the House to look beyond their own walls to cooperate and innovate and deliver more efficient and effective services.

It is imperative that VA and DOD ensure that it gets this right and not replicate problems associated with past developments of so many large IT systems. One of the most positive developments is the joint VA-DOD approach that will embrace best commercial practices by leveraging technology already used in the private sector through commercial off-the-shelf systems, and especially open-source coding so that the electronic health record can be billed at the lowest cost. This will ensure that the new system will benefit from innovative and new solutions being used by major medical systems and health care providers across the country.

An open source—that is an open computer-code approach—will, most importantly, prevent us, the government, from being locked into one single vendor. Instead the approach will allow not only innovation but will require a private firm to integrate their technology into the joint VA-DOD system. It will also encourage real competition as every vendor bidding on a new contract will have full, public access to the product completed by the previous vendor. This approach should ensure that the taxpayer is defended, that their dollars are well spent, and that servicemembers and veterans are well served by the system that we then develop.

I commend the VA and DOD on their willingness to break down the walls between their respective departments and work together on this project, especially on the eve of Veterans Day. If successful, this approach could serve as a model for cooperation between other government agencies serving similar communities, making the government smarter and leveraging private sector innovation and developing cost-saving technologies—like open source coding, like commercial off-the-shelf requirements—which is exactly the mindset we need to embrace in the cost-conscious environment we are in today.

In closing, I want to, once again, thank Secretary of Veterans Affairs Shinseki, our previous Secretary of Defense Gates, and our current Secretary of Defense Panetta for their vision in bringing this tough problem together. I

will tell each one of these Cabinet Departments that Chairman CULBERSON and I are looking forward, in about 2½ months' time, to meeting with their teams to assess the project and progress on developing a fully integrated, complete joint DOD and then VA health record to care for that American from the time they enlist until their final days as a veteran.

HIRING VETERANS

On November 11, 1919, exactly 1 year after the end of World War I, President Wilson designated Armistice Day to honor those who served during the great war. In 1954, Congress changed the name of the holiday to honor the service of all men and women in uniform that we now know as Veterans Day. For the last 22 years, it has been the honor of my life to serve in the U.S. Navy Reserve. I have seen firsthand the sacrifice of men and women who wore the uniform and, quite frankly, provided the freedoms that we enjoy as Americans.

This week we remember those who sacrificed everything in the defense of our Nation, and I am proud to support legislation that provides a new employment opportunity for those veterans. The VOW to Hire Heroes Act of 2011 is bipartisan legislation that the Senate has just passed to give our veterans the opportunity to learn new skills and reenter the workforce. Too often employers overlook the experience of our professional veterans. These men and women are typically highly effective, organized leaders who have been part of a team in a difficult environment. They have undertaken responsibilities few could imagine under extreme conditions—especially at young ages.

Across Afghanistan and Iraq, veterans are saving lives and using state-of-the-art medical equipment in austere conditions. When they return, these skills they have obtained do not necessarily quickly translate into civilian certifications that first responders need to qualify for a job. As a result, governments subsidize expensive training for veterans who are already, in many cases, substantially overqualified. The bill just passed in the Senate requires the Department of Defense, Veterans Affairs, and Labor to identify equivalencies between military service and private sector competencies. This change will translate military experience and certifications into civilian qualifications opening new career opportunities for veterans.

The legislation also reforms and improves the Department of Defense Transition Assistance Program to assist retiring servicemembers with resume development, educational options, and tools for separating from the military. The legislation will identify potential positions and industries in the private sector for our new veterans.

For unemployed veterans the legislation establishes a retraining educational benefit allowing veterans to go back to school for high-demand skill development and to obtain a technical certificate or degree that prepares them to reenter the workforce. This bill also engages the private sector and expands the tax credit for hiring our returning heroes.

The legislation is particularly important to my home State where we have over 700,000 veterans. Across Illinois they enthusiastically take on new challenges and become teachers and corporate executives or public servants.

In 1901, a Knox County native and Illinois veteran, Charles Walgreen, built the foundation of one of our Nation's largest pharmacy chains. Chicago native George Halas served twice in the Navy and then spent 63 years at the helm of the Chicago Bears and helped found the NFL. Countless other citizens of our State served in the military but then made invaluable contributions to our Nation and its economy.

Despite what most Americans see on TV, Chairman MURRAY in the Senate and Chairman MILLER in the House demonstrated that Republicans and Democrats across the Senate and House can work together, and this legislation just passed as a result of that bipartisan cooperation.

Today our Nation's veterans are facing different adversities and are overcoming new challenges both in the field and when they come home. We owe these men and women everything, and this measure—a bipartisan measure—is one of the ways we can say thank you.

EUROPE'S DEBT CRISIS

I also want to take a moment to speak briefly on the subject of the European debt situation. I am concerned that we are now eyewitnesses to history, but few in the Senate are even watching major events that could hurt the incomes of Americans at home.

Margaret Thatcher once said: Socialists eventually run out of other people's money. We witnessed the end of communism in 1991 when Russia ran out of money. In 2011 we may be witnessing the end of European socialism as many of their economies go bankrupt. Events in Europe offer an immediate warning to our own banking system and is a long-term lesson to our society.

I thank my friend David Malpass for his work in helping to develop my view on these issues. In our view, Europe's approach to the run on Greek debt and then Italian debt and possibly this afternoon French debt shows that Europe's leaders are not addressing the problems squarely that they face. The current approach they have is unsustainable.

Yesterday we witnessed the interest rate Italy must pay to borrow funds rising to over 7 percent from the 6.4 percent on Tuesday and the 5 percent they had to pay at the beginning of the month.

Germany's Finance Minister suggested that Italy consider drawing on EFSF funds, implying that Germany doesn't recognize the true magnitude of the systemic problem they face, still focused on Plan A when Plan A no longer is viable. As Malpass commented, this compares a popgun versus the charging financial rhinoceros that is needed.

German Chancellor Angela Merkel talked about a new European Union and new EU treaty structures. The United States should support increased financial restraints—tougher ones than the Maastricht Treaty provided. It is hard to see how Europe could undertake an entirely new treaty and then ratify it in the middle of this crisis. After all, the EFSF was hard enough.

Merkel's party also discussed ways to allow countries to exit the euro. This would be an immediate and severe threat to the current outlook, but her party is now no longer in the ascendency. It is losing strength to coalition parties that are more committed to the euro.

On Tuesday, French President Nicolas Sarkozy raised the possibility of what he called a two-speed Europe in a speech in Strasbourg, meaning that the eurozone countries would have different rules than non-euro EU members. These issues would all be fine to discuss if we were not immediately in a current financial crisis. There are many steps the United States should encourage to prevent this situation from jumping across the Atlantic. Unfortunately, none of them appear to be underway.

First, Italy should undertake major growth-oriented structural reforms in their labor market, but there appears to be little chance of that.

Next, Europe could temporarily back away from the Basel III mark-to-market and the bank capitalization levels they require, removing for now the threat their banks face: that they will be taken over or forced to excessively dilute their equity at the market bottom. Recall that the United States provided critical relief in this regard by reinstructing the FASB in March of 2009 to do this launching the equity market surge.

European Nations could also begin guaranteeing new liabilities at their banks. Remember, also, the United States took this step in October of 2008 through a fee-based FDIC guarantee of new bank issuance. The ECB could also purchase Italian bonds in the size needed in the secondary market with the goal of lowering the current yield. Remember, the Fed bought American mortgage-backed securities in December of 2008 instantly helping recover and resuscitate that market.

Unfortunately, right now none of these positive developments seem likely. The news tonight from Europe is fairly dismal, and I recall the collapse of German credit in July of 1931. It was that collapse that turned the recession of 1929 into the Great Depression.

Our Congress right now is rightly focused on the need to cut our own spending, but, unfortunately, the news that I have seen is the crisis abroad

could become the No. 1 economic story in the United States as early as next month.

Americans should watch this situation very closely. We should encourage Europe to take the actions I outlined above, and most importantly, we should make sure the supercommittee does its job and that we kick our own spending habit before we face the same future.

IRAN'S NUCLEAR PROGRAM

Lastly, I want to touch on a subject that I think most concerns me for the future of the country, especially next year.

When the history of the Iranian nuclear program is written, November 2011 is likely to be marked as the turning point toward conflict regarding Iran's nuclear weapons program. Recall that Iran has signed the Nuclear Nonproliferation Treaty, and her government claims they are taking no action in violation of that treaty. Recall also in 1979 Iran embraced supporting terror as government policy. Iran was then certified as a state sponsor of terror by Presidents Carter, Reagan, Bush, Clinton, Bush, and Obama. Recall also that Iran now has become the top financier for two major terror groups in the Middle East, Hamas and Hezbollah.

Iran has transferred nearly every type of weapon in its inventory—including cruise missiles—to Hezbollah. Recall also that Iran has started the massive refining of uranium, far above the 3 percent necessary to fuel a reactor—upwards of 20 percent—moving to the 98 percent needed to run an atomic weapon.

This week, the IAEA released a landmark report. It said the Iranians were accelerating their uranium enrichment. It said they had received design information through military personnel on nuclear weapons. But, most importantly, it showed how step by step the Iranians were working on a nuclear warhead for their long-range SHAHAB–3 missile to include the density and weight of a nuclear weapon as well as the inclusion of an electric generator inside that weapon—unnecessary for a conventional munition but absolutely required for a nuclear munition—that there were no submunitions, that the entire package was to go off at once, and that the critical design information behind that all pointed to a nuclear warhead. Our response should be, in my view, nonmilitary but the strongest nonmilitary means necessary.

For many years as a House Member I worked on what I thought was the critical sanction, which was to take advantage of the key vulnerability of Iran; that the mullahs had so mishandled their economy since 1979 that this oil-producing nation totally depended on foreign gasoline for their energy supplies. Our idea was to cut off Iran's supply of foreign gasoline and then to ensure that their signature under the nuclear nonproliferation treaty was genuine, real, and verifiable. After working many years on this legislation, eventually the House of Representatives voted, with over 400 positive votes, for this legislation to help cut off Iran's gasoline supply. In fact, the bill was unanimous in the Senate, and last year President Obama signed this bill into law.

But the record now shows, according to Reuters this morning, that gasoline deliveries, despite the Obama sanctions, now have gone up 21 percent to Iran. Despite the comprehensive sanctions the United States has leveled against Iran, the International Monetary Fund reports that the Iranian economy grew faster than the U.S. economy last year. So, many of us, looking at the sorry record of sanctions enforcement, have gathered together on the idea of one last sanction that we think could avoid a conflict, that we think would deliver the decisive diplomatic weight to solve this problem, and that is to sanction the Central Bank of Iran itself. We would say any entity which does business with the Central Bank of Iran cannot do business with the United States, and we would force every financial and business interest in the world to choose between the $300 billion Iranian economy and the $14 trillion American economy.

We know the Central Bank of Iran is the central paymaster of Hezbollah and Hamas, two organizations Secretary of State Clinton has highlighted as sponsors of terror. We know the Central Bank of Iran is the central paymaster for the Iranian Revolutionary Guards Corps and especially their subunit, the Quds force, which Attorney General Holder highlighted, which tried to launch a plot through a Mexican drug cartel to blow up a Washington, DC restaurant. They talked about killing dozens of Americans—they even talked about killing Senators—in an effort to kill the Saudi Arabian Ambassador to the United States. We know the Central Bank of Iran also is the likely paymaster of the nuclear program of Iran itself.

This summer, something unique happened in the life of the Senate. In these partisan times, with so many differences expressed between Republicans and Democrats, 92 Senators joined in the Kirk-Schumer letter saying that we should sanction the Central Bank of Iran, that we should cripple the Iranian currency. For God's sake, at least we can have Iranian economic growth as slower than U.S. economic growth for 2012. It was a unique moment of bipartisan consensus, and the Obama administration even leaked to the New York Times that this action was under consideration. All indications are now that the Obama administration will take no major action against Iran, despite a United Nations report and despite a plot revealed by the Attorney General himself.

Recall that the IAEA was the organization that downplayed Bush administration accusations against Iraq and its weapons of mass destruction program, and that following the fall of Saddam Hussein we consistently found that what the IAEA said about Iraq was exactly correct. So when the IAEA reports that the Iranians are working toward a nuclear weapon and a warhead aboard their SHAHAB–3 missile; when we learn that the Iranians are supporting terror through Hezbollah and Hamas with a plot to kill Americans at a Washington, DC restaurant; when we learn that Iranians have registered the names of every Baha'i family, all 330,000 in their country, that they have removed all Baha'is from universities, that they have kicked all Baha'i children and prohibited all Baha'i businesses from doing business with their government, we are worried that this is a government—probably the only member of the United Nations—where the head of state regularly talks about wiping another member of the United Nations off the planet, it seems as though we should take action.

I recall a famous quote from President Kennedy long before he was elected President when he wrote an essay called ''Why America Slept'' in which he talked about all the signs of a coming catastrophe in Europe and no action by the U.S. Government.

This week is the turning point for Iran. If the United States takes no action, then we set the Middle East on a course for conflict likely involving our allies in Israel, potentially also Saudi Arabia. The simple course of history right now I think would be improved if we leveled this sanction in a bipartisan fashion, giving our diplomats decisive weight to stop this program and, therefore, avoiding conflict. By taking the easy way out—by leveling no action against Iran—we actually are empowering those who would go to conflict more quickly.

I am dumfounded as to the reason we are doing this. Senators on this floor told me they suspected there was so much insecurity about the current price of oil that the administration will do everything possible not to have conflict or stress in the Middle East in order to ensure its reelection and keep prices low. But I would argue that nuclear weapons in the hands of the Iranians will automatically raise energy prices in the United States. I would argue that with the record of the Iranians transferring cruise missiles to Hezbollah, there is no doubt in my mind that the Iranians, once they build a sufficient stockpile of nuclear weapons, will transfer some of those to Hezbollah.

We also see hostile intent by the Iranians not just at the Israelis but at the Saudi Arabians, and that the path to further instability and danger is in not taking action rather than taking action.

This, on a Friday night in November, is the turning point on the Iran crisis. Many bureaucrats inside the administration would prefer we not know this

is the turning point. They would prefer we not realize the Iranian program is receiving decisive weight, and that according to experts the Iranians will have nuclear weapons either next year or, by their latest estimate, the year after. They would prefer we not realize that according to my scenario, they would build a sufficient stockpile so that we envision a possible future where by 2014 or 2015 the Iranians will have a sufficient number to begin transferring weapons to Hezbollah. And we certainly know that the moment the Iranians detonate a weapon, we will witness the launch of nuclear programs in Saudi Arabia and likely in Egypt.

The bottom line is this: Without decisive action on economic sanctions, we condemn the Middle East to a conflict that eventually may involve weapons of mass destruction. With action similar to action called for by those who saw history correctly in the 1930s, we could help protect the coming generation from such a conflict. A world in which the Iranians have nuclear weapons is one that we grant to our kids in a far more dangerous environment than the 21st century, rather than the one we should grant to them.

The Senate, hopefully, will vote on an amendment next week that I hope to offer to level this sanction on Iran. If opposed by the Obama administration, then I think we are condemning this region to an awful conflict, and I think we should protect the next generation from such a future by taking good, solid, decisive, nonmilitary sanctions action now.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SOCIAL SECURITY

Ms. MIKULSKI. Madam President, I rise today to address one of the most important issues facing the supercommittee; that is, where does Social Security fit into their plans?

I know the supercommittee is doing a great job. They are working in a steady way to see how we can be a more frugal government, but while we are trying to be frugal, how we also meet our responsibilities for the national defense and also how we maintain our social contract.

To me, one of the most essential programs in the social contract; that is, the contract between the U.S. Government and its people, is Social Security. For more than 75 years, under every President, we have worked in a bipartisan way to ensure the security and the solvency and the safety of Social Security. Every President has agreed that Social Security should be undeniable, available to everybody, reliable, that it is there when you need it, and inflation proof—inflation proof.

I was in the House when we were teetering on a collapse of Social Security. Ronald Reagan was in the White House. Tip O'Neill was the Speaker of the House. Bob Dole and Bob Byrd were in the Senate. We went to work and made sure Social Security was solvent for all of 30 or 40 years.

Under Bill Clinton, we also took positive forward steps. Under President Bush he wanted to privatize it. That is the way he saw entailing its future solvency. We fought that. But we still had money in the trust fund.

Now where are we? Well, there are those who say we have got to reduce the debt. Hey, I know we have to reduce the debt. I say to the Presiding Officer, we have had extensive conversations. The Presiding Officer has some very meaty ideas worthy of consideration. But let's make it clear, Social Security should not be on the table. When they say all options are on the table, let's put all options on the table for those programs that created the debt, that created the deficit. Social Security did not create our debt. Why it is part of the supercommittee conversation, debate, and even hit list, I do not know.

That casts no aspersions against any member of the committee. I am talking about somehow or other editorial boards that know everything about everything all the time have said you have to do something about Social Security. We know we have to reform Social Security to modernize it for a 21st century economy and a 21st century demography. We get that. But it does not belong in the supercommittee up against the wall with impossible deadlines, up against the wall with impossible mandates.

So while they are looking at revenue, discretionary spending, military spending, Social Security does not belong there. The reform of Social Security belongs in another environment. So that is position No. 1.

Position No. 2 is, what are we doing on Social Security? Well, I am concerned we are about to shred this social contract, and we are going to do it by doing something called the ''chained CPI.'' Isn't that a terrible word: ''chained CPI''? Wow. I am afraid we are going to chain seniors to poverty.

Let me tell you what a chained CPI is. When you read all of the books we get, policy books, chained CPI would cut Social Security by $112 billion over 10 years. They do it by changing the way the cost of living is calculated. It is based on kind of this ''theory.'' It is based on a ''theory of human behavior,'' one of those ''social engineering schemes.'' What it says is this: It assumes that a consumer will substitute lower cost items when the cost of what they normally purchase goes up.

Well, that means, again, ''in theory,'' if the price of apples goes up, you are going to buy an orange. It sounds good. But for the debate on Social Security, it is inappropriate because the market basket approaches by senior citizens, validated by every economic and marketing group, say their largest expenditure is health care, and the reason they do it on health care is because they need it to keep alive. This is not trading a latte for Dunkin' Donuts. This is not going from arugula to big lettuce. This is life. This is life on the line when we are about to cut the seniors' bottom line. We have to get real and talk about what is the way seniors live, what is it they need to do to stay alive, and what is their purchasing power.

So this is not BARB MIKULSKI. The Social Security people themselves say there is something called the market basket for elderly, CPI-E. It means they spend their money on health care, on food, and on energy, and in many cases housing. They cannot reduce those costs. Those are fixed costs for which they have no choice and no negotiating power. Our citizens, our senior citizens, cannot negotiate on their heat, they cannot negotiate much on their prescription drugs. Oh, they might go from a brandname to a generic. But if their cost of living is being squeezed down, they will not be able to do it. You cannot substitute your medication, your insulin, and substitute it for apricot juice.

If the cost of prescription drugs goes up, so does medication. I am concerned that this chained CPI—human behavior, untested, untried social engineering scheme—is going to become the basis by which we calculate the cost of living.

Let me go to some facts. By the way, this is not Senator BARB MIKULSKI talking, this is the Social Security Actuary, the Actuary actually giving accurate facts. Let's go to the A word. The Actuary actually giving accurate facts. First of all, they say this is a technical fix and does not mean a whole lot to seniors. Actually, the chained CPI will fundamentally restructure Social Security. If we do it, we will be complicit and complacent in creating a structurally induced poverty for old people.

What do we mean? Well, if you look at this chart—and this comes from the Actuary—if you go to the chained CPI and the purchasing power they talk of, first of all, it will go into immediate effect. Then it actually cuts—it is not like—you know how the seniors were upset they did not get a cost of living 2 years in a row? They will actually get a reduced benefit. And under the way this will be calculated, hypothetically if you are now getting $15,132 in Social Security, if you are getting it when you are 65 now, 10 years from now your benefit will be reduced. Not only will you not get your cost of living, but your benefit will be reduced to $14,572.

If you continue to live, and you are 85, it will be reduced to $14,148. It compounds itself. So God forbid you even make it another 30 years. Because under what the chained CPI would do is you would essentially lose over close to

$1,600 in benefits. I cannot believe this. I cannot believe we are even talking about it. Because if we are talking about going with the true market basket, what you should do is actually have this increase. I will not go through all of the numbers, but they are significant and they are severe.

There is another thing going around here on the floor: Oh, Senator MIKULSKI, why are you so upset? It will hurt future beneficiaries. Well, I am upset because no matter what time it affects a beneficiary, it affects a beneficiary. But what everyone fails to grasp is this will be an immediate—underline the word immediate—cut, according to the Social Security's Chief Actuary. If we pass this this year, this chained CPI begins December of 2012. So 1 year from this December, it would go into effect. That means if you are 65 years old, your benefit will be reduced that year. By the time 10 years later, your benefit will have been reduced five times as much. And if you make it to 85, your benefit will actually be reduced by 10 times as much.

This is, to me, a horrific idea. The current CPI-W, which is what we call the cost of living, was used in 1972. It was the only measure we had at the time. It was viewed as an advanced thing for an inflation-proof benefit. Now when we look at it, what we know is that we know the purchasing power—not the purchasing power, what is the market basket that seniors use. Chained CPI might be fine in other areas or other categories. I am not going to debate this here today.

But what I do want to do this time, this place, I want to sound the alert. I am going to ring the bell. I am going to be at my battle station saying to every member of our caucus, and every member of the people on the other side of the aisle, please, read up on this. Know what we are doing. If you are going to vote, I do not want to hear buyer's remorse a year from now. I do not want to hear buyer's remorse 2 years from now. I do not want to hear from the seniors in my home State of Maryland say: Where were you, BARBARA? Did you say anything? Did you do anything? So I am saying here today, get out our policy books and for God's sake read them. Read them. And do not read what this think tank or that editorial board says, read the Social Security Actuary. Because I am telling you, we are about to do something that is irrevocable.

I believe in old-fashioned values, and one of the great ones is honor thy father and thy mother. It is not just a great commandment to live by, it is sure a great public policy to govern by. The American people every day particularly who work hard now and live by the rules, go by the rules, pay into Social Security over a lifetime, we said to them: If you do that, your Social Security will be a guaranteed benefit. It will be a lifetime benefit. It will be reliable and undeniable. And it will be inflation proof.

FDR signed the bill that created that contract. Every President regardless of the party has kept that promise. And it is up to this Congress not to shred the social contract with the seniors of the United States of America.

I want to yield the floor to someone from the Finance Committee who has done so much work on this, such great work, such due diligence, and has a grasp of both the policy and the impact that it has on people.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank my colleague, the senior Senator from Maryland, for her leadership on this issue for protecting seniors and protecting women. It seems to me every time we have a battle that is about undercutting the benefits to women in America, BARBARA MIKULSKI is on the Senate floor or in the halls and in various meeting rooms making sure that America knows what these proposals are.

I could not have been more proud of her when she led all the women Senators on the Democratic side of the aisle to push back on the Bush Administration's proposal to privatize Social Security. At that point in time, she most succinctly told Americans that women, more than any other in that age group, would suffer because they live longer, they depend on Social Security, and if Social Security was privatized, women would feel the brunt of it.

So I am proud to be out here this afternoon with her to talk about this proposal that has been—we cannot tell, because we do not know. We are not on the supercommittee. But it seems to be floating around in various forms, various organizations may be talking about it, the notion that we would change Social Security.

I know at home in my State of Washington, people seem to be confused when we are talking about our budgets. And we are obviously having to make tough budget decisions, as are people around dining room tables, around city halls, around our State capitols and here in Congress are having discussions about how to have a budget to live within our means.

But when you talk to them about the primary way—and one proposal that surfaced in the last budget negotiations in July was to automatically take $300 billion of cuts right off the top as the major proposal out of a concept called chained CPI. When you think about that, the first shot of budget cuts would be on the backs of seniors, it is almost as if someone thought seniors cooked up exotic financial instruments and foisted them on the U.S. economy and somehow they should pay the price. We know that is not the case.

So why are people targeting these seniors now? And we are not sure if they are. We have just heard various rumors that perhaps this notion of chained CPI, a change in Social Security benefits as my colleague just outlined, would be a proposal.

I am here to say, I am not for having the seniors in America share the brunt of sacrifice with a proposal such as this that would clearly be on the backs of seniors. It is not something they can afford. I know some of my colleagues may have endorsed a chained CPI, a change in the consumer price index to calculate inflation. But that is a cut that would increase over time. And literally, the longer you live, the more you are penalized. It is such a disproportionate impact to women who do live longer than men and count on those benefits for their living.

In my State, changes to the cost-of-living adjustment would hurt more than 1 million Washingtonians. Social Security has kept about 30 percent of Washington residents who are 65 and older out of poverty. That is what it has done for them. And what is more, 25 percent of seniors in my State live on Social Security alone. So there is a population that is depending on Social Security, and they are living on it alone, or it is making up—another 21 percent of them—it makes up 90 percent of their income.

I think this demonstrates that we cannot support these kinds of cuts, especially at the magnitude this proposal is talking about. The Social Security Office of the Actuary has reported that chained CPI would reduce the COLA by about .3 percent a year. So let's look at that example. A single woman, 65 years old in Washington State, would get a monthly benefit of about $1,100 a month or $13,300 annually.

By age 80, if chained CPI would pass, that would result in a $56 per month or $672 annual cut in that benefit. So that is less food, that is less medicine, that is less vital care for these seniors. If that individual actually lived to 90 years old, it would be an $87 a month cut and a $1,044 cut annually. If you think about the costs these seniors endure—and I for one have proposed changing the market basket of goods that the CPI is based on, because if you think about it, we have a market basket of goods for their CPI that are what the overall economy looks at.

But seniors have a much more expensive market basket of goods. They have to buy more medicine. They have other additional out-of-pocket health care expenses. And so their costs are going up at a higher rate. But this proposal, if you think about it, the average monthly cost of food for a single elderly individual is about $231 per month. That is what the average is, about $53 a week. That is based on data from the Elder Economic Security Standard Index. So an individual at 80 basically means they would have 1 week less groceries under chained CPI.

That is what it means. They would have 1 week left of groceries every month.

In my State, when you think about the average out-of-pocket health care

expenses seniors have for care, that average out-of-pocket expense rises by $1,400 for an individual. If you think about it alone, the increase in health care out-of-pocket expenses basically wipes out where many seniors are for any kinds of remaining income. Certainly, if we put this kind of cut on top of that, it would make it clear that seniors would be getting less from Social Security. We recently, for the first time since 2009, gave seniors an increase to their cost-of-living adjustment. Now what are we going to do—go backward and take it away? For 75 years, Americans have been paying into Social Security with the promise that they would receive these benefits in their retirement years. Now is not a time to break that promise.

I think my colleague has clearly come to the floor with a message to our other colleagues who aren't here this afternoon, to say take a look at the details of this proposal. This is not a simple proposal about in the future someone is going to get less than they might under some other plan; this is about a cut in the benefit formula today that would impact seniors if implemented.

So I am here with my colleague to say our economic situation has not been caused by seniors coming to Capitol Hill and proposing that we have opaque derivative markets. It wasn't caused by seniors coming and saying: Let's go ahead and have the banks get rid of Glass-Steagall so the banks can do whatever they want. Seniors didn't come here and foist this economic situation on us. Yet, where are the other proposals to help fix that? Yet, the No. 1 proposal we saw circulating in July was, right off the bat, $300 billion coming off the backs of seniors. That same proposal is still circulating in the Halls of Congress. My colleague and I are here this afternoon to say that it is not the proposal we should be considering.

So I hope our other colleagues will stand up to protect seniors, particularly women, who are living longer, and make sure they have these important Social Security benefits.

I thank the Chair and yield the floor.

Ms. MIKULSKI. Would the Senator yield for a question?

Ms. CANTWELL. Yes.

Ms. MIKULSKI. First of all, I compliment the Senator for the really wonderful teaching she just did on this issue. She is a member of the Finance Committee, and with all they are doing in Social Security, hasn't there been a hearing in the Finance Committee on the chained CPI, and have experts and senior advocacy groups shared their views with the Congress?

Ms. CANTWELL. Mr. President, I can say to the Senator from Maryland that in my time period there, I don't remember any hearing or briefing on chained CPI that was the focus of the hearing. I don't know if in the last 15 or 20 years somebody hasn't suggested or had a hearing on it.

Ms. MIKULSKI. How many years has the Senator been on the committee?

Ms. CANTWELL. Two years.

Ms. MIKULSKI. In those 2 years, this has not come up.

I have another question about the Finance Committee, which also has jurisdiction over health care. Is it the Senator's understanding that both in the supercommittee and other reforms, Congress's intent is to raise premiums and copayments and a variety of other things on seniors? Is that one of those things out there in the ether?

Ms. CANTWELL. I can tell the Senator from Maryland that there are lots of ideas that people are suggesting. I don't know the details of the supercommittee or to say the Finance Committee is backing up the supercommittee on those ideas. I know we have to live within our budget, and we have to make some tough decisions.

There are many positives in the health care law that are about allowing seniors to stay in their homes and receive care as opposed to going into nursing homes, which is very positive and helps reduce significantly the cost of health care. There are things in there that will help us get more transparency on drug prices. Many of us would like to have direct negotiations on drug prices and drive the costs down even further for seniors. And obviously there are reforms that will help us get more efficient in the delivery system. Those are things you can accentuate by moving more quickly.

I know the Presiding Officer, coming from Minnesota, with the Mayo Clinic, certainly understands about outcome-based health care, preventive medicine, and those things seniors would like to see in reform that actually deliver better care and drive down costs. Those are the proposals that I think we should be discussing, that are positive for seniors, will help seniors, and will deliver the kind of care that is more efficient and cost-effective. But asking them to take it right on the chin with something like this proposal, as my colleague outlined as well, is something we are not willing to do.

I thank the Chair and the Senator from Maryland for her tireless leadership on behalf of women in America and making sure they can make do in this tough economy.

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.

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

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

MORNING BUSINESS

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

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

TRIBUTE TO JERRY McENTEE

Mr. REID. Mr. President, in 1965, Dr. Martin Luther King, Jr., called the organized labor movement, ''the principal force that transformed misery and despair into hope and progress.''

And for three decades, Jerry McEntee has been a leader in the quest for that progress.

As president of the American Federation of State, County and Municipal Employees since 1981, Jerry McEntee has been a driving force in the fight for a better life for American workers.

He has dedicated his union's resources to the struggle for greater economic and social justice for every man and woman in this Nation—regardless of age, race, gender, religion, sexual orientation or disability.

And he has literally given American workers a voice.

AFSCME has played a role in every struggle to protect collective bargaining rights, equal pay, good benefits, secure retirement, public services and worker opportunity for the last 75 years. And for more than 50 of those years, Jerry has been part of the fight.

At the helm of AFSCME, Jerry advocated for every piece of progressive legislation passed in the last three decades. The organization and dedication of Jerry and his 1.6 million brothers and sisters has been invaluable, whether we were raising the minimum wage or passing the Affordable Care Act.

And Democrats and our progressive allies are grateful for his leadership and support over the years.

As Jerry McEntee announces that he will retire next year from AFSCME's presidency, I am reminded that our work isn't over. Assaults on collective bargaining rights in Wisconsin and Ohio proved that.

The journey from misery and despair to hope and progress that Dr. King spoke of—a journey that Jerry McEntee has led for more than 30 years—is never truly over.

I look forward to working side by side with AFSCME, our friends in labor and all our progressive allies as we continue the work of my friend, Jerry McEntee.

The labor movement is better because of Jerry. America is a better place because of Jerry.

I congratulate Jerry on a career well spent in the pursuit of progress.

KENTUCKY ARMY NATIONAL GUARD

Mr. McCONNELL. Mr. President, I rise today to honor the Kentucky Army National Guard for surpassing its recruiting goal for the eighth consecutive year, a feat which appears to be without precedent in the U.S.

This recent achievement is indicative of the Kentucky Army National Guard's strong presence and dedicated service to the Commonwealth and to the Nation. Over 14,000 Kentucky Army and Air National Guard troops have

bravely served our country in overseas deployments since September 11, 2011.

Kentucky's National Guard has also been there to assist Kentuckians when disaster has struck. In the last four years alone, the Commonwealth's Guard has been mobilized nine times following disaster declarations in the State. The Guard has protected and served Kentuckians during and after a wide range of disasters that have wreaked havoc on the state, from floods and tornadoes to the 2009 ice storm. Kentucky's citizens owe a great debt of gratitude to the men and women of the Kentucky National Guard.

Today, on the eve of Veterans Day, I wish to honor the Kentucky Army National Guard for its dedication to better serving Kentucky, and Adjutant General Edward W. Tonini on the organization's continued achievements.

TRIBUTE TO DORIS AND MACKIE REAMS

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a couple who truly exemplify the spirit of Kentucky. Mackie and Doris Reams have been happily married for 57 years and have lived an exciting and romantic life together in London, KY.

When Mackie, now 80, first saw Doris, he was about 20 and was working as a tobacco cutter in a field near her house; she was only 16 at the time. ''I saw her a few times and I just got brave enough to ask her to go out,'' he recalled. ''I couldn't resist those pretty blond curls . . . .That's how it started. We went together for about three years before we got married.'' Mackie and Doris were married on October 3, 1953, by preacher Layton Vandaventer and have been inseparable ever since.

The couple lived in Mackie's parents' house on Old Salem Road for several years after they wed and worked on the family farm. Each day they milked 8 cows by hand and tended to 6,000 broiler chickens. ''We fed and took care of them for nine weeks,'' recalls Doris, now 76. ''Then Purina Company came and we loaded them on a truck that took them to a processing plant in Mt. Sterling.''

In 1955, Mackie began a brief stint of service in the U.S. Army—his service ended in 1957. Afterwards, he began a career at Caron Spinning where he worked for 27 years. Doris was also employed at the Caron Spinning factory for almost 13 years until it finally closed down. Mackie's final job before he retired was as a door greeter at Walmart. ''My legs and knees got to bothering me, standing there all the time,'' Mackie said. ''So, I just quit. We just go and do whatever we want to do,'' he says in reference to their daily routine.

Each day the couple walks at Kmart every morning and visits the Laurel County Older Person Activity Center. ''We play cards and play cornhole in the exercise room,'' Doris said. ''We have lunch. OPAC has a lot of things to do. They took us to the state fair this year,'' she explained. In what spare time they do have, Doris and Mackie also attend Calvary Baptist Church on Sunday mornings and Wednesday evenings.

''We have been very healthy and happy all our life together,'' Mackie and Doris are lucky enough to say. ''We thank God for that.''

Doris and Mackie Reams are an outstanding pair of Kentuckians who are truly blessed for the wonderful lifetime they have shared together. They are hard-working, caring citizens whose lifetime of success and happiness serves as an inspiration to the people of our great Commonwealth.

The Laurel County-area publication the Sentinel Echo recently published an article highlighting this couple's achievements over the years. 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 Sentinel Echo, Winter 2011]

TOGETHER, WHEREVER WE GO

(By Carol Mills)

Former Walmart greeter Mackie Reams met his wife Doris 60 years ago, and they have been happily married for 57 years. He is 80 and she is 76.

Their secret to staying in love for so long is they do everything together.

''We just went together wherever we were going, and we still do,'' Doris said.

Mackie said he lets her do all the shopping, but he goes with her. Sometimes he sits and waits on her to finish shopping, but he is always near.

''If we went somewhere, we took our kids with us and everybody went. That's just the way we lived.''

Doris moved to Bill George Road from Knox County with her parents at a young age.

''I've lived around this territory ever since I was 10 years old,'' she said. ''My dad owned all this country back in here where all the houses are. We just farmed. We raised tobacco and corn. After we got married, I worked for Caron Spinning. I worked there for 13 years until they closed out.''

Mackie farmed at his parents' place on Old Salem Road. After he married Doris, the couple stayed with his parents for a couple of years. On his farm, they milked eight cows by hand twice a day for two years and sold the milk to Southern Belle Dairy Company.

The Reams also raised broiler chickens.

''The broiler house held 6,000 chickens,'' Doris recalled. ''We fed and took care of them for nine weeks. Then Purina Company came, and we loaded them on a truck that took them to a processing plant in Mt. Sterling. Then we would have to clean the house and get ready for another bunch of baby chickens and start all over again.''

Mackie spent two years in the U.S. Army—1955 to 1957. He then worked at Caron Spinning for 27 years and for 13 years as a door greeter at Walmart.

''I quit about three years ago,'' Mackie said. ''My legs and knees got to bothering me, standing there all the time. So, I just quit. We just go and do whatever we want to do.''

The couple walks at Kmart every morning and attend Calvary Baptist Church every Sunday morning and evening and on Wednesday.

The couple also visits Laurel County Older Person Activity Center almost every day.

''We play cards and play cornhole in the exercise room,'' Doris said. ''We have lunch. OPAC has a lot of things to do.''

Mackie said OPAC took them to Frankfort to see the Capitol.

''They took us to the state fair this year,'' Doris said.

They used to travel a lot.

''We've been to a lot of the states,'' Doris said. ''We usually went with friends. We went all the way to California, driving around on two weeks of vacation. We just drove and stopped whenever we got ready.''

''Niagara Falls, all up in New York and all up in that territory,'' Mackie added. ''All over Kentucky and the United States just about.''

In the '70s and '80s, Mackie and Doris were active in sports. He played baseball while Doris watched and rooted for him. They also went bowling three or four nights a week at Levi Lanes.

''We won lots of trophies,'' Doris said. ''I also used to quilt a lot during the winter months and made crocheted afghans, but I can't anymore because of my arthritis in my hands.''

Mackie first noticed Doris at her home near where he was cutting tobacco in a field. Her home was just a couple of houses down from where she now lives on Bill George Road. He was 20 years old, and she was 16.

''I saw her a few times and I just got brave enough to ask her to go out,'' he recalled. ''I couldn't resist those pretty blond curls. That's how it started. We got to going to church together. We went together for about three years before we got married.''

Mackie said he drove his father's pickup to do his courting.

''I got to drive it,'' he said. ''I'd go get her and we'd go to church. We'd ride around and maybe go up to town on Saturday and walk up and down the streets. I never did go to the Reda (theater) with her because her family was kind of strict. They didn't want her going places like that at that time.''

''My parents were old fashioned,'' Doris laughed. ''I guess they finally decided we were going to get married anyway and agreed. They didn't like it too well, but they went ahead with it. My dad went with us to the wedding, but my mom didn't because she thought she would cry or something. We got married in the preacher's house on Oct. 3, 1953. His name was Layton Vandaventer. He's deceased now.''

Doris and Mackie have been in good health for most of their lives.

''We have been very healthy and happy all our life together,'' they said. ''We thank God for that.''

The couple has two children, Eddie Reams and Phyllis Purvis, four grandchildren and three great-grandchildren.

CRIME VICTIMS' RIGHTS ACT

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Attorney General Holder.

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

U.S. DEPARTMENT OF JUSTICE,
Washington, DC, November 3, 2011.

Hon. JON KYL,
U.S. Senate, Washington, DC.

DEAR SENATOR KYL: This responds to your letters to Attorney General Holder dated June 6, 2011, and November 2, 2011, regarding the Department of Justice's implementation and enforcement of the Crime Victims'

Rights Act (CVRA), enacted as section 102 of the Justice for All Act of 2004. Pub. L. No. 108–405, 118 Stat. 2260, 2261–64 (codified at 18 U.S.C. §3771 (2006 & Supp. III 2009)). We apologize for our delay in responding to your June 6 letter. Your November 2 letter raises additional questions, to which we will reply as soon as possible.

The Department appreciates your leadership in the area of protecting crime victims' rights, and we share your commitment to ensuring that crime victims receive the rights and services to which they are entitled under federal law. In the six years since passage of the CVRA, Department personnel have made their best efforts in thousands of federal and District of Columbia cases to assert, support, and defend crime victims' rights, often over the objections of defendants, and occasionally in the face of a skeptical judiciary.

Every day, federal prosecutors and victim-witness professionals consult with victims, inform them of their rights, including the right to be represented by an attorney, accompany them to court, and assist them with preparing victim impact statements and seeking and recovering restitution. The number of identified victims registered in our automated system in order to receive notices and other services has grown significantly, totaling 2.2 million in Fiscal Year 2010. In that year, the Department sent out 8 million notifications of public court proceedings to victims to ensure that persons harmed by the charged conduct were informed about those proceedings. In contrast, the year before the CVRA passed, 2.7 million such notices were sent.

In addition, U.S. Attorneys' Offices are increasingly using asset forfeiture laws to help victims by applying forfeited assets to satisfy restitution orders. These efforts have resulted in measurable improvements for victims; the amount of forfeited proceeds returned to victims has jumped from $13.7 million in FY 2004 to $250 million in the first 8 months of FY 2011.

In 2009, the Government Accountability Office (GAO) conducted an extensive evaluation of the Department's CVRA implementation efforts. GAO considered the views of victims, victim-witness professionals, federal investigators, prosecutors, defense attorneys, and judges during the audit. The GAO concluded that the Department and the federal judiciary ''have made various efforts to implement the CVRA,'' and ''have taken actions to address four factors that have affected CVRA implementation, including the characteristics of certain cases, the increased workload of some USAO staff, the scheduling of court proceedings, and diverging interests between the prosecution and victims.'' See Crime Victims' Rights Act: Increasing Victim Awareness and Clarifying Applicability to the District of Columbia Will Improve Implementation of the Act: Hearing Before the H. Comm. on the Judiciary, 110th Cong. at 8 (2009) (statement of Eileen R. Larence, Director, Homeland Security and Justice, Government Accountability Office). The GAO ultimately offered only minor recommendations for improvements, all of which have been significantly addressed.

Your June 6 letter posed three questions regarding victims' rights. First, you asked about the fair treatment of crime victims prior to charging, specifically during precharge plea and non-prosecution negotiations. In 2010, the Attorney General directed the Deputy Attorney General to convene a working group to help evaluate, coordinate, and improve the services the Department provides to crime victims and witnesses. The working group undertook a revision of the Department's basic operational policy manual, the Attorney General Guidelines for Victim and Witness Assistance (AG Guidelines). As you noted in your November 2 letter, the revised 2011 AG Guidelines (available at www.justice.gov/olp/pdf/ag_guidelines2011.pdf) took effect on October 1, 2011. As part of the revision process, the working group sought input from all Departmental components that interact with victims of crime and, with respect to certain difficult legal issues, sought guidance from the Office of Legal Counsel (OLC). Regarding when the rights accorded by the CVRA apply, OLC determined the statute is best read as providing that rights apply beginning when criminal proceedings are initiated. Even so, the new AG Guidelines go further and provide that Department prosecutors should make reasonable efforts to notify identified victims of, and consider victims' views about, prospective plea negotiations, even prior to the filing of a charging instrument with the court. Art. V.0.2, AG Guidelines (2011 ed.).

Additionally, the revised AG Guidelines strengthen and clarify the Department's policies by encouraging Department personnel to go beyond minimum statutory requirements to assist crime victims at all points in the criminal justice process. Even for those who do not qualify under statutory victim definitions, the revised AG Guidelines authorize the provision of services and information, and support participation by victims in court proceedings. See Art. 11.A and Art. III.E, AG Guidelines (2011 ed.).

Moreover, in addition to carrying out our responsibilities under the CVRA, the Department is taking other steps to fulfill its mandate to provide services to crime victims from the opening of a criminal investigation. Pursuant to the Victims' Rights and Restitution Act of 1990 (VRRA), the Department identifies victims and provides to them service referrals, reasonable protection, notice concerning the status of the investigation, and information about the criminal justice process prior to the filing of any charges. The Department's investigative agencies provide such services to thousands of victims every year, whether or not the investigation results in a federal prosecution. The Federal Bureau of Investigation (FBI) alone reports it provided more than 190,000 services to victims during the past fiscal year, including case status updates, assistance with compensation applications and referrals, and counseling referrals. From sexual assaults in Indian Country to child pornography and human trafficking to mass violence and overseas terrorism, FBI victim specialists provide much-needed immediate and ongoing support and information to victims. The FBI addresses victim safety issues when needed, providing on-scene response and crisis intervention services in thousands of investigations. With regard to sexual assault victims, FBI personnel arrange for and often accompany victims to forensic sexual assault medical examinations and provide assistance with HIV/STD testing. In sum, the Department's assistance to victims during the investigatory stage exemplifies a commitment to crime victims above and beyond the statutory mandates.

Second, you asked about the Department's litigation position regarding the standard of review for mandamus cases filed pursuant to the CVRA. The CVRA constitutes a significant, large-scale change in the operation of the federal criminal justice system. For that reason, and because the rights of crime victims must be balanced against recognized rights of criminal defendants, it was inevitable that CVRA implementation would be accompanied by litigation concerning its provisions. The Department has been actively engaged in that litigation, frequently on the side of the victims, seeking to enforce their rights in court. The litigating decisions we make in those cases are reached only after careful consideration of both the language and the purpose of the CVRA, and of our responsibility to foster a fair criminal justice system that respects the rights of all involved, including victims and defendants. Even when we conclude that victim status is inappropriate, or that a certain claimed right should not be accorded to the person seeking it, we often try to find other ways to accommodate that person's legitimate interests in the outcome of the criminal case at hand.

Concerning the mandamus standard of review, the Department's legal analysis is set forth in the brief that you cite in your letter, In re Antrobus, No. 08–4002 (10th Cir. Feb. 12, 2008). As you note, the CVRA requires that the Department use its ''best efforts'' to afford crime victims their CVRA rights. 18 U.S.C. §3771(c)(1) (''Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in [18 U.S.C. §3771(a)].''). The Department makes its best efforts on a daily basis to ensure victims are notified of and accorded such rights. Indeed, the new AG Guidelines specifically instruct Department personnel to consider a victim's right to fairness when developing and presenting the government's arguments. Art. V.J.3, AG Guidelines (2011 ed.).

Finally, you asked whether the Department has asserted victims' rights on an appeal, even when the appeal is taken by the defendant appealing his or her conviction. See 18 U.S.C. §3771(d)(4) (''In any appeal in a criminal case, the Government may assert as error the district court's denial of any crime victim's right in the proceeding to which the appeal relates.'') We do not maintain statistics on the use of this provision and, therefore, cannot answer this question definitively. We note, however, that the potential utility of this provision is limited, with the exception of a narrow category of cases; an appellate court typically would not be able to grant any relief to correct a CVRA error asserted in response to a defendant's appeal, other than issuing an advisory opinion. We will continue to keep this provision in mind as we evaluate cases in the future and, as we have done in the past, we will continue to defend convictions on appeal in the face of defense challenges to victims' assertions of rights.

Thank you for your interest in the Department's efforts to accord the victims of federal crimes their rights under federal law. We welcome the opportunity to work with you and your staff to ensure that crime victims receive the rights and services they deserve. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this, or any other matter.

Sincerely,

RONALD WEICH,
Assistant Attorney General.

VETERANS DAY 2011

Ms. MURKOWSKI. Mr. President, I rise today to recognize and thank our Nation's veterans. They have helped define our country with their service, their commitment, their sacrifice, and their legacy.

On November 11, 1918, the hostilities of World War I ceased. The commemoration of this day was originally known

as ''Armistice Day'' and was declared a Federal holiday. During a House debate on the topic, one Representative suggested that Armistice Day would ''not be devoted to the exaltation of glories achieved in war but, rather to an emphasis upon those blessings which are associated with the peacetime activities of mankind.'' By 1954 it was official that November 11 was the day to honor American veterans of all wars, and the day would officially be known as ''Veterans Day.''

As we reflect on the service of heroes who have served our country in conflicts past including World War I, World War II, the Korean war, the Vietnam war, the Persian Gulf war and others, we must pause also to honor the dedication of the men and women who are putting their lives on the line today to protect our freedom. This includes not only those serving in Southwest Asia but also those in Kosovo, those standing watch of the Korean demilitarized zone, and those serving and sacrificing in countless other countries and regions around the world.

For veterans of the Iraq and Afghanistan wars, we need to highlight the increasing problems they are having as they return home from service, from obtaining appropriate health care to finding jobs. In Alaska, I hear concerns about how the Federal Government's efforts to reduce the national debt may impact our servicemembers and veterans. I understand those concerns and believe we must honor our commitments to these men and women.

In my home State of Alaska, we have the distinct pleasure and honor of having the largest per capita percentage of veterans of any State in the Union with 77,000 veterans who call Alaska home. In just a few months, Alaska-based soldiers will represent approximately 10 percent of America's Afghanistan presence. In Alaska, veterans are our neighbors, our coworkers, and our friends. I think it is fair to say that Alaskans understand and appreciate the sacrifice thousands of young men and women in uniform today are making, as well as the sacrifice all of our veterans have made. It is all of them who we honor today.

Today as we honor those who have served, we also mourn. We mourn those veterans who made the ultimate sacrifice in the defense of freedom. Alaska has lost many members of our military community in the Afghanistan and Iraq wars. I extend my heartfelt sympathy to the families of all our fallen servicemembers.

Finally, I would like to recognize one last group: the families and loved ones of America's veterans. These are the folks who have had to see their loved ones sent away to war zones and who worried about their well being every second, of every minute, of every day until the they returned. These are the people who singlehandedly manage households. These are the people who deal firsthand with the invisible scars and injuries of war, such as PTSD, when their loved one comes home. The family members of our veterans are heroes who bravely serve our Nation and rightfully deserve our recognition.

So on this Veterans Day, I am honored to have the opportunity to stand among my colleagues to honor the veterans who made the ultimate sacrifice, those who made it home, those who are still serving across the world, and the families and loved ones of America's veterans. While words cannot express the gratitude we have for our veterans, with a unified voice we want to say thank you.

Mr. THUNE. Mr. President, in honor of Veterans Day and the men and women of the Armed Forces and their families I ask unanimous consent that this poem penned by Albert Caswell be printed in the RECORD.

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

THIS VETERAN'S DAY

(By Albert Caswell)

This. . . .
This Veteran's Day. . . .
As you kneel down and pray. . . .
Pray a prayer, for all those heroes who can not so be here this day. . . .
Who now so far across the shores, so walk into that valley of death for us as do they. . . .
All with families who live so close, whose love ones but mean the most . . . we pray. . . .
Who live in worry and so fear, who live in tears. . . .
And the ones who but gave That Last Full Measure, America's Greatest of All Treasures here!
Who are now so separated on this earth, forevermore because of their fine worth so portrayed. . . .
Until, up in Heaven once more they will together be as their tears begin to burst will they. . . .
And pray for all those families, who with such faith do now so believe!
Who are now so left upon this earth, now so left all alone to so grieve. . . .
And when you look upon your child. . . .
And you so see, all of their most wonderful smiles. . . .
And everything seems so right, as you hold them tight so all the while. . . .
Remember all of them and all of these!
The Armed Forces and their families, do so please!
One and all, all Patriots of Peace!
And remember all of those children, who now so live in tears. . . .
This Veterans Day, hold them so close all in your quiet prayers. . . .
For this is but a most sacred day. . . .
For all those who fight, and have so fought for us throughout the years and days!
And now so too, the ones who now so who. . . . but lie in such soft cold quiet graves. . . .
Who have so taught us all, so how to so behave!
Who but lived and died, and so bled and cried . . . all in time, for all of us who so gave!
For they are America's very Heart, and Soul. . . .
All because them, all of our Freedoms we now so hold!
So make sure of this, that all of your children are so told!
Take the time, to tell them all about. . . . all of their most splendid hearts of gold!
And all of those families whose loved ones, they can no longer so hold. . . .
Who are so separated by time and distance and so death. . . . to our world to so bless!
Forget not, all of these most brilliant hearts of splendid gold. . . .
Who without arms and legs, who now so live on today whose fine hearts so crest!
Without eyes upon their faces, and broken in all places, whose courageous hearts us so bless!
Who too on this day so grieve, all for their Brother and Sisters in Arms who too so believed!
The ones who awake in the middle of the night, with dreams of dreadful fright. . . .
Reliving all of those moments, of all of those lost lives. . . .
The ones who so died in their arms, as they so cried. . . .
As now it's for them too, we all all so cry. . . .
And when they play Taps, remember all of those most splendid of lost lives. . . .
As you wipe away those tears from all your eyes. . . .
And when you look into That Old Red, White and Blue. . . .
Old Glory Our Flag. . . . and you see all of their faces, all in her most magnificent hue. . . .
Take time to salute America's Very Best. . . . on This Veteran's Day imbued!
For all of those, who have so lived and died. . . , for what was right and true!
And for all those, who now so lie in such soft cold quiet graves. . . .
For them feel the sun in your face, and hug your children tight at night. . . .
And as with them all you play. . . . Cherish, your Freedom On This Veteran's Day!
And take a moment, for all of them and their most magnificent families to so pray. . . .
And thank The Army, Navy, Air Force, Coast Guard, and The United States Marines. . . .
Who for all of us, The Great Price of Freedom They So Pay!
Remember Them, and be thankful as you kneel down to pray!
On This Veteran's Day.

EUROPEAN COURT DECISION

Mr. CARDIN. Mr. President, I had the opportunity to visit Slovakia in 2009. It was a great opportunity for me to meet with representatives of a country that is a close ally of the United States. Slovakia and the United States share strong ties thanks to the heritage of many Americans whose parents, grandparents or great grandparents came from Slovakia. We are also bound by our common devotion to democracy and human rights. It is an important friendship.

My visit to Bratislava gave me a chance to strengthen those ties. It also provided me with an opportunity to share with my Slovak friends concerns I have about the practice of targeting Romani women for sterilization without informed consent—a practice that was documented and condemned by the Charter 77 human rights movement more than 30 years ago. Unfortunately, sterilizations without consent continued to be performed in State-run hospitals in the Czech and Slovak Republics—reportedly even in this century.

This week there has been an important development on that front. On Tuesday, the European Court on Human Rights found that the sterilization without informed consent of a Romani woman had violated article 3 of the European Convention on Human Rights, the prohibition on inhuman or degrading treatment, and article 8, the right to family life.

This is an incredibly important victory for a woman who was wrongfully sterilized at the time of the birth of her second child and who has since struggled for 11 years to vindicate this claim. I commend her for her bravery and tenaciousness in the face of numerous obstacles. At the same time, I am aware that the damages awarded by the court can never fully compensate for what was taken from her.

I regret that it has taken so long to achieve this single victory. Thus far, the Slovak Government has refused to acknowledge this past practice of targeting Romani women for sterilization. In the last decade, in the face of growing documentation of this abuse and increasing calls for the Slovak Government to acknowledge this grave human rights violation, Slovak authorities have, in turns, made threats against victims, denied the past abuse, and some voices even continue to call for making sterilization freely available to ''socially excluded communities''—a term that is almost synonymously used to describe Roma.

There are other countries where sterilization without consent also occurred in the last century, including Norway, Switzerland, Sweden and 33 States in the United States. But Slovakia has been singularly resistant to acknowledging that these abuses not only happened, but are indefensible by modern standards.

While I welcome this week's decision by the European court, it does not put an end to this issue. There are two other sterilization cases pending in Slovakia's domestic courts, and five other cases pending against Slovakia before the European court. I urge the Slovak Government not to force victims through the painful process of litigating each case—a process that has immeasurable costs for all sides—and to establish a less burdensome process for victims to have their claims recognized. It is long overdue for Slovak authorities to acknowledge that Romani women were targeted for sterilization without informed consent.

U.S. MARINE CORPS

Mr. ROBERTS. Mr. President, I rise today in honor of the U.S. Marine Corps as it celebrates 236 years of sacrifice and service to this great Nation. In the spirit of a true marine, ooo-rah and happy birthday. This week, it is fitting that our great and deliberate body, the Senate, passed a bill to honor and revere the Montford Point marines, the first African Americans to serve in our Corps. Last night, the Senate passed legislation to award the Montford Point marines the Congressional Gold Medal. I can think of no better way to honor these gentleman, most of whom are now in their nineties, for being a part of our Nation's history during a difficult time, both abroad and at home.

In 1942, the U.S. Marine Corps opened its doors for African Americans to play a role in combat. Unfortunately, these men were not trained where marines before them had done so. Instead, from 1942 to 1949, the Corps trained Black marines at Montford Point Camp in North Carolina.

Like true marines, even with segregated training, these men fought shoulder to shoulder next to every marine in World War II. Their actions were significant during our campaign in the Pacific. Their service to the Corps is now a significant thread in its history. The Marine Corps extols the virtues of courage, intelligence, integrity, and leadership. I am proud that the spirit of the Corps resonated in every one of these marines, even in a time of great inequality. In theater, a marine is a marine. We are brothers, regardless of color or creed. The duty every marine pledges to mission and man is equal. It is what makes our Corps the great fighting force that continues today.

I applaud our Commandant, General Amos. Without his commitment to this initiative honoring the Montford Point marines, we may not have passed the bill so easily. I am very proud of my Corps, humbled by all the men and women who continue to join our Armed Forces, and to the Senate for finally recognizing these incredible veterans in the appropriate way.

I am as proud of the Marine Corps today as ever. The Corps has dutifully accomplished exactly what the President and this Nation have asked of them over the past decade. Marines have turned the tide in Iraq and continue to wage ahead in Afghanistan. Marines continue to steer the course of how to succeed in land campaigns and remain always faithful, both to mission and fellow marine.

Today, we celebrate the Marine Corps. Tomorrow, we celebrate all our warfighters, those men and women in uniform who have committed their time, and put their lives in harm's way, for the defense of the United States. Thank you to all those who have served. God bless all those currently deployed around the world. Semper Fi.

TRIBUTE TO MAJOR GENERAL RAYMOND CARPENTER

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to MG Raymond Carpenter, the acting director of the Army National Guard, for his ongoing, selfless dedication and service to our country.

After enlisting in the South Dakota National Guard in 1967, Major General Carpenter joined the Navy and deployed to South Vietnam. After returning to the Guard as a Vietnam veteran, General Carpenter became a commissioned officer in 1974 and has since commanded at all levels. His efforts have transformed the Army National Guard from a strategic reserve into an operational reserve force, and the Army National Guard is now at its highest level of readiness in its 375 year history.

In our most recent conflicts, and through these tough economic times, General Carpenter has been credited for driving cost efficiencies that have saved millions of taxpayer dollars. General Carpenter led the Army National Guard through the drawdown in Iraq and oversaw a critical component of the U.S. strategy in Afghanistan, the implementation and expansion of the Guard's Agribusiness Development Teams.

General Carpenter's service to our Nation has come with considerable personal sacrifice from himself and his family. Rather than fill the role of the adjutant general of the South Dakota Guard and return home to live with his family, General Carpenter answered the call of duty, accepted the job of the director of the Army National Guard at the National Guard Bureau, and uncomplainingly shouldered a three star workload for his two star pay. General Carpenter put his and his family's life on hold for over 2 years and lived at the mercy of the nomination process, never knowing when he might be replaced by a full director of the Army Guard. I call on my colleagues in the Senate to join me in honoring MG Raymond Carpenter, and I hope his successor will be confirmed in the near future.

I know that the entire Senate joins me in expressing my appreciation for General Carpenter's service to our grateful Nation.

REMEMBERING DOROTHY RODHAM

Mrs. BOXER. Mr. President, today I rise in memory of Dorothy Howell Rodham, a truly extraordinary woman who died last week at the age of 92.

Many Americans knew Dorothy Rodham through her daughter, Secretary of State Hillary Rodham Clinton, who credits her mother with giving her the strength, self-confidence, perseverance, and faith she needed to thrive in politics and diplomacy.

Millions of Americans had the opportunity to get to know Dorothy on the campaign trail for her son-in-law, William Jefferson Clinton, and her daughter Hillary. They saw a bright, sincere, and highly intelligent woman who was so proud of her family and would do anything for them.

Some of us had known that Dorothy weathered a difficult childhood, but it was only with her passing that many Americans learned just how harrowing it was. Abandoned by her parents at age 8, she took her 3-year-old sister on

a cross-country train trip to live with their unwelcoming grandparents in California. By her early teens, she had to leave their home and begin working as a nanny.

Dorothy worked as a secretary in Chicago before marrying Hugh Rodham and raising their three children: Hillary, Hugh, and Tony. Throughout her life, Mrs. Rodham worked hard to ensure that her children and grandchildren had the opportunities she had been denied.

Dorothy and I shared a great joy—our grandson Zachary. I saw first-hand what a wonderful influence she was for Zach, always there for him in every way. She was that way for all her grandchildren, including her first remarkable grandchild—Chelsea.

When Hillary Rodham Clinton was asked who inspired her to succeed in public life, she credited the women's movement and Dorothy Rodham, ''who never got a chance to go to college, who had a very difficult childhood, but who gave me a belief that I could do whatever I set my mind to.''

Dorothy Rodham was an extraordinary woman—strong, compassionate and loving. She will be sorely missed by her loved ones, by her friends, and by the American people.

TRIBUTE TO LANCE CORPORAL LARRY GENE BAILEY II

Mr. KIRK. Mr. President, I rise today in honor of one of Illinois' most heroic sons, LCpl Larry Gene Bailey II of Zion. Lance Corporal Bailey joined the Marines in October 2007, and like his father, a Vietnam Veteran, he too wanted to serve his country. His parents and his country are very proud of his service and sacrifice.

On June 23, 2011 in Helmand province, Lance Corporal Bailey ran to a rooftop to provide cover for his unit under heavy fire. An improvised explosive device took both of his legs and one of his arms. This young man's will to live and recover are an inspiration to us all.

With the support of his parents Mary and Larry, he has made great strides in his recovery. This Veterans Day, our nation owes a great debt of gratitude to families like the Baileys, whose service to our nation continues to preserve our American way of life.

I ask unanimous consent to have printed in the RECORD a poem penned in honor of Lance Corporal Bailey by Albert Caswell.

MAKE MY FATHER PROUD

IN HONOR OF AN AMERICAN HERO LANCE CORPORAL LARRY GENE BAILEY II. LIMA CO. ¾ BATTALION 7TH MARINES DIVISION THE UNITED STATES MARINE CORPS

A son is born . . .
Out of a love so very warm . . .
His dad, an American hero . . . who for our Nation so wore the uniform . . .
As day after day, a love built up . . . that which time could not so take away, or so harm!
Until, like father like son . . . He too, would serve his country tis of thee one!
As a United States Marine, all in those most magnificent shades of green!
For in his heart, he so wanted to be . . . just like his Dad . . . his father he!
His Dad, in the Navy, so served in Vietnam aboard a submarine . . .
But, his fine son Larry . . . Hooo . . . rah! Became a United States Marine!
And they have better uniforms Dad, all in his most heroic shades of green!
And oh what a striking figure he'd so cast . . .
As this quiet hero, stood tall . . . and so did all that they so asked!
As into the face of hell, as Lance Corporal Bailey II . . . so stood fast!
So strong, with combat ribbons on his chest!
As he so wanted, to make his Father proud!
When, on that fateful day . . .
As a IED, almost took his fine life away . . .
As this mountain of a man, so lost his arm and both of his legs . . .
So close to death, as when this quiet hero's courage would so crest!
As his new battle began on that day, but To Be The Best!
As this quiet hero, so courageously so wiped all of those tears away!
And his Father with tears in his eyes, and mother too upon their knees for his son so prayed!
As this hero from Zion, his Father's son . . . got up that day!
And ran all with his heart of courage full, and so made his way!
A way of hope and courage, to so show us all!
what faith in hearts can so nourish!
For he is his Father's son, and Mother's child . . .
as over the years so much from them he had so learned!
But, now the tides have changed . . . as now its his Father, who so calls out his name!
As he so wants to be, just like his son . . . you see!
As now, he is the one who so makes his Father proud . . .
and like his son wants to be!
As to our nation, and our hearts . . . his Strength In Honor so speaks!
As one of The Illini's, most courageous of all sons!
This American Hero, his Father's Son!
For some people are put on this earth, to so Teach us all in their great worth!
To so make us all so very proud!
To show us all, where faith and honor so lives now!
And how a Father's and Mother's love, can so raise a splendid child so how!
That's right Marine, you make us all so proud!
As we watch you and your fine heart and soul, so rebuild so now . . .
As to one and all, your most magnificent heart speaks so loud!
Because, Marine's don't cry or pout!
Because, Marines they get things done . . . as they move up and out!
And if ever I have a son Larry,
I wish he could make me half as proud, as you've made your parents my son!
Because this Marine from Zion, even makes his fellow Marines cheer Hoo rah . . . so now!
So keep you heard up my son,
Because your Father is so Proud of you for all that you've done!
And so too is our Lord, who'll one day up in Heaven with you he will run!
Moments, upon this earth . . . are all we have! To make a difference with it all!
To change the world! To go off with hearts of courage full, as so unfurled!
As it's you Larry, who so makes us all so proud . . .
Above us all, Lance Corporal Bailey . . . you stand so tall!

TRIBUTE TO GERARD AND LILO LEEDS

Mr. HARKIN. Mr. President, I rise today to honor my friends Gerry and Lilo Leeds for their passionate commitment to improving the Nation's education system and helping all students reach their maximum potential.

Gerard and Lilo Leeds arrived in the United States after fleeing Germany in 1939 with virtually no money. But armed with their education, they eventually became successful entrepreneurs. In time, they built and then sold a sizable media corporation and have devoted their lives to ensuring that all students have access to an excellent education.

Initially, the Leeds founded the nonpartisan Institute for Student Achievement an organization that works in low-income middle and high schools to improve student achievement for at-risk youth. They were major supporters of the Campaign for Fiscal Equity, a coalition of concerned parents and education advocates working to reform New York State's school finance system. The Leeds also established the nonpartisan Caroline and Sigmund Schott Foundation an organization that works on early childhood education and care, gender equity, and education financing issues.

However, Gerry and Lilo Leeds did not stop there. After seeing the Institute for Student Achievement boost graduation rates in low-performing schools up as high as 90 percent, they founded the nonpartisan Alliance for Excellent Education in 2001 to singularly focus on advancing public policy to decrease dropout rates and prepare all students to succeed at the postsecondary level. The Alliance for Excellent Education has advocated on behalf of secondary school youth now for over 10 years thanks to the leadership and support of the Leeds family.

Mr. and Mrs. Leeds have worked to improve the education of students from every background, location, and age. Lilo Leeds has made education for students in less affluent communities, universal early education, and the advancement of women the focus of her work. She is also the co-founder of the Great Neck/Manhasset Community Child Care partnership. Gerry Leeds is the co-founder of the National Academy for Excellent Teacher, NAfET at Teachers College, Columbia University. Together, they are recipients of humanitarian awards from the Urban League, NAACP, New York State United Teachers Association, and the American Jewish Committee. They were listed by Newsday in the top 100 people who have shaped the century, an amazing feat especially considering the obstacles they both had to overcome.

This couple has provided countless opportunities for children to succeed. I believe they have been so committed to this cause in part because they see themselves in children who have to overcome tremendous obstacles to thrive. Fundamentally, the Leeds feel a

responsibility to act to improve the world around them; and their actions have made a difference for the Nation's students.

Mr. President, I would like to thank Gerry and Lilo for their contributions and dedication to young people all across this country.

OPEN BURN PITS REGISTRY ACT

Mr. UDALL of New Mexico. Mr. President, President Obama recently announced that our long war and military involvement in Iraq would be coming to a close.

For nearly a decade, our armed forces served honorably in Iraq and got the job done. While I opposed the Iraq war from the beginning, my commitment to our troops and our veterans has been resolute. We must always remain mindful of the sacrifice and the obligations we hold to every veteran.

It is because of those obligations that I rise today to speak about the hidden wounds facing the veterans of the Iraq and Afghan wars. These wounds were not caused by insurgents or terrorists, but by exposure to environmental pollution caused by our own open air burn pits.

Open air burn pits were widely used at forward operating bases, where disposing of trash and other debris was a major challenge, and the solution that was chosen had serious medical and environmental risks. Pits of waste were set on fire andthey would turn the sky black. At this and other bases, disposing of trash and other debris was a major challenge, a challenge which was solved using a method fraught with medical and environmental risks.

Over 10 acres of land at Joint Base Balad in Iraq were used for burning toxic debris. This is a base, that at the height of its operations, hosted approximately 25,000 military, civilian and coalition personnel. Among the toxic soup released into the atmosphere from Balad were particulates from plastics and Styrofoam, metal, chemicals from paints and solvents, petroleum and lubricants, jet fuel and unexploded ordinance, medical and other dangerous waste—all in the air and being inhaled into the lungs of service members.

Air samples at Joint Base Balad turned up some nasty stuff: Particulate matter—chemicals that form from the incomplete burning of coal, oil and gas, garbage, or other organic substances; volatile organic compounds such as acetone and benzene. Benzene is known to cause leukemia and dioxins which are associated with Agent Orange.

Our veterans have slowly begun to raise the alarm as they learn why, after returning home, they are short of breath, or experiencing headaches or other symptoms, and in some cases developing cancer. Many other independent organizations have also urged action on this issue, including the American Lung Association which has stated:

Emissions from burning waste contain fine particulate matter, sulfur oxides, carbon monoxide, volatile organic compounds and various irritant gases such as nitrogen oxides that can scar the lungs.

The organizations have called on the VA and Defense Department to begin to monitor our troops and veterans who have been exposed.

Last week I added my voice to that call. The Open Burn Pits Registry Act of 2011 will give the VA the tools to help our veterans who are suffering as a result of their exposure. Establishing an open burn pit registry for those who may have been exposed is just a preliminary step. A public information campaign, to help bring veterans forward, will also be required. Once veterans are identified in the registry, they will be able to receive information about significant developments associated with their exposure. Furthermore, the identification of affected veterans could help improve the VA's ability to treat and understand the causes of these veterans' ailments.

As was noted this week, the Institute of Medicine released a report which concluded that while there was not conclusive evidence of a link between burn pits and medical ailments, that there was insufficient evidence to rule out a link as well. An online summary of the report stated a recommendation that:

> a study be conducted that would evaluate the health status of service members from their time of deployment to Joint Base Balad over many years to determine their incidence of chronic diseases, including cancers, that tend to not show up for decades.

This registry will help our medical and scientific experts better analyze who was exposed and who is suffering. In New Mexico, veterans have begun to come forward about their medical conditions. Some, like MSG Jessey Baca, a member of the New Mexico Air National Guard who was stationed in Balad, Iraq, are facing serious ailments such as cancer and chronic bronchiolitis. It is stories like Master Sergeant Baca's which have motivated me to take action on this issue and I urge my colleagues to hear the stories of veterans like him in all 50 States.

The Open Burn Pits Registry Act has bipartisan and bicameral support. In the House, Representative AKIN, a Republican, is sponsoring this important piece of legislation with a strong bipartisan group. On the Senate side I would like to thank my colleagues who are also addressing this important issue facing our veterans. Senator CORKER and I, who is the Republican lead, have been joined by Senators MCCASKILL, BINGAMAN, SCHUMER, ALEXANDER, and BILL NELSON, who have all signed on to lead this charge as original cosponsors. In addition, Senator WYDEN has also indicated that he will join as a cosponsor. I thank them for being champions for our veterans suffering from these hidden wounds, and I would urge my colleagues to support this bill.

ADDITIONAL STATEMENTS

MUSIC IN JOPLIN, MISSOURI

● Mrs. BOXER. Mr. President, today I want to spotlight a generous act that will help a school and a community recover from a terrible natural disaster.

Joplin, MO, was devastated this past May by the worst tornado to strike the United States in 60 years. This horrific storm cut a 6-mile swath through Joplin, killing 162 people and destroying more than 8,000 buildings, including thousands of homes and many of the city's schools.

The people of Joplin have worked heroically to rebuild their community. At the end of August, students returned to school. Thanks to donations from people across America and around the world, every student received a backpack with school supplies and a new laptop computer.

Barry Manilow saw one need that had not been met: Among the countless losses in the tornado were all the musical instruments used by students in the band at Joplin High School and other city schools.

Last month, Barry arrived in Joplin with three truckloads of instruments, worth about $300,000. He presented the donation personally on the football field at Joplin High. Barry noted that his own high school music program in Brooklyn, NY, had nurtured his talent and opened the way for his amazing musical career.

Barry Manilow's gift to Joplin was tremendous but not unique for him. Through his nonprofit Manilow Music Project, Barry has helped public schools across the country to survive despite drastic cuts to school funding for the arts. He not only writes the songs; he also writes checks that enable school music programs to keep bringing the gift of music to our students, schools, and communities.

I salute Barry Manilow today and am deeply moved by his act of kindness. It brings me great pride to call him not only a Californian, but also a friend.●

REMEMBERING PAT TAKASUGI

● Mr. CRAPO. Mr. President, today I wish to honor the life of Idaho State Representative Pat Takasugi. I join his family and friends in mourning the passing of this great Idahoan.

Pat's efforts and input on behalf of Idaho agriculture were indispensible. He had the experience and association through his role as the director of the Idaho State Department of Agriculture and a number of agricultural organizations and the on-the-ground knowledge of an innovative farmer that were instrumental in improving agricultural policy. His advocacy for Idaho agriculture advanced its position in domestic and foreign markets, and he leaves behind a legacy of skilled support.

We are all better for having known Pat Takasugi. His intelligence, humility and dedication were exemplary. He

added the right amount of humor to every situation and approached challenges with optimism. He really liked people, and he took his time to give everyone his full attention. That quality along with his sincerity contributed to the vast number of friends and acquaintances who respect and adore him.

Pat led a life of service to our State and Nation. After graduating from the College of Idaho and obtaining post graduate credits from the University of Idaho and Boise State University, Pat joined the U.S. Army through which he served 5 years in Active service and another 5 years in Reserve service. During his military service, Pat was promoted to the rank of captain and qualified for Airborne wings, the Ranger tab and Special Forces green beret. After returning to Wilder, he grew a farm of 32 acres into a more than 1,500-acre-farm and was a partner in Snake River Produce. He also served for 10 years as the director of the Idaho State Department of Agriculture before he was elected in 2008 to represent Idaho's District 10 in the State legislature.

His list of accomplishments and associations with a number of Idaho and national organizations, including his service as past president of the National Association of State Departments of Agriculture, is extensive. He advocated for good jobs, a healthy rural economy, business development, lower taxes, less regulation, parental involvement in education, protection of private property and water rights and a lean and accountable government. His principles included belief that ''promoting strong families and renewing an individual sense of responsibility are key to reversing the erosion of our nation's foundation.'' He worked considerately to advance these and other objectives on behalf of Idahoans.

I extend my condolences and prayers to Pat's family, friends and loved ones, including his wife Suzanne his three children and his parents Michio and Ayako. Pat was a great friend to many, and he was very proud of his family. He was a talented farmer and public servant. Pat Takasugi's contribution to our State will not be forgotten.●

REMEMBERING CORPORAL VOLLIE PITTS

● Mr. MORAN. Mr. President, I wish to recognize and pay tribute to CPL Vollie Pitts of Hutchinson, KS. Corpora1 Pitts proudly served our country in World War I and has been revered as a hero by his family, friends, and those who served alongside him. Today it is my privilege to share the story of this unsung hero and honor him for his service and sacrifice on behalf of our country.

Corporal Pitts was born on February 14, 1897, and raised on his family's farm in Salina, KS. Like so many Kansans of his generation, Corporal Pitts put his country's needs before his own, leaving his parents and three siblings behind to volunteer as a member of the Kansas National Guard. At the young age of 19, he was first called into duty when his regiment was mobilized to the Mexican border in 1916. Their mission was to protect Americans from Mexican outlaws who were operating along the U.S. border. Following the successful completion of their mission, his regiment joined with another and became the 137th Kansas Infantry Regiment.

Corporal Pitts was again called into duty in 1917 to serve his county in World War I. In the spring of 1918, Corporal Pitts and his regiment made their way to the frontlines for one of the most significant battles of the First World War—the Battle of the Argonne Forest. It was during this battle when Corporal Pitts courageously rushed a German gun emplacement, single-handedly capturing the gun and part of its crew. His heroic actions that day saved countless lives, including the men of his own unit. Even after he was wounded and gassed, Corporal Pitts continued to fight until he was forced to seek help at a field hospital, where doctors determined his fighting days had come to an end.

Upon his arrival back in the United States, Corporal Pitts received an honorable discharge from the service and returned home to Kansas. On September 2, 1920, he began a new chapter in his life and married Gladys Reichardt. The young couple made their home in Hutchinson, Kansas and raised two daughters, Koloma and Patricia. Several decades later in 1954, Corporal Pitts passed away in Denver, CO, surrounded by his family.

Corporal Pitts exemplified many traits we can all admire: courage, dedication, and selflessness. His heroic actions during World War I will forever remain a testimony to his love for this country and his fellow Americans. America is proud and honored to call Corporal Pitts one of our own, and we shall never forget his courage and sacrifice, which made America a stronger and freer nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:46 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker pro tempore (Mr. HARRIS) has signed the following enrolled bills:

S. 1487. An act to authorize the Secretary of Homeland Security, in coordination with the Secretary of State, to establish a program to issue Asia-Pacific Economic Cooperation Business Travel Cards, and for other purposes.

H.R. 2447. An act to grant the congressional gold medal to the Montford Point Marines.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. REID).

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–3898. 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 ''Methacrylic Polymer; Tolerance Exemption'' (FRL No. 8891–1) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3899. 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 ''Trifloxystrobin; Pesticide Tolerances'' (FRL No. 8890–1) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3900. 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 ''Flutriafol; Pesticide Tolerances'' (FRL No. 9325–6) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3901. 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 ''Methacrylic acid-methyl methacrylate-polyethylene glycol monomethyl ether methacrylate graft copolymer; Tolerance Exemption'' (FRL No. 8891–4) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3902. 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 ''Abamectin (avermectin); Pesticide Tolerances'' (FRL No. 8890–2) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3903. 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 ''Amides, C5–C9, N–[3–(dimethylamino)propyl] and amides, C6–C12, N–[3–(dimethylamino)propyl]; Exemption from the Requirement of a Tolerance'' (FRL No. 8890–8) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3904. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Existing Validated End-User Authorizations in the People's Republic of China: National Semiconductor Corporation and Semiconductor Manufacturing International Corporation'' (RIN0694–AF32) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC–3905. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC–3906. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Ireland; to the Committee on Banking, Housing, and Urban Affairs.

EC–3907. 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 ''Branded Prescription Drug Fee; Guidance for the 2012 Fee Year'' (Notice 2011–92) received in the Office of the President of the Senate on November 8, 2011; to the Committee on Finance.

EC–3908. 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 ''Single Statement Filing Procedure'' (Rev. Proc. 2011–55) received in the Office of the President of the Senate on November 8, 2011; to the Committee on Finance.

EC–3909. 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 ''2012 Limitations Adjusted as Provided in Section 415(d), etc.'' (Notice 2011–90) received in the Office of the President of the Senate on November 8, 2011; to the Committee on Finance.

EC–3910. 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 ''Graduated Retained Interests'' (RIN1545–BH94) received in the Office of the President of the Senate on November 8, 2011; to the Committee on Finance.

EC–3911. 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 ''Appleton v. Commissioner, 133 T.C. 461'' (AOD–2011–47) received in the Office of the President of the Senate on November 8, 2011; to the Committee on Finance.

EC–3912. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' (FRL No. 9485–4) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Environment and Public Works.

EC–3913. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OMB Approvals Under the Paperwork Reduction Act; Technical Amendment; Community Right-to-Know Toxic Chemical Release Reporting'' (FRL No. 9488–4) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Environment and Public Works.

EC–3914. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Trademark Technical and Conforming Amendments'' (RIN0651–AC39) received in the Office of the President of the Senate on November 7, 2011; to the Committee on the Judiciary.

EC–3915. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Bureau of Prisons' compliance with the privatization requirements of the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on the Judiciary.

EC–3916. A communication from the Assistant General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards of Conduct'' ((RIN3209–AA15)(Notice 2011–16)) received in the Office of the President of the Senate on November 7, 2011; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 598. A bill to repeal the Defense of Marriage Act and ensure respect for State regulation of marriage.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Col. Giovanni K. Tuck, to be Brigadier General.

Air Force nomination of Maj. Gen. Robin Rand, to be Lieutenant General.

Air Force nomination of Brig. Gen. Everett H. Thomas, to be Major General.

Air Force nomination of Maj. Gen. Ronnie D. Hawkins, Jr., to be Lieutenant General.

Air Force nomination of Col. Judy M. Griego, to be Brigadier General.

Air Force nomination of Maj. Gen. John W. Hesterman III, to be Lieutenant General.

Army nomination of Col. David C. Coburn, to be Brigadier General.

Army nomination of Maj. Gen. Joseph E. Martz, to be Lieutenant General.

Army nominations beginning with Brigadier General Ralph O. Baker and ending with Brigadier General Mark W. Yenter, which nominations were received by the Senate and appeared in the Congressional Record on July 26, 2011. (minus 1 nominee: Brigadier General Edward M. Reeder, Jr .)

Army nomination of Maj. Gen. Peter M. Vangjel, to be Lieutenant General.

Army nomination of Brig. Gen. Gill P. Beck, to be Major General.

Army nomination of Gen. Lloyd J. Austin III, to be General.

Army nomination of Brig. Gen. Janet L. Cobb, to be Major General.

Army nomination of Lt. Gen. William B. Caldwell IV, to be Lieutenant General.

Army nomination of Maj. Gen. William E. Ingram, Jr., to be Lieutenant General.

Army nomination of Brig. Gen. Raymond A. Thomas III, to be Major General.

Army nomination of Col. John L. Poppe, to be Brigadier General.

Navy nomination of Rear Adm. Matthew L. Nathan, to be Vice Admiral.

Navy nomination of Rear Adm. (lh) Earl L. Gay, to be Rear Admiral.

Navy nomination of Rear Adm. Timothy M. Giardina, to be Vice Admiral.

Navy nomination of Rear Adm. William D. French, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

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

Air Force nominations beginning with Michael W. Aamold and ending with Jeffrey T. Zurick, which nominations were received by the Senate and appeared in the Congressional Record on May 9, 2011.

Air Force nominations beginning with Jesse Acevedo and ending with Jesse B. Zydallis, which nominations were received by the Senate and appeared in the Congressional Record on July 20, 2011.

Air Force nominations beginning with David S. Choi and ending with Muhannad Kassawat, which nominations were received by the Senate and appeared in the Congressional Record on October 18, 2011.

Air Force nominations beginning with Kristine M. Autorino and ending with Jason S. Wrachford, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Air Force nominations beginning with Michael J. Apol and ending with Dawn M. K. Zoldi, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Army nomination of Kari L. Crawford, to be Captain.

Army nomination of Kent T. Critchlow, to be Colonel.

Army nominations beginning with Carleton W. Birch and ending with Jerry M. Woodbery, which nominations were received by the Senate and appeared in the Congressional Record on October 5, 2011.

Army nominations beginning with Scott D. Stewart and ending with Susumu Uchiyama, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

Army nominations beginning with Ralph M. Crum and ending with James E. Lowery, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

Army nomination of Amanda E. Harrington, to be Major.

Army nomination of Ramon M. Angelucci, to be Major.

Army nomination of Charles S. Moore, to be Major.

Army nomination of Steven Gandia, to be Major.

Army nominations beginning with Adam R. Lieberman and ending with Kenneth J.

Zenker, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

Army nominations beginning with Bronson B. White and ending with Michael K. Doney, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

Army nominations beginning with Gary R. Allen and ending with Oran L. Roberts, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2011.

Army nominations beginning with Patrick A. Barnett and ending with Jeffrey P. Van, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2011.

Army nomination of Russel E. Perry, to be Colonel.

Army nominations beginning with Sherry L. Graham and ending with Noreen A. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nominations beginning with Jonathan H. Jaffin and ending with Charles E. Mcqueen, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nominations beginning with John P. Gerber and ending with Gregory A. Weaver, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nominations beginning with Lloynetta H. Artis and ending with Edward E. Yackel, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nominations beginning with Mark R. Baggett and ending with James E. Tuten, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nominations beginning with Susan K. Arnold and ending with Randolph Swansiger, which nominations were received by the Senate and appeared in the Congressional Record on October 31, 2011.

Army nomination of Serafina Sauia, to be Major.

Army nominations beginning with Terry L. Clark and ending with Darron T. Smith, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Army nominations beginning with David Butler and ending with Timothy W. Smith, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Army nominations beginning with Randall D. Isom and ending with Michael A. Mitchell, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Army nominations beginning with Joseph C. Barker and ending with James W. Ring, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2011.

Navy nomination of Paul E. Ware, to be Lieutenant Commander.

Navy nomination of Stephen A. Tankersley, to be Lieutenant Commander.

Navy nomination of William B. Carter, to be Captain.

Navy nomination of Judith A. Ciesla, to be Commander.

Navy nominations beginning with Ben D. Ramaley and ending with Bernhard Zunkeler, which nominations were received by the Senate and appeared in the Congressional Record on October 11, 2011.

Navy nomination of David S. Fuchs, Jr., to be Lieutenant Commander.

Navy nominations beginning with Daniel J. Traub and ending with William N. Solomon, which nominations were received by the Senate and appeared in the Congressional Record on October 12, 2011.

Navy nomination of Matthew J. Powers, to be Lieutenant Commander.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Charles DeWitt McConnell, of Ohio, to be an Assistant Secretary of Energy (Fossil Energy).

*David T. Danielson, of California, to be an Assistant Secretary of Energy (Energy Efficiency and Renewable Energy).

*LaDoris Guess Harris, of Georgia, to be Director of the Office of Minority Economic Impact, Department of Energy.

*Gregory Howard Woods, of New York, to be General Counsel of the Department of Energy.

By Mr. LEAHY for the Committee on the Judiciary.

Michael E. Horowitz, of Maryland, to be Inspector General, Department of Justice.

Susie Morgan, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

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

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN:

S. 1839. A bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life, and for other purposes; to the Committee on Armed Services.

By Mr. BROWN of Ohio (for himself and Ms. COLLINS):

S. 1840. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health with respect to translational research and related activities concerning Down syndrome, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN of Ohio (for himself and Ms. COLLINS):

S. 1841. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health and the Centers for Disease Control and Prevention with respect to translational research and related activities concerning Down syndrome, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER:

S. 1842. A bill to protect 10th Amendment rights by providing special standing for State government officials to challenge proposed regulations, and for other purposes; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. LUGAR, Mr. MCCAIN, Mr. PAUL, Mr. RISCH, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, and Mr. VITTER):

S. 1843. A bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELLER (for himself, Mr. HATCH, Mr. LEE, Mr. THUNE, Mr. HOEVEN, Mr. ENZI, Mr. CRAPO, Mr. BARRASSO, Mr. RISCH, and Ms. MURKOWSKI):

S. 1844. A bill to ensure that Federal Register notices submitted to the Bureau of Land Management are reviewed in a timely manner; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself, Mr. BINGAMAN, and Ms. COLLINS):

S. 1845. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Finance.

By Mr. BENNET:

S. 1846. A bill to amend title 38, United States Code, to establish the National Veterans Support Foundation to carry out activities to support and supplement the mission of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUBIO (for himself, Mr. BLUNT, and Mr. NELSON of Florida):

S. 1847. A bill to amend title 38, United States Code, to reinstate criminal penalties for persons charging veterans unauthorized fees, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUBIO (for himself, Mr. INHOFE, and Mr. CRAPO):

S. 1848. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Relations.

By Mr. FRANKEN (for himself and Mr. BOOZMAN):

S. 1849. A bill to require a five-year strategic plan for the Office of Rural Health of the Veterans Health Administration of the Department of Veterans Affairs for improving access to, and the quality of, health care services for veterans in rural areas; to the Committee on Veterans' Affairs.

By Mr. HARKIN (for himself, Mr. CASEY, Mr. TESTER, Mr. BROWN of Ohio, Mr. LEAHY, Mr. FRANKEN, Mr. BINGAMAN, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, and Mrs. BOXER):

S. 1850. A bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1851. A bill to authorize the restoration of the Klamath Basin and the settlement of the hydroelectric licensing of the Klamath Hydroelectric Project in accordance with the Klamath Basin Restoration Agreement and the Klamath Hydroelectric Settlement Agreement in the public interest and the interest of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1852. A bill to amend title 38, United States Code, to expand the Marine Gunnery Sergeant John David Fry scholarship to include spouses of members of the Armed

Forces who die in the line of duty, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SANDERS (for himself, Mrs. GILLIBRAND, Mr. LEAHY, and Mr. WYDEN):

S. 1853. A bill to recalculate and restore retirement annuity obligations of the United States Postal Service, eliminate the requirement that the United States Postal Service pre-fund the Postal Service Retiree Health Benefits Fund, place restrictions on the closure of postal facilities, create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BURR (for himself, Mr. HARKIN, Mr. ENZI, Mr. CASEY, Ms. MIKULSKI, Mr. ALEXANDER, and Mr. ROBERTS):

S. 1854. A bill to enhance medical surge capacity; to the Committee on Finance.

By Mr. BURR (for himself, Mr. HARKIN, Mr. ENZI, Mr. CASEY, Ms. MIKULSKI, Mr. ALEXANDER, Mr. LIEBERMAN, Ms. COLLINS, Mrs. HAGAN, and Mr. ROBERTS):

S. 1855. A bill to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEMINT (for himself, Mr. SESSIONS, and Mr. VITTER):

S. 1856. A bill to prohibit Federal funding for lawsuits seeking to invalidate specific State laws that support the enforcement of Federal immigration laws; to the Committee on the Judiciary.

By Mr. LEE:

S. 1857. A bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes; to the Committee on the Judiciary.

By Mr. MENENDEZ:

S. 1858. A bill to amend the Internal Revenue Code of 1986 to provide an investment credit for equipment used to fabricate solar energy property, and for other purposes; to the Committee on Finance.

By Mr. AKAKA:

S. 1859. A bill to provide that section 3330a, 3330b, and 3330c of title 5, United States Code, relating to administrative and judicial redress and remedies for preference eligibles, shall apply with respect to the Federal Aviation Administration and the Transportation Security Administration; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. BROWN of Massachusetts, Mrs. HAGAN, Ms. AYOTTE, Ms. CANTWELL, Mr. ENZI, Mr. CARDIN, Mr. RISCH, Mr. PRYOR, Mrs. SHAHEEN, Mr. LIEBERMAN, Mr. CARPER, Mr. UDALL of New Mexico, Mr. MERKLEY, Mrs. BOXER, Mr. WYDEN, Mr. TESTER, Mr. BEGICH, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. WEBB, Ms. STABENOW, Mr. BOOZMAN, Mr. BARRASSO, Mr. LUGAR, Mr. ALEXANDER, Ms. COLLINS, Mr. KIRK, Ms. MURKOWSKI, Mr. ROBERTS, and Mr. HOEVEN):

S. Res. 320. A resolution designating November 26, 2011, as ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses; considered and agreed to.

By Mr. AKAKA (for himself, Mr. INOUYE, Mr. LEVIN, and Mr. BROWN of Massachusetts):

S. Res. 321. A resolution commemorating the 50th anniversary of the Federal Executive Boards; considered and agreed to.

ADDITIONAL COSPONSORS

S. 33

At the request of Mr. LIEBERMAN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 33, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 581

At the request of Mr. BURR, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 581, a bill to amend the Child Care and Development Block Grant Act of 1990 to require criminal background checks for child care providers.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 883

At the request of Mr. LIEBERMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 883, a bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

S. 922

At the request of Mrs. GILLIBRAND, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 922, a bill to amend the Workforce Investment Act of 1998 to authorize the Secretary of Labor to provide grants for Urban Jobs Programs, and for other purposes.

S. 1025

At the request of Mr. LEAHY, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal—State military coordination in domestic emergency response, and for other purposes.

S. 1039

At the request of Mr. CARDIN, the names of the Senator from Delaware (Mr. COONS) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1196

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1196, a bill to expand the use of E-Verify, to hold employers accountable, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1350

At the request of Mr. COONS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1541

At the request of Mr. JOHANNS, his name was added as a cosponsor of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1585

At the request of Mrs. BOXER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1585, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 1651

At the request of Mr. SESSIONS, the names of the Senator from Tennessee (Mr. CORKER), the Senator from Nebraska (Mr. JOHANNS) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 1651, a bill to provide for greater transparency and honesty in the Federal budget process.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1741

At the request of Mr. FRANKEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1741, a bill to amend the Internal Revenue Code of 1986 to provide an investment tax credit for community wind projects having generation capacity of not more than 20 megawatts, and for other purposes.

S. 1762

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Illinois (Mr. KIRK) were added as cosponsors of S. 1762, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities and to amend the Internal Revenue Code of 1986 to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare—related programs.

S. 1769

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1769, a bill to put workers back on the job while rebuilding and modernizing America.

S. 1776

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1776, a bill to amend title 10, United States Code, to expand the Operation Hero Miles program to include the authority to accept the donation of travel benefits in the form of hotel points or awards for free or reduced—cost accommodations.

S. 1791

At the request of Mr. BROWN of Massachusetts, the names of the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1791, a bill to amend the securities laws to provide for registration exemptions for certain crowdfunded securities, and for other purposes.

S. 1798

At the request of Mr. UDALL of New Mexico, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1798, a bill to direct the Secretary of Veterans Affairs to establish an open burn pit registry to ensure that members of the Armed Forces who may have been exposed to toxic chemicals and fumes caused by open burn pits while deployed to Afghanistan or Iraq receive information regarding such exposure, and for other purposes.

S. 1804

At the request of Mr. REED, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1804, a bill to amend title IV of the Supplemental Appropriations Act, 2008 to provide for the continuation of certain unemployment benefits, and for other purposes.

S. 1824

At the request of Mr. TOOMEY, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 1824, a bill to amend the securities laws to establish certain thresholds for shareholder registration under that Act, and for other purposes.

S. 1833

At the request of Mr. MANCHIN, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1833, a bill to provide additional time for compliance with, and coordinating of, the compliance schedules for certain rules of the Environmental Protection Agency.

S. 1836

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1836, a bill to amend the Oil Pollution Act of 1990 to clarify that the Act applies to certain incidents that occur in water beyond the exclusive economic zone of the United States.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 241

At the request of Mr. MENENDEZ, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Res. 241, a resolution expressing support for the designation of November 16, 2011, as National Information and Referral Services Day.

S. RES. 251

At the request of Mr. CARPER, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 251, a resolution expressing support for improvement in the collection, processing, and consumption of recyclable materials throughout the United States.

AMENDMENT NO. 927

At the request of Mr. TESTER, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Florida (Mr. NELSON) were added as cosponsors of amendment No. 927 proposed to H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare—related programs, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 1839. A bill to amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life, and for other purposes; to the Committee on Armed Services.

Mr. WYDEN. Mr. President, never in our Nation's history has the American military relied more on National Guard and Reserve servicemembers than it has in the last 10 years.

More than 800,000 members of the National Guard and Reserves have been called to active duty service since 9/11, many of them serving two, three, and four tours of duty in Iraq and Afghanistan

Our military does an exceptional job of preparing these guardsmen and reservists for combat, but we do far too little to prepare them for transition back to civilian life.

Our guardsmen need a transition from the trauma of combat to the serenity of home in Oregon and throughout our Nation. But instead our guardsmen and reservists are sent back to their community with little or no time to readjust. In a matter of a few days these guardsmen go from holding a gun in the chaos of a combat zone to holding their children in the serenity of their own home. That has to be a difficult transition.

Unlike most active-duty troops who receive a soft landing through a number of carefully monitored reintegration programs and other support services provided on an active-duty base, returning guardsmen lack the support system of a large base.

While active-duty soldiers come home to military bases and the jobs and support systems that they provide, returning Guard members are in many instances left to face the increasingly stark reality of transitioning to civilian life on their own.

The amount of personal and professional requirements placed on guardsmen and reservists pre- and post-deployment are mind boggling. What they need more than anything is time to wind down and tend to their lives.

Even under the best of circumstances, the road back from war is difficult and extremely stressful. Men and women who have served in harm's way experience higher rates of divorce and suicide.

Many battle the debilitating effects and stigma associated with Post Traumatic Stress Disorder. In the current struggling economy, nearly half of the guard members and reservists have no job to return to. Some find that the jobs and careers they put on hold to serve their country simply no longer exist.

To compound an unacceptable unemployment problem, Guard members and reservists are immediately taken off the military payroll once they get home.

Imagine that reality for a second. You left your home, your family and your job to serve your country in harm's way for 10 months, only to be welcomed back with no job and no

source of income to pay for your home or support your family.

If they do have a job waiting for them, to keep a steady income, Guardsmen must jump right back into the high stress of relearning their civilian job without a chance to decompress or readjust from the stress of combat.

That is what my bill would help fix.

The National Guard and Reserve Soft Landing Reintegration Act would allow returning guardsmen and reservists to take up to 45 days to decompress, reintegrate, and get their lives in order, while still being paid.

I started this program because I think that citizen-soldiers are one of the strengths of this nation. They and their families should be acknowledged for the level of sacrifices that they are making.

Addressing the post deployment-related needs of returning guardsmen is not only the moral thing to do; it is also strategically wise for our nation.

This is part of the promise our nation made to take care of our troops. They did their best of us. We should do our best for them.

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. 1839

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 ''National Guard and Reserve Soft Landing Reintegration Act''.

SEC. 2. TEMPORARY RETENTION ON ACTIVE DUTY AFTER DEMOBILIZATION OF RESERVES FOLLOWING EXTENDED DEPLOYMENTS IN CONTINGENCY OPERATIONS OR HOMELAND DEFENSE MISSIONS.

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions

''(a) IN GENERAL.—Subject to subsection (d), a member of a reserve component of the armed forces described in subsection (b) shall be retained on active duty in the armed forces for a period of 45 days following the conclusion of the member's demobilization from a deployment as described in that subsection, and shall be authorized the use of any accrued leave.

''(b) COVERED MEMBERS.—A member of a reserve component of the armed forces described in this subsection is any member of a reserve component of the armed forces who was deployed for more than 269 days under the following:

''(1) A contingency operation.

''(2) A homeland defense mission (as specified by the Secretary of Defense for purposes of this section).

''(c) PAY AND ALLOWANCES.—Notwithstanding any other provision of law, while a member is retained on active duty under subsection (a), the member shall receive—

''(1) the basic pay payable to a member of the armed forces under section 204 of title 37 in the same pay grade as the member;

''(2) the basic allowance for subsistence payable under section 402 of title 37; and

''(3) the basic allowance for housing payable under section 403 of title 37 for a member in the same pay grade, geographic location, and number of dependents as the member.

''(d) EARLY RELEASE FROM ACTIVE DUTY.—(1) Subject to paragraph (2), at the written request of a member retained on active duty under subsection (a), the member shall be released from active duty not later than the end of the 14-day period commencing on the date the request was received. If such 14-day period would end after the end of the 45-day period specified in subsection (a), the member shall be released from active duty not later than the end of such 45-day period.

''(2) The request of a member for early release from active duty under paragraph (1) may be denied only for medical or personal safety reasons. The denial of the request shall require the affirmative action of an officer in a grade above O–5 who is in the chain of command of the member. If the request is not denied before the end of the 14-day period applicable under paragraph (1), the request shall be deemed to be approved, and the member shall be released from active duty as requested.

''(e) TREATMENT OF ACTIVE DUTY UNDER POLICY ON LIMITATION OF PERIOD OF MOBILIZATION.—The active duty of a member under this section shall not be included in the period of mobilization of units or individuals under section 12302 of this title under any policy of the Department of Defense limiting the period of mobilization of units or individuals to a specified period, including the policy to limit such period of mobilization to 12 months as described in the memorandum of the Under Secretary of Defense for Personnel and Readiness entitled 'Revised Mobilization/Demobilization Personnel and Pay Policy for Reserve Component Members Ordered to Active Duty in Response to the World Trade Center and Pentagon Attacks–Section 1,' effective January 19, 2007.

''(f) REINTEGRATION COUNSELING AND SERVICES.—(1) The Secretary of the military department concerned may provide each member retained on active duty under subsection (a), while the member is so retained on active duty, counseling and services to assist the member in reintegrating into civilian life.

''(2) The counseling and services provided members under this subsection may include the following:

''(A) Physical and mental health evaluations.

''(B) Employment counseling and assistance.

''(C) Marriage and family counseling and assistance.

''(D) Financial management counseling.

''(E) Education counseling.

''(F) Counseling and assistance on benefits available to the member through the Department of Defense and the Department of Veterans Affairs.

''(3) The Secretary of the military department concerned shall provide, to the extent practicable, for the participation of appropriate family members of members retained on active duty under subsection (a) in the counseling and services provided such members under this subsection.

''(4) The counseling and services provided to members under this subsection shall, to the extent practicable, be provided at National Guard armories and similar facilities close the residences of such members.

''(5) Counseling and services provided a member under this subsection shall, to the extent practicable, be provided in coordination with the Yellow Ribbon Reintegration Program of the State concerned under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended by adding at the end the following new item:

''12323. Reserves: temporary retention on active duty after demobilization following extended deployments in contingency operations or homeland defense missions.''.

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLIS, Mr. COBURN, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. DEMINT, Mr. ENZI, Mr. GRAHAM, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. LUGAR, Mr. MCCAIN, Mr. PAUL, Mr. RISCH, Mr. SHELBY, Ms. SNOWE, Mr. THUNE, and Mr. VITTER):

S. 1843. A bill to amend the National Labor Relations Act to provide for appropriate designation of collective bargaining units; to the Committee on Health, Education, Labor, and Pensions.

Mr. ISAKSON. Mr. President, today, I highlight yet another assault on private-sector employers by this administration and its appointees. Rather than empowering businesses to help bring us out of this economic downturn, the White House continues to tilt the scales in favor of its allies—the labor unions. Nowhere is this more evident than the recent actions of the National Labor Relations Board, NLRB.

For the past 77 years, the NLRB has recognized a bargaining unit as all the employees of the employer, a facility, a department, or a craft. A bargaining unit had to be a sufficient size to warrant separate group identification for the purposes of collective bargaining. This standard was developed through years of careful consideration and congressional guidance.

On August 26, 2011, the NLRB decided to recklessly disregard this longstanding precedent. In its ''Specialty Healthcare and Rehabilitation Center of Mobile'' decision, the NLRB decided that unions can now handpick a small group of employees doing the same job in the same location for organization purposes. For instance, cashiers at a grocery store could form one small union separate from the baggers, produce stockers, or deli butchers. Unions have found it much easier to organize three employees rather than 30. Employers, especially retail chains, fear that this could create several dozen unions all within the same store location—making it easier for unions to gain access to employees and nearly impossible to manage such fragmentation of the workforce.

Let me be clear: I do not oppose efforts by employees to unionize if they choose to do so. I do, however, oppose the government interfering in the principles of a democratic workplace and

tipping the scales in favor of one party over the other.

I am proud to stand up today, along with 28 of my Republican colleagues, to introduce the Representation Fairness Restoration Act. This bill will reinstate the traditional standard for determining which employees will constitute appropriate bargaining units. The NLRB's actions are yet another clear example of how President Obama's appointees at this ''independent'' agency are clearly playing favorites at the expense of the American worker and our economy. We need to send a message to the administration that the NLRB's decisions are only adding to the pressure and uncertainty facing businesses today. This runaway agency must be reined in and I stand by private-sector employers by helping restore fairness to the workplace.

By Mr. WYDEN (for himself, Mr. BINGAMAN, and Ms. COLLINS):

S. 1845. A bill to amend the Internal Revenue Code of 1986 to provide for an energy investment credit for energy storage property connected to the grid, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, today I am being joined by my colleagues Senator BINGAMAN and Senator COLLINS on the introduction of the Storage Technology for Renewable and Green Energy Act of 2011 or the STORAGE 2011 Act. The purpose of the bill is to promote the deployment of energy storage technologies to make the electric grid operate more efficiently and help manage intermittent renewable energy generation from wind, solar, and other sources that vary with the time of day and the weather.

Traditionally, peak demand has been met by building more generation and transmission facilities, many of which sit idle much of the time. The Electric Power Research Institute's White Paper on storage technology observed that 25 percent of the equipment and capacity of the U.S. electric distribution system and 10 percent of the generation and transmission system is needed less than 400 hours a year. Peak generation is also often met with the least efficient, most costly power plants. Energy storage systems offer an alternative to simply building more generation and transmission to meet peak demand because they allow the current system to meet peak demands by storing less expensive off-peak power, from the most cost-efficient plants, for use during peak demand.

The growth of renewable energy from wind and solar and other intermittent renewable sources, like wave and tidal energy, raises yet another challenge for the electric grid that storage can help address. These renewable sources deliver power at times of the day or night when they might not be needed or fluctuate with the weather. Energy storage technology allows these intermittent sources to store power as it is generated and allow it to be dispatched when it is most needed and in a predictable, steady of stream of electricity no longer at the vagaries of weather conditions. And equally important, it allows this intermittent generation to more closely match demand. Instead of trying to find a place to sell power at 3:00 am in the morning when demand is down, wind farms for example would be able to sell their power at 3:00 pm in the afternoon when demand is up.

The STORAGE 2011 Act offers investment tax credits for three categories of energy storage facilities that temporarily store energy for delivery or use at a later time. The bill is technology neutral and does not pick storage technology ''winners'' and ''losers'' either in terms of the storage technology that is used or in terms of the source of the energy that is stored. The electricity can come from a wind farm or it can come for a coal or nuclear plant. Pumped hydro, compressed air, batteries, flywheels, and thermal storage are all eligible technologies as are smart-grid enabled plug-in electric vehicles.

First, the STORAGE 2011 Act provides a 20 percent investment tax credit of up to $40 million per project for storage systems connected to the electric grid and distribution system. A total of $1.5 billion in these investment credits are available for these grid connected systems. Developers would have to apply to the Treasury Department and DOE for the credits, similar to the process used for the green energy manufacturing credits the ''48C'' program. This is a 20 percent credit so that means the actual cost of the project that would be eligible for the full credit would be $200 million.

The Act also provides a 30 percent investment tax credit of up to $1 million per project to businesses for on-site storage, such as an ice-storage facility in on office building, where ice is made at night using low-cost, off-peak power and then used to help air-condition the building during the day while reducing peak demand. This is a 30 percent credit so the cost of the actual projects that would get the full credit amount would be around $3.3 million.

The Act also provides for 30 percent tax credit for homeowners for on-site storage projects to store off-peak electricity from solar panels or from the grid for later use during peak hours.

As the EPRI white paper noted ''(d)espite the large anticipated need for energy storage solutions within the electric enterprise, very few grid-integrated storage installations are in actual operation in the United States today.'' The purpose of the STORAGE 2011 Act is help jump start the deployment of these storage solutions so that renewable energy technologies can increase their economic value to the electric grid while reducing their power integration costs as well as to improve the overall efficiency of the electrical system.

I urge my colleagues to take a closer look at what storage technologies can do to help reduce the cost of electricity and improve the performance of the electric grid and renewable energy technologies. If they do, I am confident my colleagues will join Senators BINGAMAN and COLLINS in supporting this bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1845

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 ''Storage Technology for Renewable and Green Energy Act of 2011'' or the ''STORAGE 2011 Act''.

SEC. 2. ENERGY INVESTMENT CREDIT FOR ENERGY STORAGE PROPERTY CONNECTED TO THE GRID.

(a) UP TO 20 PERCENT CREDIT ALLOWED.—Subparagraph (A) of section 48(a)(2) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of subclause (IV) of clause (i),

(2) by striking ''clause (i)'' in clause (ii) and inserting ''clause (i) or (ii)'',

(3) by redesignating clause (ii) as clause (iii), and

(4) by inserting after clause (i) the following new clause:

''(ii) as provided in subsection (c)(5)(D), up to 20 percent in the case of qualified energy storage property, and''.

(b) QUALIFIED ENERGY STORAGE PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(5) QUALIFIED ENERGY STORAGE PROPERTY.—

''(A) IN GENERAL.—The term 'qualified energy storage property' means property—

''(i) which is directly connected to the electrical grid, and

''(ii) which is designed to receive electrical energy, to store such energy, and—

''(I) to convert such energy to electricity and deliver such electricity for sale, or

''(II) to use such energy to provide improved reliability or economic benefits to the grid.

Such term may include hydroelectric pumped storage and compressed air energy storage, regenerative fuel cells, batteries, superconducting magnetic energy storage, flywheels, thermal energy storage systems, and hydrogen storage, or combination thereof, or any other technologies as the Secretary, in consultation with the Secretary of Energy, shall determine.

''(B) MINIMUM CAPACITY.—The term 'qualified energy storage property' shall not include any property unless such property in aggregate has the ability to sustain a power rating of at least 1 megawatt for a minimum of 1 hour.

''(C) ELECTRICAL GRID.—The term 'electrical grid' means the system of generators, transmission lines, and distribution facilities which—

''(i) are under the jurisdiction of the Federal Energy Regulatory Commission or State public utility commissions, or

''(ii) are owned by—

''(I) the Federal government,

''(II) a State or any political subdivision of a State,

''(III) an electric cooperative that is eligible for financing under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), or

''(IV) any agency, authority, or instrumentality of any one or more of the entities described in subclause (I) or (II), or any corporation which is wholly owned, directly or indirectly, by any one or more of such entities.

''(D) ALLOCATION OF CREDITS.—

''(i) IN GENERAL.—In the case of qualified energy storage property placed in service during the taxable year, the credit otherwise determined under subsection (a) for such year with respect to such property shall not exceed the amount allocated to such project under clause (ii).

''(ii) NATIONAL LIMITATION AND ALLOCATION.—There is a qualified energy storage property investment credit limitation of $1,500,000,000. Such limitation shall be allocated by the Secretary among qualified energy storage property projects selected by the Secretary, in consultation with the Secretary of Energy, for taxable years beginning after the date of the enactment of the STORAGE 2011 Act, except that not more than $40,000,000 shall be allocated to any project for all such taxable years.

''(iii) SELECTION CRITERIA.—In making allocations under clause (ii), the Secretary, in consultation with the Secretary of Energy, shall select only those projects which have a reasonable expectation of commercial viability, select projects representing a variety of technologies, applications, and project sizes, and give priority to projects which—

''(I) provide the greatest increase in reliability or the greatest economic benefit,

''(II) enable the greatest improvement in integration of renewable resources into the grid, or

''(III) enable the greatest increase in efficiency in operation of the grid.

''(iv) DEADLINES.—

''(I) IN GENERAL.—If a project which receives an allocation under clause (ii) is not placed in service within 2 years after the date of such allocation, such allocation shall be invalid.

''(II) SPECIAL RULE FOR HYDROELECTRIC PUMPED STORAGE.—Notwithstanding subclause (I), in the case of a hydroelectric pumped storage project, if such project has not received such permits or licenses as are determined necessary by the Secretary, in consultation with the Secretary of Energy, within 3 years after the date of such allocation, begun construction within 5 years after the date of such allocation, and been placed in service within 8 years after the date of such allocation, such allocation shall be invalid.

''(III) SPECIAL RULE FOR COMPRESSED AIR ENERGY STORAGE.—Notwithstanding subclause (I), in the case of a compressed air energy storage project, if such project has not begun construction within 3 years after the date of the allocation and been placed in service within 5 years after the date of such allocation, such allocation shall be invalid.

''(IV) EXCEPTIONS.—The Secretary may extend the 2-year period in subclause (I) or the periods described in subclauses (II) and (III) on a project-by-project basis if the Secretary, in consultation with the Secretary of Energy, determines that there has been a good faith effort to begin construction or to place the project in service, whichever is applicable, and that any delay is caused by factors not in the taxpayer's control.

''(E) REVIEW AND REDISTRIBUTION.—

''(i) REVIEW.—Not later than 4 years after the date of the enactment of the STORAGE 2011 Act, the Secretary shall review the credits allocated under subparagraph (D) as of the date of such review.

''(ii) REDISTRIBUTION.—Upon the review described in clause (i), the Secretary may reallocate credits allocated under subparagraph (D) if the Secretary determines that—

''(I) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

''(II) any allocation made under subparagraph (D)(ii) has been revoked pursuant to subparagraph (D)(iv) because the project subject to such allocation has been delayed.

''(F) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making an allocation under subparagraph (D)(ii), publicly disclose the identity of the applicant, the location of the project, and the amount of the credit with respect to such applicant.

''(G) TERMINATION.—No credit shall be allocated under subparagraph (D) for any period ending after December 31, 2020.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 3. ENERGY STORAGE PROPERTY CONNECTED TO THE GRID ELIGIBLE FOR NEW CLEAN RENEWABLE ENERGY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 54C(d) of the Internal Revenue Code of 1986 is amended to read as follows:

''(1) QUALIFIED RENEWABLE ENERGY FACILITY.—The term 'qualified renewable energy facility' means a facility which is—

''(A)(i) a qualified facility (as determined under section 45(d) without regard to paragraphs (8) and (10) thereof and to any placed in service date), or

''(ii) a qualified energy storage property (as defined in section 48(c)(5)), and

''(B) owned by a public power provider, a governmental body, or a cooperative electric company.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 4. ENERGY INVESTMENT CREDIT FOR ONSITE ENERGY STORAGE.

(a) CREDIT ALLOWED.—Clause (i) of section 48(a)(2)(A) of the Internal Revenue Code of 1986, as amended by this Act, is amended—

(1) by striking ''and'' at the end of subclause (III),

(2) by inserting ''and'' at the end of subclause (IV), and

(3) by adding at the end the following new subclause:

''(V) qualified onsite energy storage property,''.

(b) QUALIFIED ONSITE ENERGY STORAGE PROPERTY.—Subsection (c) of section 48 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

''(6) QUALIFIED ONSITE ENERGY STORAGE PROPERTY.—

''(A) IN GENERAL.—The term 'qualified onsite energy storage property' means property which—

''(i) provides supplemental energy to reduce peak energy requirements primarily on the same site where the property is located, or

''(ii) is designed and used primarily to receive and store, firm, or shape variable renewable or off-peak energy and to deliver such energy primarily for onsite consumption.

Such term may include thermal energy storage systems and property used to charge plug-in and hybrid electric vehicles if such property or vehicles are equipped with smart grid equipment or services which control time-of-day charging and discharging of such vehicles. Such term shall not include any property for which any other credit is allowed under this chapter.

''(B) MINIMUM CAPACITY.—The term 'qualified onsite energy storage property' shall not include any property unless such property in aggregate—

''(i) has the ability to store the energy equivalent of at least 20 kilowatt hours of energy, and

''(ii) has the ability to have an output of the energy equivalent of 4 kilowatts of electricity for a period of 5 hours.

''(C) LIMITATION.—In the case of qualified onsite energy storage property placed in service during the taxable year, the credit otherwise determined under subsection (a) for such year with respect to such property shall not exceed $1,000,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 5. CREDIT FOR RESIDENTIAL ENERGY STORAGE EQUIPMENT.

(a) CREDIT ALLOWED.—Subsection (a) of section 25D of the Internal Revenue Code of 1986 is amended—

(1) by striking ''and'' at the end of paragraph (4),

(2) by striking the period at the end of paragraph (5) and inserting '', and'', and

(3) by adding at the end the following new paragraph:

''(6) 30 percent of the qualified residential energy storage equipment expenditures made by the taxpayer during such taxable year, and''.

(b) QUALIFIED RESIDENTIAL ENERGY STORAGE EQUIPMENT EXPENDITURES.—Section 25D(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:—

''(6) QUALIFIED RESIDENTIAL ENERGY STORAGE EQUIPMENT EXPENDITURES.—For purposes of this section, the term 'qualified residential energy storage equipment expenditure' means an expenditure for property—

''(A) which is installed in or on a dwelling unit located in the United States and owned and used by the taxpayer as the taxpayer's principal residence (within the meaning of section 121), or on property owned by the taxpayer on which such a dwelling unit is located,

''(B) which—

''(i) provides supplemental energy to reduce peak energy requirements primarily on the same site where the property is located, or

''(ii) is designed and used primarily to receive and store, firm, or shape variable renewable or off-peak energy and to deliver such energy primarily for onsite consumption, and

''(C) which—

''(i) has the ability to store the energy equivalent of at least 2 kilowatt hours of energy, and

''(ii) has the ability to have an output of the energy equivalent of 500 watts of electricity for a period of 4 hours.

Such term may include thermal energy storage systems and property used to charge plug-in and hybrid electric vehicles if such property or vehicles are equipped with smart grid equipment or services which control time-of-day charging and discharging of such vehicles. Such term shall not include any property for which any other credit is allowed under this chapter.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

By Mr. RUBIO (for himself, Mr. INHOFE, and Mr. CRAPO):

S. 1848. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Relations.

Mr. RUBIO. Mr. President, I rise to speak about legislation I introduced today to encourage comprehensive and long-lasting reforms at the United Nations. I want to thank my colleague Senator JAMES INHOFE from Oklahoma for joining me on this effort. I also commend the Chair of the House Foreign Affairs' Committee—and fellow Floridian Congresswoman ILEANA ROS-LEHTINEN for leading on this effort in the House of Representatives.

The United Nations was created in 1945 with the specific mandate of maintaining the hard-fought peace that followed the end of World War II. Just as it was then, today our nation's security and prosperity is influenced by conflicts and events taking place in various near and far-flung places. The United States cannot and should not attempt to address these conflicts on its own. More than six decades later, we still need a U.N. with resolve, a U.N. that acts with effectiveness and purpose. Sadly, the U.N.'s persistent ethics and accountability problems are limiting its role. Until the organization addresses these important issues, the stature of the organization will continue to suffer in the eyes of the world.

Examples of this troubling situation abound, from the ongoing efforts to circumvent direct negotiations to end the Israeli-Arab conflict, to the discredited Human Rights Council led by the world's most notorious tyrants and human rights violators, to the proliferation of mandates that have clouded the organization's mission and effectiveness.

My hope with this legislation is to provide an incentive for the United Nations and the President, to modernize that international body along a spirit of transparency, respect for basic human freedoms, and effective nonproliferation. This legislation would also attempt to address the anti-Semitic attitudes that have become so prevalent in certain corners of the U.N. and seriously diminish the credibility of the entire U.N. system.

At the core of these reforms is an effort to instill a sense of transparency and competition at the U.N. by its adoption of a budgetary model that relies mostly on voluntary contributions. This legislation would also strengthen the international standing of human rights by reforming the U.N. Human Rights Council in a way that it would deny membership to nations under U.N. sanctions, designated by our Department of State as States Sponsors of Terrorism, or failing to take measures to combat and end the despicable practice of human trafficking. Other provisions seek meaningful reforms at the U.N. Relief and Work Agency that provides assistance to Palestinian refugees of the 1948 Arab-Israeli conflict.

This legislation is needed because the structure and bureaucratic culture of the organization often makes it impossible or, at best, downright difficult to achieve meaningful reforms. It follows on the steps of previously successful Congressional initiatives on this matter. Every previously successful American effort for reform at the U.N. has been accompanied with the threat of withholding our valuable contributions. I wish this wasn't the case, but this is the record, so it is part of our legislation.

In closing, the United Nations has served as the primary multilateral forum to address peace and security issues throughout the world, and I look forward to working with my Senate colleagues in achieving meaningful transparency and accountability reforms at that international body.

By Mr. HARKIN (for himself, Mr. CASEY, Mr. TESTER, Mr. BROWN of Ohio, Mr. LEAHY, Mr. FRANKEN, Mr. BINGAMAN, Ms. KLOBUCHAR, Mr. JOHNSON of South Dakota, and Mrs. BOXER):

S. 1850. A bill to expand and improve opportunities for beginning farmers and ranchers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, among the most hopeful occurrences in rural America is when someone is able to get started in farming or ranching and go on to build a successful operation. Typically, the beginning farmer or rancher is continuing an established family farm or ranch, although increasingly he or she is taking on the challenge of starting and growing an entirely new operation.

Because farming and ranching families are so vital to rural communities and our Nation as a whole, there has been a great deal of concern for decades as America's agricultural producers have grown older and retired, as farm numbers fell, and as men and women who had a great desire to become the next generation of farmers and ranchers were unable to find the opportunities and resources to do so.

Across America, we are fortunate to have many families and individuals who possess the ability, motivation, and dedication to start or continue a farm or ranch and build a rewarding life in agriculture. Our Nation needs more beginning farmers and ranchers across all types of operations—including commercial-scale crop and animal agriculture systems, organic agriculture, growing for local food systems and farmers markets, and even farming in urban and suburban areas. We need more beginning farmers and ranchers to secure critical supplies of food, fuel, and fiber for the future. We need them as stewards to care for and conserve our soil, water, and other natural resources. We need more new farming and ranching families as contributing members of healthy and vibrant local communities.

Aspiring and beginning farmers and ranchers confront tremendous challenges, yet there are some hopeful signs. According to the Census of Agriculture, the number of farms in the United States increased four percent between 2002 and 2007. The new farms tended to be smaller, have lower sales, and rely more on off-farm income sources. New farmers are also more diverse, with significant increases between 2002 and 2007 in the number of farm operators who are women, Hispanic, American Indian, African-American, and Asian-American.

We know from experience that carefully designed programs can very effectively help beginning farmers and ranchers apply their talents and efforts, assemble the necessary resources, capitalize upon opportunities, and succeed. I am proud that in the two farm bills, in 2002 and 2008, that we enacted while I was chairman of the Agriculture, Nutrition, and Forestry Committee, we adopted a number of initiatives to strengthen and improve programs at the Department of Agriculture that assist beginning farmers and ranchers.

The legislation I am introducing today, joined by a number of my colleagues, is crafted to extend, improve, and strengthen beginning farmer and rancher programs and initiatives that we adopted in the most recent two farm bills and in earlier farm bills and other legislation. The Beginning Farmer and Rancher Opportunity Act of 2011 will build upon the successful record of the earlier legislation and its implementation by the U.S. Department of Agriculture in cooperation with a variety of public and private institutions and organizations.

Let me emphasize that the beginning farmer and rancher initiatives in the legislation we are introducing today, and the programs now being carried out by USDA, are not designed or intended to guarantee the success of any beginning farmer or rancher or to give anyone something for nothing. All they do is to offer a helping hand, a better opportunity, to women and men who make the effort and apply themselves, who are willing to learn and to do the necessary work to achieve their goals and succeed in farming and ranching.

A key feature of the Beginning Farmer and Rancher Opportunity Act of 2011 is to extend and strengthen the beginning farmer and rancher development program, which we enacted in 2008. In this program, USDA provides competitively-awarded grants to qualified organizations that deliver training and education for beginning farmers and ranchers. This new legislation makes it a new priority for USDA to issue grants to support agricultural rehabilitation and vocational training for military veterans and to deliver training and education to help veterans who are beginning farmers and ranchers. The

bill also would extend and increase mandatory funding for this development program to $25 million in each of fiscal years 2013 through 2017.

This legislation also strengthens in several ways the assistance USDA provides to enable beginning farmers and ranchers to assemble the financial resources they need to start and build a successful operation. It creates a microloan program in which young beginning farmers and ranchers who qualify could borrow up to $35,000 for operating expenses at reduced interest rates and with simplified paperwork. Also included in this bill is mandatory funding at $5 million a year to carry out the individual development accounts pilot program that was enacted in the 2008 farm bill. Grants under this pilot program would support at least 15 State individual development account initiatives to help beginning farmers and ranchers build savings that can then be invested in their agricultural operations. Several other provisions of the bill update and improve the existing USDA programs to help beginning farmers and ranchers obtain loans for operating expenses, land purchases, and applying conservation practices.

To encourage and assist beginning farmers and ranchers in maintaining and adopting sound conservation practices in their operations, the bill extends and strengthens several initiatives enacted in previous farm bills. For example, the legislation expands the options and financial incentives for maintaining conservation on land that comes out of the Conservation Reserve Program, CRP, contracts and is leased or sold to beginning farmers or ranchers. Other provisions increase the share of funds and enrollment dedicated to beginning farmers and ranchers in the Conservation Stewardship Program, CSP, and Environmental Quality Incentives Program, EQIP, strengthen help to beginning farmers and ranchers through the Farm and Ranch Land Protection Program, promote their use of whole-farm conservation planning, and boost help to them through conservation loans and cost-share payments.

Other features of the bill are designed to strengthen revenue insurance available to beginning farmers and ranchers through USDA's Risk Management Agency, including increased funding to help beginning and socially disadvantaged farmers and ranchers better understand and utilize insurance programs and risk management systems. In order to help beginning farmers and ranchers build markets and increase income through adding value to their commodities, the bill enhances opportunities for beginning farmers and ranchers to receive USDA value-added producer grants and provides new, increased mandatory funding for such grants. To strengthen USDA's attention to helping beginning farmers and ranchers, the legislation creates coordinators in key USDA agency offices in each State. It also creates a special USDA veterans agricultural liaison position to focus upon helping veterans understand and benefit from USDA programs, especially those for beginning farmers and ranchers.

In conclusion, I am proud of the initiatives we have previously enacted to help beginning farmers and ranchers create and pursue opportunities and realize their goals and dreams. By building on the success of the existing programs, this legislation will lend more help to beginning farmers and ranchers and in doing so strengthen American agriculture, our rural communities, and our nation as a whole. I am grateful to the cosponsors of this bill and urge all of my colleagues to support it.

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. 1850

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Beginning Farmer and Rancher Opportunity Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—CONSERVATION

Subtitle A—Conservation Reserve Program

SEC. 101. EXTENSION OF CONSERVATION RESERVE PROGRAM.

(a) IN GENERAL.—Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended by striking ''2012'' and inserting ''2017''.

(b) LAND ELIGIBLE FOR ENROLLMENT IN CONSERVATION RESERVE.—Section 1231(b)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3831(b)(1)(B)) is amended by striking ''Food, Conservation, and Energy Act of 2008'' and inserting ''Beginning Farmer and Rancher Opportunity Act of 2011''.

(c) MAXIMUM ENROLLMENT OF ACREAGE IN CONSERVATION RESERVE.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking ''2010, 2011, and 2012'' and inserting ''2010 through 2017''.

(d) PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.—Section 1231B of the Food Security Act of 1985 (16 U.S.C. 3831b) is amended—

(1) in subsection (a)(1), by striking ''2012'' and inserting ''2017''; and

(2) in subsection (b)(1)(C), by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 102. CONTRACTS.

Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended—

(1) in subsection (c)(1)(B), by striking clause (iii) and inserting the following:

''(iii) to facilitate a transition of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher, socially disadvantaged farmer or rancher, or limited resource farmer or rancher who is or will be actively engaged in farming or ranching with respect to the land transferred under this subsection for the purpose of returning some or all of the land into production using sustainable grazing or crop production methods that meet or exceed the resource management system quality criteria for erosion, soil quality, water quality, and fish and wildlife; or''; and

(2) in subsection (f)(1)—

(A) in the matter preceding subparagraph (A), by striking ''or socially disadvantaged farmer or rancher'' and inserting ''socially disadvantaged farmer or rancher, or limited resource farmer or rancher who is or will be actively engaged in farming or ranching with respect to the land transferred under this subsection''; and

(B) by striking subparagraphs (C), (D), and (E) and inserting the following:

''(C) require the covered farmer or rancher to develop and implement a comprehensive conservation plan that addresses all resource concerns and meets such sustainability criteria as the Secretary may establish;

''(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation stewardship program or the environmental quality incentives program at any time beginning on the date that is 1 year before the date of termination of the contract, including technical and financial assistance in the development of a comprehensive conservation plan;

''(E) if the land transferred under this subsection remains in grass cover, provide to the covered farmer or rancher an opportunity to enroll in a long-term or permanent easement under the grassland reserve program or farmland protection program at any time beginning on the date that is 1 year before the date of termination of the contact; and

''(F) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, except that, in the case of a retired or retiring owner or operator who is a family member (as defined in section 1001) of the covered farmer or rancher, the additional payments shall be made only if title to the land is sold or transferred to the covered farmer or rancher on termination of the contract.''.

Subtitle B—Farmland Protection Program

SEC. 111. FARMLAND PROTECTION PROGRAM.

Section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) is amended—

(1) in subsection (b), by inserting ''to promote farm viability for future generations'' before the period at the end; and

(2) in subsection (g)(4)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

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

''(C) provide a funding priority, to the maximum extent practicable, for—

''(i) eligible land for which there exists a farm or ranch succession plan or similar plan established to create opportunities for beginning farmers and ranchers and encourage farm viability for future generations;

''(ii) easements that exercise an option to purchase at a price that is equal to the agricultural use value;

''(iii) qualified beginning farmers or ranchers with contracts to purchase the land to be protected;

''(iv) land owned by a nongovernmental organization that will be sold to a qualified beginning farmer or rancher;

''(v) contemporaneous farm transfers of eligible land to qualified beginning farmers and ranchers that may not occur without the financial assistance of the program; and

''(vi) other similar mechanisms to maintain the affordability of farm and ranch land for successive generations of farmers and ranchers; and''.

Subtitle C—Environmental Quality Incentives Program

SEC. 121. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended—

(1) in subsection (a), by striking ''2012'' and inserting ''2017'';

(2) in subsection (d)(4)(B), by striking ''30 percent'' and inserting ''50 percent''; and

(3) in subsection (f), by striking ''2012'' and inserting ''2017''.

SEC. 122. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (C), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(E) provide environmental and resource conservation benefits through increased participation by beginning farmers and ranchers and socially disadvantaged farmers and ranchers.''; and

(2) in subsection (b)(2), by striking ''2012'' and inserting ''2017''.

Subtitle D—Funding and Administration

SEC. 131. FUNDING OF CONSERVATION PROGRAMS UNDER FOOD SECURITY ACT OF 1985.

(a) IN GENERAL.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the matter preceding paragraph (1) by striking ''2012'' and inserting ''2017''.

(b) CONSERVATION RESERVE PROGRAM.—Section 1241(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(1)) is amended by striking ''2012'' each place it appears and inserting ''2017''.

(c) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Section 1241(a)(6)(E) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(6)(E)) is amended by striking ''fiscal year 2012'' and inserting ''each of fiscal years 2012 through 2017''.

SEC. 132. ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.

Section 1241(g) of the Food Security Act of 1985 (16 U.S.C. 3841(g)) is amended—

(1) in paragraph (1)—

(A) by striking ''2012'' and inserting ''2017''; and

(B) by striking ''5 percent'' each place it appears and inserting ''10 percent'';

(2) in paragraph (2), by inserting ''(but not earlier than 120 days after the date that funding for the fiscal year is allocated to the States)'' after ''Secretary'';

(3) in paragraph (3), by inserting ''(but not earlier than 120 days after the date that acres for the fiscal year are allocated to the States)'' after ''Secretary''; and

(4) by adding at the end the following:

''(4) PARTICIPATION BY BEGINNING AND SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—Nothing in this subsection prohibits beginning or socially disadvantaged farmers or ranchers from participating in programs and receiving funding available under this title that is not reserved under paragraph (1).

''(5) TECHNICAL ASSISTANCE.—Within the funds reserved under paragraph (1), the Secretary shall allocate to the Natural Resources Conservation Service funding for technical assistance at a rate that is not more than 10 percent higher than the rate that would otherwise apply to allow the Service to provide additional technical assistance to beginning farmers or ranchers and socially disadvantaged farmers or ranchers to establish conservation plans.''.

SEC. 133. COMPREHENSIVE CONSERVATION PLANNING.

Section 1244(a) of the Food Security Act of 1985 (16 U.S.C. 3844(a)) is amended by adding at the end the following:

''(3) COMPREHENSIVE CONSERVATION PLANNING.—In carrying out this subsection, the Secretary shall provide technical and financial assistance using resources available under the environmental quality incentives program, conservation stewardship program, or such other programs as the Secretary may determine to covered persons who request the assistance to develop a comprehensive conservation plan for the farming or ranching operation of the covered person.''.

TITLE II—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 201. DIRECT FARM OWNERSHIP EXPERIENCE REQUIREMENT.

Section 302(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(b)) is amended by striking ''3 years'' and inserting ''2 years''.

SEC. 202. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended—

(1) in subsection (c)(2)—

(A) by striking ''shall meet'' and inserting ''shall—

''(A) meet'';

(B) in subparagraph (A) (as so designated), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(B) be the owner or operator of not larger than a family farm.'';

(2) in subsection (e)—

(A) by striking ''The portion'' and inserting the following:

''(1) IN GENERAL.—Except as provided in paragraph (2), the portion''; and

(B) by adding at the end the following:

''(2) BEGINNING AND SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—In the case of beginning farmers or ranchers and socially disadvantaged farmers or ranchers, the portion of the loan the Secretary may guarantee under this section shall be 95 percent of the principal amount of the loan.''; and

(3) by striking subsection (h) and inserting the following:

''(h) FUNDING.—

''(1) IN GENERAL.—The Secretary may make or guarantee loans under this section for not more than $250,000,000 for each of fiscal years 2013 through 2017, of which, for each fiscal year, not more than ½ shall be used for direct loans and not more than ½ shall be used for guaranteed loans.

''(2) QUALIFIED BEGINNING FARMERS AND RANCHERS.—

''(A) DIRECT LOANS.—Of the amount made available for direct loans for a fiscal year under paragraph (1), the Secretary shall reserve for qualified beginning farmers and ranchers until April 1 of the fiscal year not less than 50 percent of the amount.

''(B) GUARANTEED LOANS.—Of the amount made available for guaranteed loans for a fiscal year under paragraph (1), the Secretary shall reserve for qualified beginning farmers and ranchers until April 1 of the fiscal year not less than 50 percent of the amount.''.

SEC. 203. LOAN TERMS FOR DOWN PAYMENT LOAN PROGRAM.

Section 310E(b)(1)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935(b)(1)(C)) is amended by striking ''$500,000'' and inserting ''$667,000''.

SEC. 204. DEFINITION OF QUALIFIED BEGINNING FARMER OR RANCHER.

Section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(F)) is amended by striking ''median'' and inserting ''average''.

Subtitle B—Operating Loans

SEC. 211. YOUNG BEGINNING FARMER OR RANCHER MICROLOANS.

Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended by adding at the end the following:

''(d) YOUNG BEGINNING FARMER OR RANCHER MICROLOANS.—

''(1) IN GENERAL.—The Secretary may make microloans under this subtitle to beginning

farmers or ranchers who are not less than 19 and not more than 35 years of age to enable the beginning farmers or ranchers to obtain flexible capital to finance operations.

''(2) LIABILITY.—In the case of a microloan under this subsection, the Secretary may accept the personal liability of a cosigner of the promissory note in addition to the personal liability of the borrower.

''(3) PRINCIPAL BALANCE.—The principal balance for a microloan made under this subsection shall not exceed $35,000.

''(4) TERM.—Loan repayment under this subsection shall be required in not less than 1 and not more than 7 years.

''(5) INTEREST RATE.—The interest rate on a loan made under this subsection shall not exceed the maximum interest rate that may be charged low income, limited resource borrowers under section 316(a)(2).

''(6) BORROWER TRAINING.—

''(A) IN GENERAL.—Subject to subparagraph (B), to be eligible for a microloan under this subsection, the borrower shall have successfully completed, or will complete within 1 year, borrower training described in section 359.

''(B) WAIVERS.—In carrying out subparagraph (A), the Secretary shall not grant a waiver described in section 359(f) except in the case of a borrower who successfully completed, or will complete within 1 year, an equivalent training program, including programs established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f), as determined by the Secretary.''.

Subtitle C—Administrative Provisions

SEC. 221. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is amended by striking subsection (h) and inserting the following:

''(h) FUNDING.—On October 1, 2012, and on each October 1 thereafter through October 1, 2016, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $5,000,000, to remain available until expended.''.

SEC. 222. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

(a) CONDITIONS FOR DIRECT LOANS.—Section 311(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking the semicolon at the end and inserting ''; and'';

(B) in subparagraph (B), by striking ''; or'' at the end and inserting a period; and

(C) by striking subparagraph (C); and

(2) by striking paragraphs (3) and (4) and inserting the following:

''(3) TERM LIMITS.—Subject to paragraph (4), if a farmer or rancher has received a direct operating loan pursuant to this section in each of 9 consecutive years, the farmer or rancher may not receive a direct operating loan from the Secretary under this section for the next year.

''(4) WAIVERS FOR FARM AND RANCH OPERATIONS ON TRIBAL LAND.—The Secretary shall waive the limitation under paragraph (3) for a direct loan made under this subtitle to a farmer or rancher whose farm or ranch land is subject to the jurisdiction of an Indian tribe and whose loan is secured by 1 or more security instruments that are subject to the jurisdiction of an Indian tribe if the Secretary determines that commercial credit is not generally available for the farm or ranch operations.''.

(b) LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.—Section 319 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1949) is amended by striking subsection (b) and inserting the following:

''(b) LIMITATION ON PERIOD BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.—If a borrower has received a guaranteed loan under this subtitle in each of 15 consecutive years, the borrower may not receive a loan guaranteed by the Secretary for the next year.''.

SEC. 223. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking ''$4,226,000,000 for each of fiscal years 2008 through 2012'' and inserting ''$5,000,000,000 for each of fiscal years 2013 through 2017'' ;

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''$1,200,000,000'' and inserting ''$2,000,000,000'';

(B) in clause (i), by striking ''$350,000,000'' and inserting ''$750,000,000''; and

(C) in clause (ii), by striking ''$850,000,000'' and inserting ''$1,250,000,000''; and

(3) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''$3,026,000,000'' and inserting ''$3,000,000,000'';

(B) in clause (i), by striking ''$1,000,000,000'' and inserting ''$1,500,000,000''; and

(C) in clause (ii), by striking ''$2,026,000,000'' and inserting ''$1,500,000,000''.

SEC. 224. DIRECT LOANS FOR BEGINNING FARMERS AND RANCHERS.

Section 346(b)(2)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)(A)) is amended—

(1) in clause (i), by adding at the end the following:

''(III) PRIORITY.—In order to maximize the number of borrowers served under this clause, the Secretary—

''(aa) shall give priority to borrowers who apply under the down payment loan program under section 310E or joint financing arrangements under section 307(a)(3)(D); and

''(bb) may offer other financing options only if the Secretary determines that down payment or other participation loan options are not a viable approach for a particular borrower.''; and

(2) in clause (ii)(III), by striking ''each of fiscal years 2008 through 212'' and inserting ''fiscal year 2008 and each fiscal year thereafter''.

SEC. 225. BORROWER TRAINING.

Section 359 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006a) is amended by adding at the end the following:

''(g) COORDINATION.—The Secretary shall coordinate the borrower training program under this section with the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) to ensure, to the maximum extent practicable, that financial management training programs funded under the beginning farmer and rancher development program are designed in such a way that the financial management training programs will—

''(1) meet borrower training requirements under this section; and

''(2) qualify as beginning farmer and rancher development program projects covered by contracts under subsection (b).''.

TITLE III—RURAL DEVELOPMENT

SEC. 301. VALUE-ADDED PRODUCER GRANTS.

Section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1632a(b)) is amended—

(1) by striking paragraph (6) and inserting the following:

''(6) PRIORITY.—

''(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall give priority to projects that—

''(i) contribute to increasing opportunities for operators of small- and medium-sized farms and ranches that are structured as a family farm; or

''(ii) have applicants at least ¼ of whom are beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

''(B) RANKING.—In evaluating and ranking proposals under this subsection, the Secretary shall provide very substantial weight to the priorities described in subparagraph (A).''; and

(2) in paragraph (7)—

(A) in subparagraph (A)—

(i) by striking ''October 1, 2008'' and inserting ''October 1, 2012, and each October 1 thereafter through October 1, 2016''; and

(ii) by striking ''$15,000,000'' and inserting ''$30,000,000'';

(B) in subparagraph (B), by striking ''2012'' and inserting ''2017''; and

(C) in subparagraph (C)—

(i) in clause (i), by striking ''benefit'' and inserting ''have applicants at least ¼ of whom are''; and

(ii) in clause (iii), by striking ''June 30 of the fiscal year'' and inserting ''the close of the annual proposal review process''.

SEC. 302. USE OF LOANS AND GRANTS FOR ENTREPRENEURIAL FARM ENTERPRISES.

Subtitle D of the Consolidated Farm and Rural Development Act is amended by inserting after section 365 (7 U.S.C. 2008) the following:

''SEC. 366. USE OF LOANS AND GRANTS FOR ENTREPRENEURIAL FARM ENTERPRISES.

''(a) IN GENERAL.—The Secretary shall approve grants and loans under any rural development program established under this title to support farm and farm-related business enterprises that—

''(1) create new entrepreneurial employment opportunities for beginning farmers and ranchers;

''(2) have the effect of—

''(A) creating new small- and medium-size family farms;

''(B) enhancing local and regional food systems;

''(C) increasing value-added production and new markets;

''(D) preserving farmland and rural heritage; and

''(E) developing strong rural economies; and

''(3) are consistent with the purposes of the program.

''(b) LIMITATION.—Loans or grants made under this section shall not be available for annual agricultural production purposes.''.

TITLE IV—RESEARCH, EDUCATION, AND EXTENSION

SEC. 401. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (Q), by striking ''and'' after the semicolon at the end;

(ii) by redesignating subparagraph (R) as subparagraph (S); and

(iii) by inserting after subparagraph (Q) the following:

''(R) agricultural rehabilitation and vocational training for veterans; and'';

(B) in paragraph (4)—

(i) by striking ''To be eligible'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), to be eligible''; and

(ii) by adding at the end the following:

''(B) EXCEPTIONS.—The Secretary may waive or modify the matching requirement in subparagraph (A) if the Secretary determines a waiver or modification is necessary to effectively reach an underserved area or population.'';

(C) in paragraph (8)—

(i) in subparagraph (B), by striking ''and'' after the semicolon at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) military veteran beginning farmers and ranchers.''; and

(D) by adding at the end the following:

''(11) INDIRECT COSTS.—To help facilitate participation in the program under this subsection by nongovernmental and community-based nonprofit organizations, the Secretary shall provide for an optional 10 percent indirect cost option in lieu of a higher negotiated rate.''; and

(2) in subsection (h)—

(A) in paragraph (1), by striking ''section—''and all that follows through the period at the end and inserting ''$25,000,000 for each of fiscal years 2013 through 2017.''; and

(B) in paragraph (2), by striking ''2008 through 2012'' and inserting ''2013 through 2017''.

SEC. 402. AGRICULTURE AND FOOD RESEARCH INITIATIVE.

Subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) is amended—

(1) in paragraph (2)(F)—

(A) by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively; and

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

''(iii) new farming opportunities, including young, beginning, socially disadvantaged, and immigrant issues and farm transition, farm transfer, farm entry, and beginning farmer profitability issues;'';

(2) in paragraph (7), in the matter preceding subparagraph (A), by inserting ''projects (including integrated projects)'' after ''education''; and

(3) in paragraph (11)(A)—

(A) in the matter preceding clause (i), by striking ''2008 through 2012'' and inserting ''2013 through 2017''; and

(B) in clause (i), by striking ''pursuant to'' and inserting ''under''.

TITLE V—CROP INSURANCE

SEC. 501. SENSE OF CONGRESS ON BEGINNING FARMER AND RANCHER ACCESS TO CROP AND REVENUE INSURANCE.

It is the sense of Congress that the Secretary of Agriculture should, to the maximum extent practicable, remove barriers and ensure effective access to crop and revenue insurance by beginning farmers and ranchers on terms that are fair and assist in the goal of increasing the number of new farming and ranching opportunities.

SEC. 502. RISK MANAGEMENT PARTNERSHIP PROGRAMS.

Section 522 of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by striking ''priority given to risk'' and inserting ''priority given to—

''(A) risk'';

(ii) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(B) underserved producers, including beginning farmers and ranchers and socially disadvantaged farmers and ranchers.'';

(B) in paragraph (2)—

(i) by striking ''options for producers'' and inserting ''options for—

''(A) producers'';

(ii) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

''(B) underserved producers, including beginning farmers and ranchers and socially disadvantaged farmers and ranchers.''; and

(C) by adding at the end the following:

''(4) REQUIREMENTS.—In carrying out the programs established under paragraphs (2) and (3), the Secretary shall place special emphasis on risk management techniques, tools, and programs that are specifically targeted at—

''(A) beginning farmers or ranchers;

''(B) legal immigrant farmers or ranchers that are attempting to become established agricultural producers in the United States;

''(C) socially disadvantaged farmers or ranchers;

''(D) farmers or ranchers that—

''(i) are preparing to retire; and

''(ii) are using transition strategies to help new farmers or ranchers get started; and

''(E) new or established farmers or ranchers that are converting production and marketing systems to pursue new markets.''; and

(2) in subsection (e)(2)(A), by striking ''$12,500,000 for fiscal year 2008'' and inserting ''$15,000,000 for fiscal year 2013''.

TITLE VI—MISCELLANEOUS

SEC. 601. SMALL AND BEGINNING FARMER AND RANCHER COORDINATORS.

Section 226B of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934) is amended—

(1) in subsection (c)(4), by inserting before the semicolon at the end the following: '', including review of rulemakings to provide an assessment and make recommendations regarding the impact of rules on small farms and ranches, beginning and socially disadvantaged farmers and ranchers, and related matters relevant to the structure of agriculture'';

(2) in subsection (e)(2)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

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

''(D) STATE SMALL AND BEGINNING FARMER AND RANCHER COORDINATOR.—

''(i) IN GENERAL.—The Small Farms and Beginning Farmers and Ranchers Group shall designate a State small and beginning farmer and rancher coordinator from among the State office employees of the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business-Cooperative Service, and the Rural Utilities Service.

''(ii) TRAINING.—The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the development of a training plan so that each State coordinator shall receive sufficient training to have a general working knowledge of the programs and services available from each agency of the Department to assist small and beginning farmers and ranchers.

''(iii) DUTIES.—The coordinator shall—

''(I) coordinate technical assistance at the State level to help small and beginning farmers and ranchers gain access to programs of the Department;

''(II) develop and submit a State plan for approval by the Small Farms and Beginning Farmers and Ranchers Group to provide coordination to ensure adequate services to small and beginning farmers and ranchers at all county and area offices throughout the State;

''(III) oversee implementation of the approved State plan; and

''(IV) work with outreach coordinators in the State offices of the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency, the Rural Business-Cooperative Service, and the Rural Utilities Service to ensure appropriate information about technical assistance is available at outreach events and activities.''; and

(3) in subsection (f), by striking paragraph (3); and

(4) by adding at the end the following:

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2013 through 2017.''.

SEC. 602. MILITARY VETERANS AGRICULTURAL LIAISON.

(a) IN GENERAL.—Subtitle A of the Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 218 (7 U.S.C. 6918) the following:

''SEC. 219. MILITARY VETERANS AGRICULTURAL LIAISON.

''(a) AUTHORIZATION.—The Secretary shall establish in the Department the position of Military Veterans Agricultural Liaison.

''(b) DUTIES.—The Military Veterans Agricultural Liaison shall—

''(1) provide information to returning veterans about, and connect returning veterans with, beginning farmer training and agricultural vocational and rehabilitation programs appropriate to the needs and interests of returning veterans, including assisting veterans in using Federal veterans educational benefits for purposes relating to beginning a farming or ranching career;

''(2) provide information to veterans concerning the availability of and eligibility requirements for participation in agricultural programs, with particular emphasis on beginning farmer and rancher programs;

''(3) serving as a resource for assisting veteran farmers and ranchers, and potential farmers and ranchers, in applying for participation in agricultural programs; and

''(4) advocating on behalf of veterans in interactions with employees of the Department.''.

(b) CONFORMING AMENDMENTS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following:

''(8) the authority of the Secretary to establish in the Department the position of Military Veterans Agricultural Liaison in accordance with section 219.''.

SEC. 603. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 604. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 2012.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1851. A bill to authorize the restoration of the Klamath Basin and the settlement of the hydroelectric licensing of the Klamath Hydroelectric Project in accordance with the Klamath Basin Restoration Agreement and the Klamath hydroelectric Settlement

Agreement in the public interest and the interest of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MERKLEY. Mr. President, I rise today to address the long history of water disputes in the Klamath Basin and commend the work of the community in coming together to begin a new, collaborative era of water management in the region.

When I was first elected to the U.S. Senate, one of my first trips across Oregon included a visit to the Klamath Basin to gather information about the history of the water wars in the region and meet with the stakeholders who were working on a solution.

On my way down to the Basin I was extremely skeptical that traditional rivals could reach agreement on a written management plan. Only a few years earlier, the region was embroiled in protests and civil disobedience over sizeable fish kills and limited supplies of water for irrigation. The generational battles over water had deepened divides, often making it hard for parties to be in a room together, let alone work together.

When I arrived in Klamath Falls, therefore, I was deeply surprised to find farmers, ranchers, fishermen, Tribal leaders and conservationists working together on a comprehensive and collaborative plan that would end the ongoing water wars of the region, improve the local economy and create a stronger environment for the future. They told me they were tired of the unproductive battles of the past and of the massive amounts they were spending on lawyers rather than solutions. They thought they had some chance of finding a better path forward. This was impressive. I thought then that if they managed to get the Klamath Restoration Agreements completed and signed by all the parties, I would certainly assist them with the necessary federal legislation.

That legislation is now the Klamath Basin Economic Restoration Act of 2011, which I am introducing today. This bill implements both the Klamath Basin Restoration Agreement and Klamath Hydroelectric Settlement Agreement and moves the region forward. These agreements would provide a more stable supply of irrigation water to farmers and ranchers and would improve in-river water flows for endangered fish and the fishermen who depend on them. The agreements would enhance the national wildlife refuges that are one of the most important migratory bird habitats in the country. In addition, the agreement would, by removing four dams, turn the Klamath into a free-flowing river once again, opening miles of habitat to spawning salmon. The agreement also restores a sector of the Klamath Tribe forest and resolves a challenging fish passage issue for Pacific Power.

This agreement would create a lot of jobs. A recent analysis estimates that the agreement would create 4,000 jobs in construction and agriculture. It also estimates that with the restoration of critical salmon and steelhead habitat the commercial harvest of Chinook salmon would increase by 80 percent.

The KBRA and KHSA agreements are the result of several years of intense negotiation and compromise. They are inherently complicated. No party obtained all they desired and not everyone is satisfied that these agreements contain the best possible outcomes.

But what is absolutely clear is that it is an extraordinary accomplishment for the Klamath stakeholders to set aside their historic differences and work out this plan. They say in the West that, ''Whiskey, that's for drinking. Water, that's for fighting.'' But continuous fighting sometimes reaches the point where little is accomplished. The Klamath stakeholders are painting a different vision, in which the interests of all can be served.

The agreement is full of the bipartisan, solution-oriented spirit that can take the region forward. It is a spirit that we could use a lot more of in Washington, DC, and across the nation. I am proud to partner with the Klamath community on the future of the region.

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. 1851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Klamath Basin Economic Restoration Act of 2011''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Energy Regulatory Commission.

(2) DAM REMOVAL ENTITY.—The term ''Dam Removal Entity'' means the entity designated by the Secretary pursuant to section 202(c).

(3) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(4) DEFINITE PLAN.—The term ''definite plan'' has the meaning given the term in section 1.4 of the Hydroelectric Settlement.

(5) DETAILED PLAN.—The term ''detailed plan'' has the meaning given the term in section 1.4 of the Hydroelectric Settlement.

(6) FACILITY.—The term ''facility'' means any of the following hydropower developments (including appurtenant works) licensed to PacifiCorp under the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 2082:

(A) Iron Gate Development.
(B) Copco 1 Development.
(C) Copco 2 Development.
(D) J.C. Boyle Development.

(7) FACILITIES REMOVAL.—The term ''facilities removal'' means—

(A) physical removal of all or part of each facility to achieve, at a minimum, a free-flowing condition and volitional fish passage;

(B) site remediation and restoration, including restoration of previously inundated land;

(C) measures to avoid or minimize adverse downstream impacts; and

(D) all associated permitting for the actions described in this paragraph.

(8) FEDERALLY RECOGNIZED TRIBE.—The term ''federally recognized tribe'' means an Indian tribe listed as federally recognized in—

(A) the Bureau of Indian Affairs publication entitled ''Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs'' (74 Fed. Reg. 40218 (Aug. 11, 2009)); or

(B) any list published in accordance with section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

(9) HYDROELECTRIC SETTLEMENT.—

(A) IN GENERAL.—The term ''Hydroelectric Settlement'' means the agreement entitled ''Klamath Hydroelectric Settlement Agreement,'' dated February 18, 2010, between—

(i) the Department;
(ii) the Department of Commerce;
(iii) the State of California;
(iv) the State of Oregon;
(v) PacifiCorp; and
(vi) other parties.

(B) INCLUSIONS.—The term ''Hydroelectric Settlement'' includes any amendments to the Agreement described in subparagraph (A)—

(i) approved by the parties before the date of enactment of this Act; or
(ii) approved pursuant to section 201(b)(2).

(10) KENO DEVELOPMENT.—The term ''Keno Development'' means the Keno regulating facility within the jurisdictional project boundary of FERC Project No. 2082.

(11) KLAMATH BASIN.—

(A) IN GENERAL.—The term ''Klamath Basin'' means the land tributary to the Klamath River in the States.

(B) INCLUSIONS.—The term ''Klamath Basin'' includes the Lost River and Tule Lake Basins.

(12) KLAMATH PROJECT WATER USERS.—The term ''Klamath Project Water Users'' means—

(A) the Tulelake Irrigation District;
(B) the Klamath Irrigation District;
(C) the Klamath Drainage District;
(D) the Klamath Basin Improvement District;
(E) the Ady District Improvement Company;
(F) the Enterprise Irrigation District;
(G) the Malin Irrigation District;
(H) the Midland District Improvement District;
(I) the Pioneer District Improvement Company;
(J) the Shasta View Irrigation District;
(K) the Sunnyside Irrigation District;

(L) Don Johnston & Son;
(M) Bradley S. Luscombe;
(N) Randy Walthall;
(O) the Inter-County Title Company;
(P) the Reames Golf and Country Club;
(Q) the Winema Hunting Lodge, Inc.;
(R) Van Brimmer Ditch Company;
(S) Plevna District Improvement Company; and
(T) Collins Products, LLC.

(13) NET REVENUES.—
(A) IN GENERAL.—The term ''net revenues'' has the meaning given the term ''net lease revenues'' in Article 1(e) of Contract No. 14–06–200–5954 between Tulelake Irrigation District and the United States.
(B) INCLUSIONS.—The term ''net revenues'' includes revenues from the leasing of land in—
(i) the Tule Lake National Wildlife Refuge lying within the boundaries of the Tulelake Irrigation District; and
(ii) the Lower Klamath National Wildlife Refuge lying within the boundaries of the Klamath Drainage District.

(14) NON-FEDERAL PARTIES.—The term ''non-Federal Parties'' means each of the signatories to the Restoration Agreement other than the Secretaries.

(15) OREGON KLAMATH BASIN ADJUDICATION.—The term ''Oregon Klamath Basin adjudication'' means the proceeding to determine water rights pursuant to chapter 539 of Oregon Revised Statutes entitled ''In the matter of the determination of the relative rights of the waters of the Klamath River, a tributary of the Pacific Ocean.''

(16) PACIFICORP.—The term ''PacifiCorp'' means the owner and licensee of the Klamath Hydroelectric Project, FERC Project No. 2082.

(17) PARTY.—The term ''Party'' means each of the signatories to the Restoration Agreement, including the Secretaries.

(18) PARTY TRIBES.—The term ''Party Tribes'' means—
(A) the Yurok Tribe;
(B) the Karuk Tribe; and
(C) the Klamath Tribes.

(19) RESTORATION AGREEMENT.—
(A) RESTORATION AGREEMENT.—The term ''Restoration Agreement'' means the Agreement entitled ''Klamath Basin Restoration Agreement for the Sustainability of Public and Trust Resources and Affected Communities'' dated February 18, 2010, which shall be on file and available for public inspection in the appropriate offices of the Secretaries.
(B) INCLUSIONS.—The term ''Restoration Agreement'' includes any amendments to the Agreement described in subparagraph (A)—
(i) approved by the parties before the date of enactment of this Act; or
(ii) approved pursuant to section 101(b)(2).

(20) SECRETARIAL DETERMINATION.—The term ''Secretarial determination'' means a determination of the Secretary made under section 202(a).

(21) SECRETARIES.—The term ''Secretaries'' means—
(A) the Secretary of the Interior or designee;
(B) the Secretary of Commerce or designee; and
(C) the Secretary of Agriculture or designee.

(22) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(23) STATES.—The term ''States'' means—
(A) the State of Oregon; and
(B) the State of California.

TITLE I—RESTORATION AGREEMENT

SEC. 101. APPROVAL AND EXECUTION OF RESTORATION AGREEMENT.

(a) IN GENERAL.—The United States approves the Restoration Agreement except to the extent the Restoration Agreement conflicts with this title.

(b) SIGNING AND IMPLEMENTATION OF THE RESTORATION AGREEMENT.—The Secretaries shall—
(1) sign and implement the Restoration Agreement;
(2) implement any amendment to the Restoration Agreement approved by the Parties after the date of enactment of this title, unless 1 or more of the Secretaries determines, not later than 90 days after the date on which the non-Federal Parties agree to the amendment, that the amendment is inconsistent with this title or other provisions of law; and
(3) to the extent consistent with the Restoration Agreement, this title, and other provisions of law, perform all actions necessary to carry out each responsibility of the Secretary concerned under the Restoration Agreement.

(c) EFFECT OF SIGNING OF RESTORATION AGREEMENT.—Signature by the Secretaries of the Restoration Agreement does not constitute a major Federal action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) COMPLIANCE WITH EXISTING LAW.—In implementing the Restoration Agreement, the Secretaries shall comply with—
(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and
(3) all other applicable Federal environmental laws (including regulations).

SEC. 102. AGREEMENTS AND NON-FEDERAL FUNDS.

(a) AGREEMENTS.—The Secretaries may enter into such agreements and take such other measures (including entering into contracts and financial assistance agreements) as the Secretaries consider necessary to carry out this title.

(b) ACCEPTANCE AND EXPENDITURE OF NON-FEDERAL FUNDS.—
(1) IN GENERAL.—Notwithstanding title 31, United States Code, the Secretaries may accept and expend, without further appropriation, non-Federal funds (including donations or in-kind services, or both) and accept by donation or otherwise real or personal property or any interest in the property, for the purposes of implementing the Restoration Agreement.
(2) USE.—The funds may be expended, and the property used, under paragraph (1) only for the purposes for which the funds and property were provided, without further appropriation or authority.

SEC. 103. RIGHTS PROTECTED.

Notwithstanding any other provision of law, this Act and implementation of the Restoration Agreement shall not restrict or alter the eligibility of any Party or Indian tribe for or receipt of funds, or be considered an offset against any obligations or funds in existence on the date of enactment of this Act, under any Federal or State law.

SEC. 104. FUNDING.

(a) ESTABLISHMENT OF ACCOUNTS.—There are established in the Treasury for the deposit of appropriations and other funds (including non-Federal donated funds) the following noninterest-bearing accounts:
(1) The On-Project Plan and Power for Water Management Fund.
(2) The Water Use Retirement and Off-Project Reliance Fund.
(3) The Klamath Drought Fund.

(b) MANAGEMENT.—The accounts established by subsection (a) shall be managed in accordance with this title and section 14.3 of the Restoration Agreement.

(c) BUDGET REQUESTS.—When submitting annual budget requests to Congress, the President may include funding described in Appendix C–2 of the Restoration Agreement with such adjustment as the President considers appropriate to maintain timely implementation of the Restoration Agreement.

(d) NONREIMBURSABLE.—Except as provided in section 108(d), funds appropriated and expended for the implementation of the Restoration Agreement shall be nonreimbursable and nonreturnable to the United States.

(e) FUNDS AVAILABLE UNTIL EXPENDED.—All funds made available for the implementation of the Restoration Agreement shall remain available until expended.

SEC. 105. KLAMATH RECLAMATION PROJECT.

(a) KLAMATH RECLAMATION PROJECT PURPOSES.—The purposes of the Klamath Reclamation Project shall be irrigation, reclamation, flood control, municipal, industrial, power (as necessary to implement the Restoration Agreement), National Wildlife Refuge, and fish and wildlife.

(b) EFFECT OF FISH AND WILDLIFE PURPOSES.—
(1) IN GENERAL.—Subject to paragraph (2), the fish and wildlife and National Wildlife Refuge purposes of the Klamath Reclamation Project shall not adversely affect the irrigation purpose of the Klamath Reclamation Project.
(2) WATER ALLOCATIONS AND DELIVERY.—The provisions regarding water allocations and delivery to the National Wildlife Refuges in section 15.1.2 of the Restoration Agreement (including any additional water made available under sections 15.1.2.E.ii and 18.3.2.B.v of the Restoration Agreement) shall not be considered to have an adverse effect on the irrigation purpose of the Klamath Reclamation Project.

(c) WATER RIGHTS ADJUDICATION.—Notwithstanding subsections (a) and (b), for purposes of the determination of water rights in Oregon Klamath Basin Adjudication, until Appendix E–1 to the Restoration Agreement has been filed in the Oregon Klamath Basin Adjudication, the 1 or more purposes of the Klamath Reclamation Project shall continue as in existence prior to the date of enactment of this Act.

(d) DISPOSITION OF NET REVENUES FROM LEASING OF TULE LAKE AND LOWER KLAMATH NATIONAL WILDLIFE REFUGE LAND.—Notwithstanding any other provision of law, net revenues from the leasing of refuge land within the Tule Lake National Wildlife Refuge and the Lower Klamath National Wildlife Refuge under section 4 of Public Law 88–567 (16 U.S.C. 695n) shall be provided, without further appropriation, as follows:
(1) 10 percent of net revenues from land within the Tule Lake National Wildlife Refuge that are within the boundaries of Tulelake Irrigation District shall be provided to the Tulelake Irrigation District in accordance with article 4 of Contract No. 14–06–200–5954 and section 2(a) of the Act of August 1, 1956 (70 Stat. 799, chapter 828).
(2) Such amounts as are necessary shall be used to make payment to counties in lieu of taxes in accordance with section 3 of Public Law 88–567 (16 U.S.C. 695m).
(3) 20 percent of net revenues shall be provided directly to the United States Fish and Wildlife Service for wildlife management purposes on the Tule Lake National Wildlife Refuge and Lower Klamath National Wildlife Refuge.
(4) 10 percent of net revenues from land within Lower Klamath National Wildlife Refuge that are within the boundaries of the Klamath Drainage District shall be provided directly to Klamath Drainage District for operation and maintenance responsibility for the Federal Reclamation water delivery and drainage facilities within the boundaries of both Klamath Drainage District and Lower Klamath National Wildlife Refuge exclusive of the Klamath Straits Drain, subject to the

assumption by the Klamath Drainage District of the operation and maintenance duties of the Bureau of Reclamation for Klamath Drainage District (Area K) lease land exclusive of Klamath Straits Drain.

(5) The remainder of net revenues shall be provided directly to the Bureau of Reclamation for—

(A) operation and maintenance costs of Link River and Keno Dams incurred by the United States; and

(B) to the extent that the revenues received under this paragraph for any year exceed the costs described in subparagraph (A), future capital costs of the Klamath Reclamation Project.

SEC. 106. TRIBAL COMMITMENTS AND ACTIONS.

(a) ACTIONS BY THE KLAMATH TRIBES.—In return for the resolution of the contests of the Klamath Project Water Users related to the water rights claims of the Klamath Tribes and of the United States acting in a capacity as trustee for the Klamath Tribes and members of the Klamath Tribes in the Oregon Klamath Basin Adjudication and for other benefits covered by the Restoration Agreement and this Act, the Klamath Tribes (on behalf of the Klamath Tribes and members of the Klamath Tribes) are authorized to make the commitments in the Restoration Agreement, including the assurances contained in section 15 of the Restoration Agreement, and such commitments are confirmed as effective and binding in accordance with the terms of the commitments without further action by the Klamath Tribes.

(b) ACTIONS BY THE KARUK TRIBE AND THE YUROK TRIBE.—In return for the commitments of the Klamath Project Water Users related to water rights of the Karuk Tribe and the Yurok Tribe as described in the Restoration Agreement and for other benefits covered by the Restoration Agreement and this Act, the Karuk Tribe and the Yurok Tribe (on behalf of those Tribes and members of those Tribes) are authorized to make the commitments provided in the Restoration Agreement, including the assurances contained in section 15 of the Restoration Agreement, and such commitments are confirmed as effective and binding in accordance with the terms of the commitments without further action by the Yurok Tribe or the Karuk Tribe.

(c) RELEASE OF CLAIMS AGAINST THE UNITED STATES.—

(1) IN GENERAL.—Without affecting rights secured by treaty, Executive order, or other law, the Party Tribes (on behalf of the Party Tribes and members of the Party Tribes) may relinquish and release certain claims against the United States, Federal agencies, or Federal employees, described in sections 15.3.5.A, 15.3.6.B.i and 15.3.7.B.i of the Restoration Agreement.

(2) CONDITIONS.—The relinquishments and releases shall not be in force or effect until the terms described in sections 15.3.5.C, 15.3.6.B.iii, 15.3.7.B.iii, and 33.2.1 of the Restoration Agreement have been fulfilled.

(d) RETENTION OF RIGHTS OF THE PARTY TRIBES.—Notwithstanding the commitments and releases described in subsections (a) through (c), the Party Tribes and the members of the Party Tribes shall retain all claims described in sections 15.3.5.B, 15.3.6.B.ii and 15.3.7.B.ii of the Restoration Agreement.

(e) TOLLING OF CLAIMS.—

(1) IN GENERAL.—Subject to paragraph (2), the period of limitation and time-based equitable defense relating to a claim described in subsection (c) shall be tolled during the period—

(A) beginning on the date of enactment of this Act; and

(B) ending on the earlier of—

(i) the date the Secretary publishes the notice described in sections 15.3.5.C, 15.3.6.B.iii and 15.3.7.B.iii of the Restoration Agreement; or

(ii) December 1, 2030.

(2) EFFECT OF TOLLING.—Nothing in this subsection—

(A) revives any claim or tolls any period of limitation or time-based equitable defense that expired before the date of enactment of this Act; or

(B) precludes the tolling of any period of limitations or any time-based equitable defense under any other applicable law.

(f) ACTIONS OF THE UNITED STATES ACTING IN CAPACITY AS TRUSTEE.—In return for the commitments of the Klamath Project Water Users relating to the water rights and water rights claims of federally recognized tribes of the Klamath Basin and of the United States as trustee for such tribes and other benefits covered by the Restoration Agreement and this Act, the United States, as trustee on behalf of the federally recognized tribes of the Klamath Basin and allottees of reservations of federally recognized tribes of the Klamath Basin in California, is authorized to make the commitments provided in the Restoration Agreement, including the assurances contained in section 15 of the Restoration Agreement, and such commitments are confirmed as effective and binding in accordance with the terms of the commitments, without further action by the United States.

(g) FURTHER AGREEMENTS.—The United States and the Klamath Tribes may enter into agreements consistent with section 16.2 of the Restoration Agreement.

(h) EFFECT OF SECTION.—Nothing in this section—

(1) affects the ability of the United States to take actions—

(A) authorized by law to be taken in the sovereign capacity of the United States, including any laws relating to health, safety, or the environment, including—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(iii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

(iv) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.); and

(v) regulations implementing the Acts described in this subparagraph;

(B) as trustee for the benefit of federally recognized tribes other than the federally recognized tribes of the Klamath Basin;

(C) as trustee for the federally recognized tribes of the Klamath Basin and the members of the tribes that are consistent with the Restoration Agreement and this title;

(D) as trustee for the Party Tribes to enforce the Restoration Agreement and this title through such legal and equitable remedies as may be available in the appropriate Federal or State court or administrative proceeding, including the Oregon Klamath Basin Adjudication;

(E) as trustee for the federally recognized tribes of the Klamath Basin to acquire water rights after the effective date of the Restoration Agreement (as defined in section 1.5.1 of the Restoration Agreement);

(F) as trustee for the federally recognized tribes of the Klamath Basin to use and protect water rights, including water rights acquired after the effective date of the Restoration Agreement (as defined in section 1.5.1 of the Restoration Agreement), subject to the Restoration Agreement; or

(G) as trustee for the federally recognized tribes of the Klamath Basin to claim water rights or continue to advocate for existing claims for water rights in appropriate Federal and State courts or administrative proceedings with jurisdiction over the claims, subject to the Restoration Agreement;

(2) affects the treaty fishing, hunting, trapping, pasturing, or gathering rights of any Indian tribe except to the extent expressly provided in this title or the Restoration Agreement; or

(3) affects any rights, remedies, privileges, immunities, and powers, and claims not specifically relinquished and released under, or limited by, this title or the Restoration Agreement.

(i) PUBLICATION OF NOTICE; EFFECT OF PUBLICATION.—

(1) PUBLICATION.—The Secretary shall publish the notice required by section 15.3.4.A or section 15.3.4.C of the Restoration Agreement in accordance with the Restoration Agreement.

(2) EFFECT.—On publication of the notice described in paragraph (1), the Party Tribes, the United States as trustee for the federally recognized tribes of the Klamath Basin, and other Parties shall have the rights and obligations provided in the Restoration Agreement.

(j) FISHERIES PROGRAMS.—Consistent with section 102(a), the Secretaries shall give priority to qualified Party Tribes in awarding grants, contracts, or other agreements, consistent with section 102, for purposes of implementing the fisheries programs described in part III of the Restoration Agreement.

(k) TRIBES OUTSIDE KLAMATH BASIN UNAFFECTED.—Nothing in this Act or the Restoration Agreement affects the rights of any Indian tribe outside the Klamath Basin.

(l) NONPARTY TRIBES OF THE KLAMATH BASIN UNAFFECTED.—Nothing in this Act or the Restoration Agreement amends, alters, or limits the authority of the federally recognized tribes of the Klamath Basin, other than the Party Tribes, to exercise any water rights the tribes hold or may be determined to hold.

SEC. 107. JUDICIAL REVIEW.

Judicial review of a decision of the Secretary concerning rights or obligations under sections 15.3.5.C, 15.3.6.B.iii, 15.3.7.B.iii, 15.3.8.B, and 15.3.9 of the Restoration Agreement shall be in accordance with the standard and scope of review under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

SEC. 108. MISCELLANEOUS.

(a) WATER RIGHTS.—

(1) IN GENERAL.—Except as specifically provided in this title and the Restoration Agreement, nothing in this title or the Restoration Agreement shall create or determine water rights or affect water rights or water right claims in existence on the date of enactment of this Act.

(2) NO STANDARD FOR QUANTIFICATION.—Nothing in this title or the Restoration Agreement establishes any standard for the quantification of Federal reserved water rights or any Indian water claims of any Indian tribe in any judicial or administrative proceeding.

(b) LIMITATIONS.—

(1) IN GENERAL.—Nothing in this title—

(A) confers on any person or entity who is not a party to the Restoration Agreement a private right of action or claim for relief to interpret or enforce this title or the Restoration Agreement; or

(B) expands the jurisdiction of State courts to review Federal agency actions or determine Federal rights.

(2) EFFECT.—This subsection does not alter or curtail any right of action or claim for relief under other applicable law.

(c) RELATIONSHIP TO CERTAIN OTHER FEDERAL LAW.—

(1) IN GENERAL.—Nothing in this title amends, supersedes, modifies, or otherwise affects—

(A) Public Law 88–567 (16 U.S.C. 695k et seq.);

(B) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.);

(C) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(D) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); or

(E) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(2) CONSISTENCY.—The Restoration Agreement shall be considered consistent with subsections (a) through (c) of section 208 of the Act of July 10, 1952 (66 Stat. 560, chapter 651; 43 U.S.C. 666).

(d) TERMINATION OF RESTORATION AGREEMENT.—If the Restoration Agreement terminates—

(1) any appropriated Federal funds provided to a Party by the Secretaries that are unexpended at the time of the termination of the Restoration Agreement shall be returned to the Treasury; and

(2) any appropriated Federal funds provided to a Party by the Secretaries shall be treated as an offset against any claim for damages by the Party arising under the Restoration Agreement.

(e) WILLING SELLERS.—Any acquisition of interests in land and water pursuant to this title or the Restoration Agreement shall be from willing sellers.

TITLE II—HYDROELECTRIC SETTLEMENT

SEC. 201. APPROVAL AND EXECUTION OF HYDROELECTRIC SETTLEMENT.

(a) IN GENERAL.—The United States approves the Hydroelectric Settlement, except to the extent the Hydroelectric Settlement conflicts with this title.

(b) IMPLEMENTATION.—The Secretary, the Secretary of Commerce, and the Commission, or designees, shall implement, in consultation with other applicable Federal agencies—

(1) the Hydroelectric Settlement; and

(2) any amendment to the Hydroelectric Settlement, unless 1 or more of the Secretaries determines, not later than 90 days after the date the non-Federal Parties agree to the amendment, that the amendment is inconsistent with this title.

SEC. 202. SECRETARIAL DETERMINATION.

(a) IN GENERAL.—The Secretary shall determine, consistent with section 3 of the Hydroelectric Settlement, whether to proceed with facilities removal and may determine to proceed with facilities removal if, as determined by the Secretary, facilities removal—

(1) will advance restoration of the salmonid fisheries of the Klamath Basin; and

(2) is in the public interest, taking into account potential impacts on affected local communities and federally recognized Indian tribes among other factors.

(b) BASIS FOR SECRETARIAL DETERMINATION.—To support the Secretarial determination, the Secretary, in cooperation with the Secretary of Commerce and other entities, shall—

(1) use existing information;

(2) conduct any necessary further appropriate studies;

(3) prepare an environmental document under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(4) take such other actions as the Secretary determines to be appropriate.

(c) DESIGNATION OF DAM REMOVAL ENTITY.—

(1) IN GENERAL.—If the Secretarial determination provides for proceeding with facilities removal, the Secretarial determination shall include the designation of a Dam Removal Entity.

(2) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Dam Removal Entity designated by the Secretary shall be the Department if the Secretary determines, in the judgment of the Secretary, that—

(i) the Department has the capabilities and responsibilities for facilities removal described in section 7 of the Hydroelectric Settlement; and

(ii) it is appropriate for the Department to be the Dam Removal Entity.

(B) NON-FEDERAL DAM REMOVAL ENTITY.—As determined by the Secretary consistent with section 3.3.4.E of the Hydroelectric Settlement, the Secretary may designate a non-Federal Dam Removal Entity if—

(i) the Secretary finds, based on the judgment of the Secretary, that the Dam Removal Entity-designate is qualified and has the capabilities and responsibilities for facilities removal described in section 7 of the Hydroelectric Settlement;

(ii) the States have concurred in the finding described in clause (i); and

(iii) the Dam Removal Entity-designate has committed, if so designated, to perform facilities removal within the State Cost Cap described in section 4.1.3 of the Hydroelectric Settlement.

(d) CONDITIONS FOR SECRETARIAL DETERMINATION.—The Secretary may not make or publish the Secretarial determination, unless the conditions specified in section 3.3.4 of the Hydroelectric Settlement have been satisfied.

(e) NOTICE.—The Secretary shall—

(1) publish notification of the Secretarial determination in the Federal Register; and

(2) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report on implementation of the Hydroelectric Settlement.

(f) JUDICIAL REVIEW OF SECRETARIAL DETERMINATION.—

(1) IN GENERAL.—For purposes of judicial review, the Secretarial determination shall constitute a final agency action with respect to whether or not to proceed with facilities removal.

(2) PETITION FOR REVIEW.—

(A) FILING.—

(i) IN GENERAL.—Judicial review of the Secretarial determination and related actions to comply with environmental laws (including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq), the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq), and the National Historic Preservation Act (16 U.S.C. 470 et seq.)) may be obtained by an aggrieved person or entity only as provided in this subsection.

(ii) JURISDICTION.—A petition for review under this paragraph may be filed only in the United States Court of Appeals for the District of Columbia Circuit or in the Ninth Circuit Court of Appeals.

(iii) LIMITATION.—Neither a district court of the United States nor a State court shall have jurisdiction to review the Secretarial determination or related actions to comply with environmental laws described in clause (i).

(B) DEADLINE.—

(i) IN GENERAL.—Except as provided in clause (ii), any petition for review under this subsection shall be filed within 60 days after the date of publication of the Secretarial determination in the Federal Register.

(ii) SUBSEQUENT GROUNDS.—If a petition is based solely on grounds arising after the date that is 60 days after the date of publication of the Secretarial determination in the Federal Register, the petition for review under this subsection shall be filed not later than 60 days after the grounds arise.

(3) IMPLEMENTATION.—Any action of the Secretary with respect to which review could have been obtained under this paragraph shall not be subject to judicial review in any action relating to the implementation of the Secretarial determination or in proceedings for enforcement of the Hydroelectric Settlement.

(4) APPLICABLE STANDARD AND SCOPE.—Judicial review of the Secretarial determination shall be in accordance with the standard and scope of review under subchapter II of chapter 5, and chapter 7, of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(5) NON-TOLLING.—The filing of a petition for reconsideration by the Secretary of an action subject to review under this subsection shall not—

(A) affect the finality of the action for purposes of judicial review;

(B) extend the time within which a petition for judicial review under this subsection may be filed; or

(C) postpone the effectiveness of the action.

SEC. 203. FACILITIES TRANSFER AND REMOVAL.

(a) FACILITIES REMOVAL PROCESS.—

(1) APPLICATION.—This subsection shall apply if—

(A) the Secretarial determination provides for proceeding with facilities removal;

(B) the States concur in the Secretarial determination in accordance with section 3.3.5 of the Hydroelectric Settlement;

(C) the availability of non-Federal funds for the purposes of facilities removal is consistent with the Hydroelectric Settlement; and

(D) the Hydroelectric Settlement has not terminated in accordance with section 8.11 of the Hydroelectric Settlement.

(2) NON-FEDERAL FUNDS.—

(A) IN GENERAL.—Notwithstanding title 31, United States Code, if the Department is designated as the Dam Removal Entity, the Secretary may accept, expend without further appropriation, and manage non-Federal funds for the purpose of facilities removal in accordance with sections 4 and 7 of the Hydroelectric Settlement.

(B) REFUND.—The Secretary is authorized to administer and refund any funds described in subparagraph (A) received from the State of California in accordance with the requirements established by the State.

(3) AGREEMENTS.—The Dam Removal Entity may enter into agreements and contracts as necessary to assist in the implementation of the Hydroelectric Settlement.

(4) FACILITIES REMOVAL.—

(A) IN GENERAL.—The Dam Removal Entity shall, consistent with the Hydroelectric Settlement—

(i) develop a definite plan for facilities removal, including a schedule for facilities removal;

(ii) obtain all permits, authorizations, entitlements, certifications, and other approvals necessary to implement facilities removal, including a permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344); and

(iii) implement facilities removal.

(B) STATE AND LOCAL LAWS.—Facilities removal shall be subject to applicable requirements of State and local laws respecting permits and other authorizations, to the extent the requirements are not in conflict with Federal law, including the Secretarial determination and the detailed plan (including the schedule) for facilities removal authorized under this Act.

(C) LIMITATIONS.—Subparagraph (B) shall not affect—

(i) the authorities of the States regarding concurrence with the Secretarial determination in accordance with State law; or

(ii) the authority of a State public utility commission regarding funding of facilities removal.

(D) ACCEPTANCE OF TITLE TO FACILITIES.—The Dam Removal Entity is authorized to accept from PacifiCorp all rights, titles, permits, and other interests in the facilities and associated land, for facilities removal and for disposition of facility land (as provided in section 7.6.4 of the Hydroelectric Settlement) upon the Dam Removal Entity providing notice that the Dam Removal Entity is ready to commence facilities removal in accordance with section 7.4.1 of the Hydroelectric Settlement.

(E) CONTINUED POWER GENERATION.—

(i) IN GENERAL.—In accordance with an agreement negotiated under clause (ii), on transfer of title pursuant to subparagraph (D) and until the Dam Removal Entity instructs PacifiCorp to cease the generation of power, PacifiCorp may, consistent with State law—

(I) continue generating and retaining title to any power generated by the facilities in accordance with section 7 of the Hydroelectric Settlement; and

(II) continue to transmit and use the power for the benefit of the customers of PacifiCorp under the jurisdiction of applicable State public utility commissions and the Commission.

(ii) AGREEMENT WITH DAM REMOVAL ENTITY.—Before transfer of title pursuant to subparagraph (D), the Dam Removal Entity shall enter into an agreement with PacifiCorp that provides for continued generation of power in accordance with clause (i).

(b) JURISDICTION.—The United States district courts shall have original jurisdiction over all claims regarding the consistency of State and local laws regarding permits and other authorizations, and of State and local actions pursuant to those laws, with the Secretarial determination and the detailed plan (including the schedule) for facilities removal authorized under this title.

(c) NO PRIVATE RIGHT OF ACTION.—

(1) IN GENERAL.—Nothing in this title confers on any person or entity not a party to the Hydroelectric Settlement a private right of action or claim for relief to interpret or enforce this title or the Hydroelectric Settlement.

(2) OTHER LAW.—This subsection does not alter or curtail any right of action or claim for relief under any other applicable law.

SEC. 204. TRANSFER OF KENO DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall accept the transfer of title in the Keno Development to the United States in accordance with section 7.5 of the Hydroelectric Settlement.

(b) EFFECT OF TRANSFER.—On the transfer and without further action by Congress—

(1) the Keno Development shall—

(A) become part of the Klamath Reclamation Project; and

(B) be operated and maintained in accordance with Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.) and this Act; and

(2) Commission jurisdiction over the Keno Development shall terminate.

SEC. 205. LIABILITY PROTECTION.

(a) PACIFICORP.—Notwithstanding any other Federal, State, local, or other law (including common law), PacifiCorp shall not be liable for any harm to persons, property, or the environment, or damages resulting from either facilities removal or facility operation, arising from, relating to, or triggered by actions associated with facilities removal, including but not limited to any damage caused by the release of any material or substance, including but not limited to hazardous substances.

(b) FUNDING.—Notwithstanding any other Federal, State, local, or other law, no person or entity contributing funds for facilities removal pursuant to the Hydroelectric Settlement shall be held liable, solely by virtue of that funding, for any harm to persons, property, or the environment, or damages arising from either facilities removal or facility operation, arising from, relating to, or triggered by actions associated with facilities removal, including any damage caused by the release of any material or substance, including hazardous substances.

(c) PREEMPTION.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding section 10(c) of the Federal Power Act (16 U.S.C. 803(c)), protection from liability under this section preempts the laws of any State to the extent the laws are inconsistent with this title.

(2) OTHER PROVISIONS OF LAW.—This title does not limit any otherwise available immunity, privilege, or defense under any other provision of law.

(d) APPLICATION.—Liability protection under this section shall apply to any particular facility beginning on the date of transfer of title to that facility from PacifiCorp to the Dam Removal Entity.

SEC. 206. LICENSES.

(a) ANNUAL LICENSES.—

(1) IN GENERAL.—The Commission shall issue annual licenses authorizing PacifiCorp to continue to operate the facilities until PacifiCorp transfers title to all of the facilities.

(2) TERMINATION.—The annual licenses shall terminate with respect to a facility on transfer of title for such facility from PacifiCorp to the Dam Removal Entity.

(3) STAGED REMOVAL.—

(A) IN GENERAL.—On transfer of title of any facility by PacifiCorp to the Dam Removal Entity, annual license conditions shall no longer be in effect with respect to such facility.

(B) NONTRANSFER OF TITLE.—Annual license conditions shall remain in effect with respect to any facility for which PacifiCorp has not transferred title to the Dam Removal Entity to the extent compliance with the annual license conditions are not prevented by the removal of any other facility.

(b) JURISDICTION.—The jurisdiction of the Commission under part I of the Federal Power Act (16 U.S.C. 791a et seq.) shall terminate with respect to a facility on the transfer of title for the facility from PacifiCorp to the Dam Removal Entity.

(c) RELICENSING.—

(1) IN GENERAL.—The Commission shall—

(A) stay the proceeding of the Commission on the pending license application of PacifiCorp for Project No. 2082 as long as the Hydroelectric Settlement remains in effect; and

(B) resume the proceeding and proceed to take final action on the new license application only if the Hydroelectric Settlement terminates pursuant to section 8.11 of the Hydroelectric Settlement.

(2) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), if the Hydroelectric Settlement is terminated, the Secretarial determination under section 202(a) and findings of fact contained in the Secretarial determination shall not be admissible or otherwise relied on in the proceedings of the Commission on the new license application.

(B) LIMITATIONS.—If the Hydroelectric Settlement is terminated, the Commission, in proceedings on the new license application, shall not be bound by the record, findings, or determination of the Secretary under this section.

(d) EAST SIDE AND WEST SIDE DEVELOPMENTS.—On filing by PacifiCorp of an application for surrender of the East Side and West Side Developments in Project No. 2082, the Commission shall issue an order approving partial surrender of the license for Project No. 2082, including any reasonable and appropriate conditions, as provided in section 6.4.1 of the Hydroelectric Settlement.

(e) FALL CREEK.—Notwithstanding subsection (b), not later than 60 days after the date of the transfer of the Iron Gate Facility to the Dam Removal Entity, the Commission shall resume timely consideration of the pending licensing application for the Fall Creek development pursuant to the Federal Power Act (16 U.S.C. 791a et seq.), regardless of whether PacifiCorp retains ownership of Fall Creek or transfers ownership to a new licensee.

(f) IRON GATE HATCHERY.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801), the PacifiCorp Hatchery Facilities within the State of California shall be transferred to the State of California at the time of transfer to the dam removal entity of the Iron Gate Hydro Development or such other time agreed by the Parties to the Hydroelectric Settlement.

(g) TRANSFERS OF FACILITIES.—Notwithstanding section 8 of the Federal Power Act (16 U.S.C. 801), the transfer of PacifiCorp facilities to a non-Federal dam removal entity consistent with the Hydroelectric Settlement and this title is authorized.

SEC. 207. MISCELLANEOUS.

(a) WATER RIGHTS.—Except as specifically provided in this title and the Hydroelectric Settlement, nothing in this title or the Hydroelectric Settlement shall create or determine water rights or affect water rights or water right claims in existence on the date of enactment of this Act..

(b) TRIBAL RIGHTS.—Nothing in this title affect the rights of any Indian tribe secured by treaty, Executive order, or other law of the United States.

(c) RELATIONSHIP TO OTHER FEDERAL LAWS.—Nothing in this title amends, supersedes, modifies or otherwise affects—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(2) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(3) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), except to the extent section 203 of this Act requires a permit under section 404 of that Act (33 U.S.C. 1344) notwithstanding section 404(r) of that Act (33 U.S.C. 1344(r)).

By Mr. BURR (for himself, Mr. HARKIN, Mr. ENZI, Mr. CASEY, Ms. MIKULSKI, Mr. ALEXANDER, Mr. LIEBERMAN, Ms. COLLINS, Mrs. HAGAN, and Mr. ROBERTS):

S. 1855. A bill to amend the Public Health Service Act to reauthorize various programs under the Pandemic and All-Hazards Preparedness Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. BURR. Mr. President, I rise today to highlight the introduction of important bipartisan legislation to reauthorize the Pandemic and All-Hazards Preparedness Act of 2006 and the BioShield Special Reserve Fund. I am pleased to be joined by my colleagues, Senators HARKIN, ENZI, and CASEY. I thank them for their efforts and leadership on this important legislation. It

is clear that my colleagues share my dedication to strengthening and enhancing our Nation's ability to be prepared for and respond to all hazards that may confront us.

As we introduce legislation to strengthen and improve our Nation's medical and public health preparedness and response programs, it is appropriate to reflect on the progress we have made to date, the seriousness of the threats facing our Nation, and the work that remains to be done if we are going to be prepared to respond to the full range of threats, whether naturally occurring, like an influenza pandemic, or a deliberate bioterrorism attack.

During the 109th Congress, I chaired the Subcommittee on Bioterrorism and Public Health Preparedness. Building on the lessons learned from Hurricane Katrina and September 11, Congress took a hard look at how we could better prepare and respond to public health and medical emergencies. The Subcommittee held multiple public hearings, roundtables, and meetings, and Congress received significant input from public health officials, medical experts, emergency managers, biotechnology companies, and stakeholders from across our nation. These actions culminated with the passage of the Pandemic and All-Hazards Preparedness Act of 2006.

Through the Pandemic and All-Hazards Preparedness Act, Congress empowered the Department of Health and Human Services with the tools it needs to protect the American people more effectively and efficiently in response to a public health emergency. This law established the Office of the Assistant Secretary for Preparedness and Response, or ASPR, to unify the Department's preparedness and response programs and mission and answer the critical question of ''who is in charge?'' when it comes to medical and public health preparedness and response. Since its inception, ASPR has carried out significant preparedness and response planning and coordinated response efforts with federal, State, and local public health partners.

The Pandemic and All-Hazards Preparedness Act of 2006 also established the Biomedical Advanced Research and Development Authority, or BARDA, to speed up the development of countermeasures—such as vaccines or treatments—to protect Americans against a potential chemical, biological, radiological, or nuclear terrorist attack, or other public health emergency, such as a pandemic influenza. PAHPA also gave BARDA the ability to make milestone based payments through the BioShield Special Reserve Fund—a $5.6 billion medical countermeasure procurement fund established by Congress in 2004 to provide assurances of the federal government's commitment to purchasing medical countermeasures if companies embarked on years long development of these life-saving products. Even without full funding, BARDA has been able to identify promising countermeasures and support the critical advanced research and development necessary for making these products available to the American people. Thanks to BARDA and the investment we have made over the last few years, our nation was much better positioned to quickly respond to the H1N1 pandemic influenza two years ago.

I am very proud to have authored this important bipartisan law five years ago and I am proud to have again joined with Senators HARKIN, ENZI, and CASEY in a bipartisan manner to tackle the serious challenges that remain in ensuring our nation is prepared to respond to all-hazards. In recent weeks, Congress has been reminded of the urgency of our work in this area. Last month, the WMD Center published a comprehensive Bio-response Report Card evaluating our nation's preparedness against potential bioterror attacks. This report noted that while we have made progress, the U.S. Government received ''Ds'' and ''Fs'' in certain areas associated with responding to large-scale biological attacks that terrorists like Al- Qaida or others may seek to perpetuate against us. This report and recent analysis by the Government Accountability Office calling for improvements to our nation's medical countermeasure programs are a serious wake-up call that cannot go unaddressed. The American people expect the President and Congress to do all we can to prevent an attack, and in the event of an attack, be prepared to respond in order to save lives. When it comes to protecting the American people, failing grades are unacceptable.

Our work on this important legislation has been guided by sound principles. First and foremost any improvements to existing programs and authorities must be targeted and strategic and based on the lessons we have learned over the past five years, including the H1H1 pandemic and disasters at home and abroad. We must ensure the continuity of critical medical and public health preparedness authorities and programs, including the BioShield Special Reserve Fund. Given the significant fiscal challenges facing our nation, we must also ensure that we are maximizing the taxpayer resources supporting this critical preparedness mission, as well as ensuring appropriate transparency and accountability for these resources and programs. Finally, we must ensure a robust medical countermeasure enterprise, from the research bench to the points where patients receive care, including by ensuring that the U.S. Food and Drug Administration's regulatory tools and pathways reflect modern-day threats.

The Pandemic and All-Hazards Preparedness Act Reauthorization of 2011 would strengthen and enhance our nation's medical and public health preparedness and response programs and go a long way in addressing many of the short-comings and concerns raised by GAO and the WMD Center, as well as other stakeholders. Our legislation provides the ASPR with enhanced policy oversight and coordination of medical and public health preparedness and response programs to further unify our response in the event of a public health emergency. Our legislation also ensures an appropriate emphasis on chemical, radiological, biological, and nuclear threats as part of an all-hazards approach to our National Health Security Strategy. Our legislation ensures that an emphasis on strategic initiatives to advance medical countermeasures and community resiliency are incorporated into the National Preparedness Goals, as well as the importance of considering the unique needs and considerations for individuals at-risk in the event of a public health emergency.

Our legislation would reauthorize the National Disaster Medical System, the volunteer Medical Reserve Corps, the Emergency System for Advance Registration of Volunteer Health Professionals, the Public Health Emergency Preparedness and Hospital Preparedness Cooperative Agreement Programs, and the Strategic National Stockpile. Targeted flexibility under our bill will help our State and local partners optimize community resiliency at the local level. By reauthorizing the BioShield Special Reserve Fund, our bill sends the clear signal that the U.S. Government remains committed to purchasing medical countermeasures.

The critical role that FDA plays in our medical countermeasure enterprise has become clear over the past five years and our legislation strengthens this enterprise by making targeted improvements to FDA's role in this important endeavor. For example, our bill allows the Secretary to make medical countermeasures under review by the FDA available in limited circumstances based on either a declared emergency or an identified threat, and requires the material threat posed by the agent of agents for which a product under review is intended is considered when reviewing medical countermeasures for approval, clearance, or licensure. We will stretch taxpayer dollars even further by allowing FDA to extend the shelf life of products stockpiled in the Strategic National Stockpile. Our legislation also charges FDA with promoting medical countermeasure expertise and developing regulatory science tools to advance the review, approval, clearance, and licensure of these products. By enhancing the scientific exchange between FDA and medical countermeasure stakeholders, FDA will not only be identifying problems, but an active partner in solving them to ensure our nation has the medical countermeasures necessary to protect the American people. Medical and public health preparedness and response programs, including the availability of medical countermeasures, are a matter of national security and our bill will ensure the appropriate, senior-level national security focus on these issues.

In addition to reauthorizing PAHPA, I am pleased to also introduce the Medical Surge Capacity Act, critical legislation that I hope we can include in the final version of PAHPA reauthorization. I thank Senators HARKIN, ENZI, and CASEY for working with me on this important bipartisan legislation that makes strategic improvements to current law to enable the Secretary of Health and Human Services to target and issue waivers under Section 1135 of the Social Security Act in as timely a manner as possible based on the circumstances of an emergency. This legislation authorizes HHS to implement waivers as soon as either a public health or national emergency is declared, and enables the Secretary to institute 1135 waivers in ''host areas'' outside of a declared disaster area, but into which patients are being evacuated to receive care.

I look forward to continuing to work with my colleagues in Congress and the administration to do the important work of reauthorizing PAHPA and BioShield in order to ensure our nation is as prepared as possible in the event of the unthinkable, whether natural, or man-made.

Mr. HARKIN. Mr. President, today it gives me great pleasure to introduce the Pandemic and All-Hazards Preparedness Act Reauthorization of 2011—also known as the PAHPA Reauthorization of 2011—with a bipartisan group of Senators that includes Senators BURR, CASEY, ENZI, MIKULSKI, ALEXANDER, HAGAN, COLLINS, LIEBERMAN, and ROBERTS. This reauthorization builds on a record of bipartisan cooperation to strengthen our ability to respond to and prepare for medical and public health emergencies over the past decade.

Based on lessons learned since the original PAHPA legislation was signed into law in 2006, this reauthorization continues to support the progress made by the Federal Government and its State and local partners to protect its citizens during public health and medical emergencies. It also proposes a number of targeted changes that will improve our ability to address a variety of threats to the public health of our Nation.

Such threats are diverse in origin and include exposure to chemical, biological, radiological, or nuclear agents. Sometimes these threats occur naturally—the 2009 H1N1 pandemic influenza, for example—or they can be the result of malicious intent—such as the deliberate release of anthrax in 2001. A recent and very challenging example is the radiation leak that occurred at the nuclear plant damaged by Japan's massive earthquake.

It is not just known threats that place the health and well-being of Americans at risk; there are just as many emerging or unknown threats against which protection is critical. Because the impact of these threats could be catastrophic, it is imperative that we continue to strengthen our Nation's ability to adequately prepare for a public health emergency.

Building our Nation's response capacity requires close collaboration among Federal, State and local governments; hospitals and health care providers; businesses; schools; indeed, all Americans. I have long taken the Federal Government's role in being prepared for a public health emergency public health preparedness as it is calledvery seriously.

We have made tremendous progress in preparedness during the last decade, but this reauthorization provides additional flexibility to State and local governments to more efficiently use Federal resources in preparing for public health emergencies. For example, this bill reauthorizes the Public Health Emergency Preparedness Cooperative Grant Program, which provides critical resources to State and local public health agencies, and streamlines requirements making it easier for them to meet program requirements and target resources.

Our ability to be prepared for a public health emergency also depends on the advanced development and procurement of medical countermeasures. These are the vaccines, therapies, and diagnostics needed to prevent or respond to a bioterrorism event or other public health emergency. In an effort to ensure that we have the appropriate medical countermeasures, we need to continue to support innovative research into promising new products and ensure that products are readily available during a time of emergency. We also need to address the scientific challenges of identifying safe and effective medical countermeasures when human trials are not available or ethical.

This bill addresses a number of these concerns and provides greater certainty for biotech companies that operate in this space and continues to build on partnerships between the private sector and the Federal Government to ensure that we have the appropriate medical countermeasures to prepare for or respond to a public health emergency.

Underlying all of our preparedness activities is the issue of how we ensure that our most vulnerable citizens will be protected should disaster strike. We know that many populations—including individuals with disabilities, seniors, and children—may have unique needs that we have the responsibility to address during a public health emergency. In the past, when faced with catastrophic events, we have too often seen such needs go unmet. Now we must use lessons learned to ensure more efficient, effective, and equitable responses in the future.

Something that I am especially proud of is that the PAHPA Reauthorization of 2011 requires that these individuals are an integrated part of our preparedness efforts. This means that we continue to address the unique needs of at-risk populations—such providing information in a way that it is understandable to all Americans, including those with cognitive limitations—and plan for these unique needs when it comes to drafting preparedness plans and conducting preparedness drills and exercises. This bill truly focuses on addressing the need of our most vulnerable citizens by considering them as critical part of our overall preparedness planning—not as an afterthought.

This bill represents a true bipartisan effort and had the support of a number of important stakeholders. For example, we have already received the endorsements of the Alliance for Biosecurity, American Academy of Pediatrics, and the American Dental Association. In the coming days and weeks, we expect many more endorsements. Because the bill is so critical to our ability to prepare for and respond to public health and medical emergencies, I urge my colleagues to support this bill.

By Mr. AKAKA:

S. 1859. A bill to provide that section 3330a, 3330b, and 3330c of title 5, United States Code, relating to administrative and judicial redress and remedies for preference eligibles, shall apply with respect to the Federal Aviation Administration and the Transportation Security Administration; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation that will provide certain of our Nation's veterans with the ability to enforce their statutorily protected veterans' preference rights in the Federal Government.

The Veterans' Preference Act, which became law in 1944, was intended to provide a preference in hiring in the Executive Branch to returning servicemembers who acquired valuable skills during their service in the Second World War. Before signing this legislation into law, President Franklin D. Roosevelt referred to the great responsibility our Nation owes its veterans:

> I believe that the Federal Government, functioning in its capacity as an employer, should take the lead in assuring those who are in the armed forces, that when they return, special consideration will be given to them in their efforts to obtain employment. It is absolutely impossible to take millions of our young men out of their normal pursuits for the purpose of fighting to preserve the Nation, and then expect them to resume their normal activities without having any special consideration shown them.

By 1998, it had become clear that providing veterans with a preference in hiring was an effective way to attract and retain qualified veterans in government service. However, it was apparent that veterans needed a mechanism to enforce their veterans' preference rights where an agency was not applying the law as Congress intended. Recognizing this need, Congress enacted the Veterans Employment Opportunities Act, which created a mechanism

for preference eligible veterans to appeal violations of their veterans' preference rights to the Department of Labor, the Merit Systems Protection Board, and Federal court. The Veterans Employment Opportunities Act also extended veterans' preference rights to reductions in force in the Federal Government.

It has come to my attention that, unfortunately, not all of our veterans have the ability to enforce their rights under the Veterans Employment Opportunities Act. Last year, in a case called Morse v. Merit Systems Protection Board, the United States Court of Appeals for the Federal Circuit ruled that preference eligible applicants and employees at the Federal Aviation Administration and the Transportation Security Administration are not covered by the Veterans Employment Opportunities Act, and thus do not have the same appeal rights as most other applicants and employees in the Federal Government. The court's ruling is puzzling because applicants and employees at both of these Federal agencies have veterans' preference rights under current Federal law, but it may reflect a drafting error in the Veterans Employment Opportunities Act. At a time when thousands of our servicemembers are returning home and seeking employment in the Federal Government, we must correct this unacceptable result.

Recently, our country observed the 10th anniversary of the tragic attacks of September 11, 2001. Since that horrific day, more than 5 million Americans have served in our military, with more than 2 million Americans serving in warzones. As these servicemembers return home, we must be mindful of our sacred commitment to assist those who serve our country and later seek employment in the Federal Government. Specifically, we must ensure that all of our federal agencies are honoring the sacrifice made by servicemembers and their families by complying with veterans' preference laws.

Accordingly, I am introducing legislation to correct the problem recently brought to light by the Morse decision by providing preference-eligible applicants and employees at the Federal Aviation Administration and the Transportation Security Administration with rights under the Veterans Employment Opportunities Act. I look forward to working with my colleagues to pass this important legislation, and more fully honoring the commitment of our Nation's veterans.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATIVE AND JUDICIAL REDRESS AND REMEDIES FOR PREFERENCE ELIGIBLES.

Section 3330a of title 5, United States Code, is amended by adding at the end the following:

''(f) For purposes of this section and sections 3330b and 3330c, the Federal Aviation Administration and the Transportation Security Administration are agencies. This section and sections 3330b and 3330c shall apply to any individual who is a preference eligible with respect to the Federal Aviation Administration and the Transportation Security Administration.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 320—DESIGNATING NOVEMBER 26, 2011, AS ''SMALL BUSINESS SATURDAY'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESSES

Ms. LANDRIEU (for herself, Ms. SNOWE, Mr. KERRY, Mr. BROWN of Massachusetts, Mrs. HAGAN, Ms. AYOTTE, Ms. CANTWELL, Mr. ENZI, Mr. CARDIN, Mr. RISCH, Mr. PRYOR, Mrs. SHAHEEN, Mr. LIEBERMAN, Mr. CARPER, Mr. UDALL of New Mexico, Mr. MERKLEY, Mrs. BOXER, Mr. WYDEN, Mr. TESTER, Mr. BEGICH, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. WEBB, Ms. STABENOW, Mr. BOOZMAN, Mr. BARRASSO, Mr. LUGAR, Mr. ALEXANDER, Ms. COLLINS, Mr. KIRK, Ms. MURKOWSKI, Mr. ROBERTS, and Mr. HOEVEN) submitted the following resolution; which was considered and agreed to:

S. RES. 320

Whereas small businesses represent 99.7 percent of all businesses having employees (commonly referred to as ''employer firms'') in the United States;

Whereas small businesses employ ½ of the employees in the private sector in the United States;

Whereas small businesses pay 44 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses are responsible for more than 50 percent of the private, nonfarm product of the gross domestic product;

Whereas small businesses generated 65 percent of net new jobs during the last 17 years;

Whereas small businesses generate 60 to 80 percent of all new jobs annually;

Whereas small businesses focus on 2 key strategies: deepening relationships with customers and creating value for customers;

Whereas, for every $100 spent with locally owned, independent stores, $68 returns to the community through local taxes, payroll, and other expenditures;

Whereas 92 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 93 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue;

Whereas 91 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed;

Whereas 99 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

Whereas 90 percent of consumers in the United States are willing to pledge support for a ''buy local'' movement: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 26, 2011, as ''Small Business Saturday''; and

(2) supports efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

SENATE RESOLUTION 321—COMMEMORATING THE 50TH ANNIVERSARY OF THE FEDERAL EXECUTIVE BOARDS

Mr. AKAKA (for himself, Mr. INOUYE, Mr. LEVIN, and Mr. BROWN of Massachusetts) submitted the following resolution; which was considered and agreed to:

S. RES. 321

Whereas the Federal Executive Boards were established through a presidential directive signed by President John F. Kennedy in 1961;

Whereas, the Federal Executive Boards increase effectiveness and economy of Federal agencies through coordination of local approaches to national programs and shared management needs;

Whereas, the Federal Executive Boards serve over 780,000 Federal civilian employees in 28 locations across the Nation;

Whereas, the Federal Executive Boards provide a forum for the exchange of information between Washington, D.C. and agencies in the field about programs, management methods, and administrative issues;

Whereas, the Federal Executive Boards improve the continuity of Government operations by facilitating planning and coordination among local Federal agencies;

Whereas, the Federal Executive Boards increase the efficiency of Federal spending through cost-avoidance on coordinated training and alternative dispute resolution programs;

Whereas, the Federal Executive Boards serve as the Federal point of contact for intergovernmental collaboration and community outreach in their locales;

Whereas commemorating the 50th anniversary of the Federal Executive Boards will recognize members and staff of Federal Executive Boards for their unyielding dedication and commitment to public service, as well as the Federal agencies whose support over the years has helped Federal Executive Boards provide Federal employees with low-cost training, emergency preparedness plans, and performance recognition through interagency awards events: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 50th anniversary of the Federal Executive Boards;

(2) commends the Federal Executive Boards for their unyielding dedication to the Federal community;

(3) encourages Federal leaders to continue support of, and participation in, activities of the Federal Executive Boards; and

(4) urges the people of the United States to observe the 50th anniversary of Federal Executive Boards with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 930. Ms. KLOBUCHAR submitted an amendment intended to be proposed to

amendment SA 927 proposed by Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table.

SA 931. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 932. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 933. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 934. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 935. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 936. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 937. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 938. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 939. Mr. BARRASSO (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 940. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNS, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. THUNE, Mr. BLUNT, and Mr. HELLER)) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 941. Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

SA 942. Ms. CANTWELL (for Mr. WICKER) proposed an amendment to the bill S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

SA 943. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table.

SA 944. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 930. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 927 proposed by Mr. REID (for Mr. TESTER (for himself, Mrs. MURRAY, Mr. BAUCUS, Ms. STABENOW, Mr. BROWN of Ohio, Mr. REID, Mr. AKAKA, Ms. CANTWELL, Mr. LEAHY, Mr. CASEY, Mr. COONS, Mr. MENENDEZ, Mr. KERRY, Mr. LAUTENBERG, Mr. MERKLEY, Mr. SANDERS, Mrs. SHAHEEN, Mr. BENNET, Mr. WEBB, Mr. BEGICH, Ms. LANDRIEU, Mr. SCHUMER, and Mr. BROWN of Massachusetts)) to the bill H.R. 674, to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GRANTS FOR EMERGENCY MEDICAL SERVICES PERSONNEL TRAINING FOR VETERANS.

Section 330J(c)(8) of the Public Health Service Act (42 U.S.C. 254c–15(c)(8)) is amended by inserting before the period the following: '', including, as provided by the Secretary, may use funds to provide to military veterans required coursework and training that take into account, and are not duplicative of, previous medical coursework and training received when such veterans were active members of the Armed Forces, to enable such veterans to satisfy emergency medical services personnel certification requirements, as determined by the appropriate State regulatory entity''.

SA 931. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Internal Revenue Service to implement, enforce, or otherwise administer the medical device tax under section 4191 of the Internal Revenue Code of 1986.

SA 932. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Internal Revenue Service to implement, enforce, or otherwise administer the Federal employer mandate under sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (Public Law 111–148) (and the amendments made by such sections and subsections).

SA 933. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 19 and 20, insert the following:

SEC. ____. None of the funds made available by this Act may be used by the Internal Revenue Service to implement, enforce, or otherwise administer the Federal employer mandate under sections 1513 and 1514 and subsections (e), (f), and (g) of section 10106 of the Patient Protection and Affordable Care Act (Public Law 111–148) (and the amendments made by such sections and subsections) without first receiving certification from the Bureau of Labor Statistics, in consultation with the Office of Management and Budget and the Chief Actuary of the Centers for Medicare and Medicaid Services, that this mandate will not lead to a decrease in private sector employment or wages.

SA 934. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 479, strike line 17 and all that follows through line 15 on page 480, and insert the following:

PROHIBITION

SEC. ____. None of the funds appropriated or otherwise made available by this Act for population planning activities or other population assistance may be made available to any foreign nongovernmental organization that promotes or performs abortion, except in cases of rape or incest or when the life of the mother would be endangered if the fetus were carried to term.

SA 935. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. _____. None of the funds appropriated or otherwise made available under this Act may be used on or after the date of enactment of this Act for performance-based compensation for senior executives at the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation (referred to collectively in this section as the ''agencies'') during any period of conservatorship for the agencies, unless such compensation is based solely on—

(1) the achievement of a reduction in the exposure of the taxpayer to mortgage credit loss; and

(2) the reduction of mortgage credit exposure of the agencies.

SA 936. Mr. CORKER submitted an amendment intended to be proposed by

him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

None of the funds appropriated or otherwise made available under this Act may be used to implement or otherwise carry out any provision of section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262) with respect to an issuer of securities having total market capitalization for the relevant reporting period of less than $500,000,000, or an issuer of securities having total market capitalization for the relevant reporting period of greater than $500,000,000 but less than $1,000,000,000 that has opted out of complying with section 404(b) by consent of its shareholders by majority vote.

SA 937. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 494, between lines 3 and 4, insert the following:

SEC. 8004. (a) REPEAL OF CLASS PROGRAM.—Title XXXII of the Public Health Service Act (42 U.S.C. 300ll et seq.; relating to the CLASS program) is repealed.

(b) CONFORMING CHANGES.—

(1) Title VIII of the Patient Protection and Affordable Care Act (Public Law 111–148; 124 Stat. 119, 846–847) is repealed.

(2) Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking paragraphs (81) and (82);

(B) in paragraph (80), by inserting ''and'' at the end; and

(C) by redesignating paragraph (83) as paragraph (81).

(3) Paragraphs (2) and (3) of section 6021(d) of the Deficit Reduction Act of 2005 (42 U.S.C. 1396p note) are amended to read as such paragraphs were in effect on the day before the date of the enactment of section 8002(d) of the Patient Protection and Affordable Care Act (Public Law 111–148). Of the funds appropriated by paragraph (3) of such section 6021(d), as amended by the Patient Protection and Affordable Care Act, the unobligated balance is rescinded.

SA 938. Mr. MORAN submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 481, after line 21, insert the following:

SEC. 7088. None of the amounts appropriated or otherwise made available by this division shall be obligated or expended to negotiate a United Nations Arms Trade Treaty that in any way restricts the rights of United States citizens under the second amendment to the Constitution of the United States, or that otherwise regulates domestic manufacture, assembly, possession, use, transfer, or purchase of firearms, ammunition, or related items, including small arms, light weapons, or related materials.

SA 939. Mr. BARRASSO (for himself and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, between lines 18 and 19, insert the following:

SEC. 1____. None of the funds made available by this or any other Act making funds available for energy and water development may be used by the Corps of Engineers to develop, adopt, implement, administer, or enforce a change or supplement to the rule entitled ''Final Rule for Regulatory Programs of the Corps of Engineers'' (51 Fed. Reg. 41206 (November 13, 1986)) (as in effect on the date of enactment of this Act), or to the guidance documents entitled ''Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of 'Waters of the United States''' (68 Fed. Reg. 1991 (January 15, 2003)), and ''Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in 'Rapanos v. United States & Carabell v. United States''' (December 2, 2008) (as in effect on that date of enactment), relating to the definition of waters under the jurisdiction of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

SA 940. Mr. MCCONNELL (for Mr. MCCAIN (for himself, Mr. ROCKEFELLER, Mr. JOHANNS, Mr. BARRASSO, Mr. ENZI, Ms. MURKOWSKI, Mrs. MCCASKILL, Mr. BEGICH, Mr. COBURN, Mr. THUNE, Mr. BLUNT, and Mr. HELLER)) submitted an amendment intended to be proposed by Mr. MCCONNELL to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

In title I of Division B, insert after section 117 the following:

Sec. 118. Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to pay compensation for senior executives at the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation in the form of bonuses, during any period of conservatorship for those entities on or after the date of enactment of this Act.

SA 941. Mr. UDALL of New Mexico (for himself, Mr. HELLER, Mr. BINGAMAN, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII of division B, add the following:

SEC. 746. (a) AMENDMENTS TO THE AVIATION SMUGGLING PROVISIONS OF THE TARIFF ACT OF 1930.—Section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

''(g) DEFINITION OF AIRCRAFT.—As used in this section, the term 'aircraft' includes an ultralight vehicle, as defined by the Administrator of the Federal Aviation Administration.''.

(b) CRIMINAL PENALTIES.—Subsection (d) of section 590 of the Tariff Act of 1930 (19 U.S.C. 1590(d)) is amended in the matter preceding paragraph (1) by inserting '', or attempts or conspires to commit,'' after ''commits''.

(c) EFFECTIVE DATE.—The amendments made by this section apply with respect to violations of any provision of section 590 of the Tariff Act of 1930 on or after the 30th day after the date of the enactment of this Act.

SA 942. Ms. CANTWELL (for Mr. WICKER) proposed an amendment to the bill S. 363, to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes; as follows:

Beginning on page 4, strike line 6, after ''able'', through line 11 and insert the following: ''to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration.''.

SA 943. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, the amount of offsetting collections authorized for salaries and expenses for the Federal Communications Commission shall not exceed $319,004,000.

SA 944. Mr. HELLER submitted an amendment intended to be proposed by him to the bill H.R. 2354, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2012, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE _____NO BUDGET, NO PAY ACT

SEC. 01. SHORT TITLE.

This title may be cited as the ''No Budget, No Pay Act''.

SEC. 02. DEFINITION.

In this title, the term ''Member of Congress''—

(1) has the meaning given under section 2106 of title 5, United States Code; and

(2) does not include the Vice President.

SEC. 03. TIMELY APPROVAL OF CONCURRENT RESOLUTION ON THE BUDGET.

If both Houses of Congress have not approved a concurrent resolution on the budget as described under section 301 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 632) for a fiscal year before October 1 of that fiscal year, the pay of each Member of Congress may not be paid for each day following that October 1 until the date on which both Houses of Congress approve a concurrent resolution on the budget for that fiscal year.

SEC. 04. NO PAY WITHOUT CONCURRENT RESOLUTION ON THE BUDGET.

(a) IN GENERAL.—Notwithstanding any other provision of law, no funds may be appropriated or otherwise be made available from the United States Treasury for the pay of any Member of Congress during any period determined by the Chairperson of the Committee on the Budget of the Senate or the

Chairperson of the Committee on the Budget of the House of Representatives under section 05.

(b) NO RETROACTIVE PAY.—A Member of Congress may not receive pay for any period determined by the Chairperson of the Committee on the Budget of the Senate or the Chairperson of the Committee on the Budget of the House of Representatives under section 05, at any time after the end of that period.

SEC. 05. DETERMINATIONS.

(a) SENATE.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Secretary of the Senate shall submit a request to the Chairperson of the Committee on the Budget of the Senate for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the Senate shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraphs (A) and (B) upon the request of the Secretary of the Senate.

(b) HOUSE OF REPRESENTATIVES.—

(1) REQUEST FOR CERTIFICATIONS.—On October 1 of each year, the Chief Administrative Officer of the House of Representatives shall submit a request to the Chairperson of the Committee on the Budget of the House of Representatives for certification of determinations made under paragraph (2) (A) and (B).

(2) DETERMINATIONS.—The Chairperson of the Committee on the Budget of the House of Representatives shall—

(A) on October 1 of each year, make a determination of whether Congress is in compliance with section 04 and whether Senators may not be paid under that section; and

(B) determine the period of days following each October 1 that Senators may not be paid under section 04; and

(C) provide timely certification of the determinations under subparagraph (A) and (B) upon the request of the Chief Administrative Officer of the House of Representatives.

SEC. 06. EFFECTIVE DATE.

This title shall take effect on February 1, 2013.

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, November 17, 2011, at 10 a.m. in SD–430 to conduct a hearing entitled ''The Americans with Disabilities Act and Accessible Transportation: Challenges and Opportunities.''

For further information regarding this hearing, please contact Andrew Imparato of the committee staff on (202) 228–3453.

AUTHORITY FOR COMMITTEES TO MEET

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 November 10, 2011, at 10 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 10, 2011, at 10 a.m., to conduct a hearing entitled ''Opportunities and Challenges for Economic Development in Indian Country.''

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 November 10, 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 November 10, 2011, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Unemployment Insurance: The Path Back to Work.''

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 ''Improving Quality, Lowering Costs: The Role of Health Care Delivery System Reform'' on November 10, 2011, at 1:30 p.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 10, 2011, at 2:15 p.m., in room 628 of the 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 November 10, 2011, at 10:00 a.m., in SH–216 of the Hart Senate Office Building, to conduct an executive business meeting.

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 November 10, 2011 at 3:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Caroline Tess, a State Department detailee in my office, be granted the privilege of the floor for the remainder of this Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, and 492, and all nominations on the Secretary's desk in the Air Force, Army, and Navy; that the nominations be confirmed en bloc; that the motions to reconsider be made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; that any 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.

The nominations, considered and confirmed, are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be Brigadier General

Col. Giovanni K. Tuck

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Robin Rand

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brig. Gen. Everett H. Thomas

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Ronnie D. Hawkins, Jr.

The following Air National Guard of the United States officer for appointment in the

Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

To be Brigadier General

Col. Judy M. Griego

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. John W. Hesterman, III

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be Brigadier General

Col. David C. Coburn

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Joseph E. Martz

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brigadier General Ralph O. Baker
Brigadier General Allen W. Batschelet
Brigadier General Heidi V. Brown
Brigadier General John A. Davis
Brigadier General Patrick J. Donahue, II
Brigadier General Robert S. Ferrell
Brigadier General Stephen G. Fogarty
Brigadier General Charles W. Hooper
Brigadier General Paul J. LaCamera
Brigadier General Sean B. MacFarland
Brigadier General Kevin W. Mangum
Brigadier General Roger F. Mathews
Brigadier General Austin S. Miller
Brigadier General Camille M. Nichols
Brigadier General John R. O'Connor
Brigadier General Gustave F. Perna
Brigadier General Warren E. Phipps, Jr.
Brigadier General Gregg C. Potter
Brigadier General Nancy Lee S. Price
Brigadier General Jefforey A. Smith
Brigadier General Jeffrey J. Snow
Brigadier General Kenneth E. Tovo
Brigadier General Stephen J. Townsend
Brigadier General Thomas S. Vandal
Brigadier General Mark W. Yenter

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Lieutenant General

Maj. Gen. Peter M. Vangjel

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be Major General

Brig. Gen. Gill P. Beck

The following named officer for appointment as the Vice Chief of Staff of the Army and appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 3034:

To be General

Gen. Lloyd J. Austin, III

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be Major General

Brig. Gen. Janet L. Cobb

The following named officer for reappointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C. section 601:

To be Lieutenant General

Lt. Gen. William B. Caldwell, IV

The following named officer for appointment as the Director, Army National Guard and for appointment to the grade indicated in the Reserve of the Army under title 10, U.S.C., sections 10506 and 601:

To be Lieutenant General

Maj. Gen. William E. Ingram, Jr.

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be Major General

Brig. Gen. Raymond A. Thomas, III

The following named officer for appointment to the grade indicated in the Army's Veterinary Corps under title 10, U.S.C., sections 3064 and 3084:

To be Brigadier General

Col. John L. Poppe

IN THE NAVY

The following named officer for appointment as Chief of the Bureau of Medicine and Surgery and Surgeon General and for appointment to the grade indicated under title 10, U.S.C., sections 601 and 5137:

To be Vice Admiral

Rear Adm. Matthew L. Nathan

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) Earl L. Gay

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Vice Admiral

Rear Adm. Timothy M. Giardina.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be Vice Admiral

Rear Admiral William D. French

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN520 AIR FORCE nominations (2642) beginning MICHAEL W. AAMOLD, and ending JEFFREY T. ZURICK, which nominations were received by the Senate and appeared in the Congressional Record of May 9, 2011.

PN792 AIR FORCE nominations (1121) beginning JESSE ACEVEDO, and ending JESSE B. ZYDALLIS, which nominations were received by the Senate and appeared in the Congressional Record of July 20, 2011.

PN1057 AIR FORCE nominations (2) beginning DAVID S. CHOI, and ending MUHANNAD KASSAWAT, which nominations were received by the Senate and appeared in the Congressional Record of October 18, 2011.

PN1092 AIR FORCE nominations (27) beginning KRISTINE M. AUTORINO, and ending JASON S. WRACHFORD, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1095 AIR FORCE nominations (15) beginning MICHAEL J. APOL, and ending DAWN M. K. ZOLDI, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

IN THE ARMY

PN995 ARMY nomination of Kari L. Crawford, which was received by the Senate and appeared in the Congressional Record of September 26, 2011.

PN1014 ARMY nomination of Kent T. Critchlow, which was received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1015 ARMY nominations (18) beginning CARLETON W. BIRCH, and ending JERRY M. WOODBERY, which nominations were received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1027 ARMY nominations (2) beginning SCOTT D. STEWART, and ending SUSUMU UCHIYAMA, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1028 ARMY nominations (3) beginning RALPH M. CRUM, and ending JAMES E. LOWERY, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1029 ARMY nomination of Amanda E. Harrington, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1030 ARMY nomination of Ramon M. Angelucci, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1031 ARMY nomination of Charles S. Moore, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1032 ARMY nomination of Steven Gandia, which was received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1033 ARMY nominations (2) beginning ADAM R. LIEBERMAN, and ending KENNETH J. ZENKER, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1034 ARMY nominations (2) beginning BRONSON B. WHITE, and ending MICHAEL K. DONEY, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1043 ARMY nominations (5) beginning GARY R. ALLEN, and ending ORAN L. ROBERTS, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1044 ARMY nominations (17) beginning PATRICK A. BARNETT, and ending JEFFREY P. VAN, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1058 ARMY nomination of Russel E. Perry, which was received by the Senate and appeared in the Congressional Record of October 18, 2011.

PN1075 ARMY nominations (3) beginning SHERRY L. GRAHAM, and ending NOREEN A. MURPHY, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1076 ARMY nominations (3) beginning JONATHAN H. JAFFIN, and ending CHARLES E. MCQUEEN, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1077 ARMY nominations (5) beginning JOHN P. GERBER, and ending GREGORY A. WEAVER, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1078 ARMY nominations (22) beginning LLOYNETTA H. ARTIS, and ending EDWARD E. YACKEL, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1079 ARMY nominations (31) beginning MARK R. BAGGETT, and ending JAMES E. TUTEN, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1080 ARMY nominations (25) beginning SUSAN K. ARNOLD, and ending RANDOLPH

SWANSIGER, which nominations were received by the Senate and appeared in the Congressional Record of October 31, 2011.

PN1098 ARMY nomination of Serafina Sauia, which was received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1099 ARMY nominations (2) beginning TERRY L. CLARK, and ending DARRON T. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1100 ARMY nominations (3) beginning DAVID BUTLER, and ending TIMOTHY W. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1101 ARMY nominations (3) beginning RANDALL D. ISOM, and ending MICHAEL A. MITCHELL, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

PN1102 ARMY nominations (5) beginning JOSEPH C. BARKER, and ending JAMES W. RING, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2011.

IN THE NAVY

PN996 NAVY nomination of Paul E. Ware, which was received by the Senate and appeared in the Congressional Record of September 26, 2011.

PN997 NAVY nomination of Stephen A. Tankersley, which was received by the Senate and appeared in the Congressional Record of September 26, 2011.

PN1016 NAVY nomination of William B. Carter, which was received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1017 NAVY nomination of Judith A. Ciesla, which was received by the Senate and appeared in the Congressional Record of October 5, 2011.

PN1035 NAVY nominations (2) beginning Ben D. Ramaley, and ending Bernhard Zunkeler, which nominations were received by the Senate and appeared in the Congressional Record of October 11, 2011.

PN1045 NAVY nomination of David S. Fuchs, Jr., which was received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1046 NAVY nominations (3) beginning DANIEL J. TRAUB, and ending WILLIAM N. SOLOMON, which nominations were received by the Senate and appeared in the Congressional Record of October 12, 2011.

PN1103 NAVY nomination of Matthew J. Powers, which was received by the Senate and appeared in the Congressional Record of November 1, 2011.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Ms. CANTWELL. Mr. President, I ask unanimous consent that on Tuesday, November 15, 2011, at 11 a.m., the Senate proceed to executive session to consider the following nominations: Calendar No. 354 and Calendar No. 355; 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 without intervening action or debate on the nominations in the order listed; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any statements related to the nominations be printed in the Record; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

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

AUTHORIZING CONVEYANCE OF NOAA PROPERTY TO CITY OF PASCAGOULA, MISSISSIPPI

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 226, S. 363.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 363) to authorize the Secretary of Commerce to convey property of the National Oceanic and Atmospheric Administration to the City of Pascagoula, Mississippi, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Wicker amendment at the desk be agreed to; the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

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

The amendment (No. 942) was agreed to, as follows:

Beginning on page 4, strike line 6, after ''able'', through line 11 and insert the following: ''to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration.''.

The bill (S. 363), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCHANGE OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PROPERTY IN PASCAGOULA, MISSISSIPPI.

(a) IN GENERAL.—Notwithstanding any other provision of law, if the Secretary of Commerce determines that it is in the best interest of the National Oceanic and Atmospheric Administration and the Federal Government to do so, the Secretary may convey to the City of Pascagoula, Mississippi, by standard quitclaim deed, real property consisting of parcels, or portions of parcels, under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere, including land and improvements thereon, within a tract roughly bounded by—

(1) Delmas Avenue to the south;

(2) Pascagoula River to the west;

(3) Pol Street to the north; and

(4) real property owned by the City of Pascagoula to the east.

(b) CONSIDERATION.—

(1) IN GENERAL.—For a conveyance under subsection (a), the Secretary shall require that the United States receive consideration of not less than the fair market value of the property or rights conveyed.

(2) FORM.—Consideration under this subsection may include any combination of—

(A) property (either real or personal), including tracts of real property and buildings, owned by the City of Pascagoula, that are located in such city south of Delmas Avenue, as well as a contiguous portion of the street known as Delmas Avenue adjacent to real property under the administrative jurisdiction of the Under Secretary for Oceans and Atmosphere;

(B) cash or cash equivalents; and

(C) consideration in-kind, including—

(i) provision of space, goods, or services of benefit, including construction, repair, remodeling, or other physical improvements;

(ii) maintenance of property;

(iii) provision of office, storage, or other useable space; or

(iv) relocation services associated with conveyance of property under this section.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine fair market value for purposes of paragraph (1) based on a highest- and best-use appraisal of the properties conveyed under subsection (a) conducted in conformance with the Uniform Appraisal Standards for Professional Appraisal Practice.

(c) USE OF PROCEEDS.—Any amounts received under subsection (b)(2)(A) by the United States as proceeds of any conveyance under this section shall be available to the Secretary, subject to appropriation, for activities related to the operations of, or capital improvements to, property of the Administration.

(d) ADDITIONAL TERMS AND CONDITIONS.—

(1) IN GENERAL.—The Secretary may require such additional terms and conditions with the exchange of property by the United States under subsection (a) as the Secretary considers appropriate to protect the interest of the United States.

(2) EASEMENTS OR RIGHTS OF WAY.—The Secretary may grant or convey to the City of Pascagoula a right of way or easement if the Secretary determines such grant or conveyance is in the best interest of the Administration and the Federal Government.

AMENDING THE IMMIGRATION AND NATIONALITY ACT

Ms. CANTWELL. I ask unanimous consent that the Judiciary Committee be discharged from the further consideration of H.R. 398, and the Senate proceed to its consideration.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 398) to amend the Immigration and Nationality Act to toll, during active-duty service abroad in the Armed Forces, the periods of time to file a petition and appear for an interview to remove the conditional basis for permanent resident status, and for other purposes.

Ms. CANTWELL. I ask unanimous consent that the bill be read a third time and the Senate now proceed to a vote on the passage of the bill.

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

The question is on third reading and passage of the bill.

The bill (H.R. 398) was read the third time and passed.

Ms. CANTWELL. Mr. President, I ask unanimous consent the motion to reconsider be laid on the table, with no

intervening action or debate, and any statements related to the bill be placed in the RECORD at the appropriate place as if read.

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

SMALL BUSINESS SATURDAY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 320 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 320) designating November 26, 2011, as ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 320) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 320

Whereas small businesses represent 99.7 percent of all businesses having employees (commonly referred to as ''employer firms'') in the United States;

Whereas small businesses employ ½ of the employees in the private sector in the United States;

Whereas small businesses pay 44 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses are responsible for more than 50 percent of the private, nonfarm product of the gross domestic product;

Whereas small businesses generated 65 percent of net new jobs during the last 17 years;

Whereas small businesses generate 60 to 80 percent of all new jobs annually;

Whereas small businesses focus on 2 key strategies: deepening relationships with customers and creating value for customers;

Whereas, for every $100 spent with locally owned, independent stores, $68 returns to the community through local taxes, payroll, and other expenditures;

Whereas 92 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 93 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue;

Whereas 91 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed;

Whereas 99 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

Whereas 90 percent of consumers in the United States are willing to pledge support for a ''buy local'' movement: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 26, 2011, as ''Small Business Saturday''; and

(2) supports efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

COMMEMORATING THE 50TH ANNIVERSARY OF THE FEDERAL EXECUTIVE BOARDS

Ms. CANTWELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 321, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 321) commemorating the 50th anniversary of the Federal Executive Boards.

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, today I rise in support of a resolution commemorating the 50th anniversary of the Federal Executive Boards.

Federal Executive Boards were established on November 10, 1961, by President John F. Kennedy through a presidential directive to strengthen the coordination of government activities outside of Washington, DC. Today, there are 28 Federal Executive Boards across the country, where more than 80 percent of all Federal employees work.

Federal Executive Boards have improved the efficiency of Federal government activities and leveraged resources. According to the Federal Executive Board Annual Report, in Fiscal Year 2010, Federal Executive Boards saved the Federal government an estimated total of nearly $33 million. Federal Executive Boards coordinated Alternative Dispute Resolution services by providing mediators to agencies at low or no cost, which saved the Federal government more than $25.2 million. Furthermore, Federal Executive Boards provided training to more than 28,000 employees and saved the Federal government $7.7 million in training costs by providing instructors and conference space to deliver group training sessions, which reduced travel and lodging expenditures.

As we commemorate this anniversary, it is fitting to recognize the contributions of Federal Executive Boards on our communities nationwide. Federal Executive Boards supported and raised more than $78 million in Fiscal Year 2010 for the Combined Federal Campaign, the largest workplace charity campaign, supporting 20,000 nonprofit, charitable organizations that provide health and human service benefits in the United States and around the world. Last year, Federal Executive Boards supported the government-wide initiative Feds Feed Families food drive and collected over 65,000 pounds of food. Additionally, Federal Executive Boards volunteer in their communities to mentor students and contribute to holiday toy, blood, and clothing drives.

Federal Executive Boards have also played an important role in emergency support. During the collapse of the I–35W Bridge in Minneapolis in August 2007 and the massive flooding in the southeastern area of the state just two weeks later, the Minnesota Federal Executive Board passed critical information from local and state sources to more than 100 Federal agencies to provide status updates of recovery operations and potential workforce impacts. Following the 1995 bombing of the Alfred P. Murrah Federal Building in Oklahoma, the Oklahoma Federal Executive Board brought together officials to discuss how Federal Executive Boards can best support first responders during an emergency.

During Hurricane Katrina, the Executive Director of the New Orleans Federal Executive Board coordinated with the Office of Personnel Management and the Federal Emergency Management Agency to obtain and disseminate guidance, as well as communicate issues of concern from Federal agencies in the area. In addition, Federal Executive Boards initiated several activities to prepare Federal employees for a pandemic. For instance, a number of Federal Executive Boards held pandemic influenza tabletop exercises, which included nonprofit organizations, the private sector, and other levels of government.

Federal Executive Boards are vital to confronting today's challenges and helping agencies meet their workforce needs and missions. They are uniquely positioned to bring together the Federal family. Again, I want to say mahalo, thank you, to the Federal Executive Boards for their valuable work and congratulate them on their success on this 50th anniversary.

Ms. CANTWELL. Mr. President, I ask further that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 321) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 321

Whereas the Federal Executive Boards were established through a presidential directive signed by President John F. Kennedy in 1961;

Whereas, the Federal Executive Boards increase effectiveness and economy of Federal agencies through coordination of local approaches to national programs and shared management needs;

Whereas, the Federal Executive Boards serve over 780,000 Federal civilian employees in 28 locations across the Nation;

Whereas, the Federal Executive Boards provide a forum for the exchange of information between Washington, D.C. and agencies in the field about programs, management methods, and administrative issues;

Whereas, the Federal Executive Boards improve the continuity of Government operations by facilitating planning and coordination among local Federal agencies;

Whereas, the Federal Executive Boards increase the efficiency of Federal spending through cost-avoidance on coordinated training and alternative dispute resolution programs;

Whereas, the Federal Executive Boards serve as the Federal point of contact for intergovernmental collaboration and community outreach in their locales;

Whereas commemorating the 50th anniversary of the Federal Executive Boards will recognize members and staff of Federal Executive Boards for their unyielding dedication and commitment to public service, as well as the Federal agencies whose support over the years has helped Federal Executive Boards provide Federal employees with low-cost training, emergency preparedness plans, and performance recognition through interagency awards events: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 50th anniversary of the Federal Executive Boards;

(2) commends the Federal Executive Boards for their unyielding dedication to the Federal community;

(3) encourages Federal leaders to continue support of, and participation in, activities of the Federal Executive Boards; and

(4) urges the people of the United States to observe the 50th anniversary of Federal Executive Boards with appropriate ceremonies and activities.

ORDERS FOR MONDAY, NOVEMBER 14, 2011

Ms. CANTWELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, November 14, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, and that at 3 p.m. the Senate proceed to the consideration of H.R. 2354, the Energy and Water appropriations bill, for debate only.

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

PROGRAM

Ms. CANTWELL. There will be no rollcall votes on Monday. Senators should expect two votes at noon on Tuesday. Those votes will be the confirmation of the Gleason and Rogers nominations.

ADJOURNMENT UNTIL MONDAY, NOVEMBER 14, 2011, at 2 P.M.

Ms. CANTWELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 5:33 p.m., adjourned until Monday, November 14, 2011, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

RICHARD GARY TARANTO, OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE PAUL R. MICHEL, RETIRED.

GONZALO P. CURIEL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA, VICE THOMAS J. WHELAN, RETIRED.

JOHN Z. LEE, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE DAVID H. COAR, RETIRED.

GEORGE LEVI RUSSELL, III, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE PETER J. MESSITTE, RETIRED.

JOHN J. THARP, JR., OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE BLANCHE M. MANNING, RETIRED.

DEPARTMENT OF DEFENSE

WILLIAM B. POLLARD, III, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW. (NEW POSITION)

SCOTT L. SILLIMAN, OF NORTH CAROLINA, TO BE A JUDGE OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW. (NEW POSITION)

CONFIRMATIONS

Executive nominations confirmed by the Senate November 10, 2011:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. GIOVANNI K. TUCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBIN RAND

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. EVERETT H. THOMAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONNIE D. HAWKINS, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. JUDY M. GRIEGO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. HESTERMAN III

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID C. COBURN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH E. MARTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL RALPH O. BAKER
BRIGADIER GENERAL ALLEN W. BATSCHELET
BRIGADIER GENERAL HEIDI V. BROWN
BRIGADIER GENERAL JOHN A. DAVIS
BRIGADIER GENERAL PATRICK J. DONAHUE II
BRIGADIER GENERAL ROBERT S. FERRELL
BRIGADIER GENERAL STEPHEN G. FOGARTY
BRIGADIER GENERAL CHARLES W. HOOPER
BRIGADIER GENERAL PAUL J. LACAMERA
BRIGADIER GENERAL SEAN B. MACFARLAND
BRIGADIER GENERAL KEVIN W. MANGUM
BRIGADIER GENERAL ROGER F. MATHEWS
BRIGADIER GENERAL AUSTIN S. MILLER
BRIGADIER GENERAL CAMILLE M. NICHOLS
BRIGADIER GENERAL JOHN R. O'CONNOR
BRIGADIER GENERAL GUSTAVE F. PERNA
BRIGADIER GENERAL WARREN E. PHIPPS, JR.
BRIGADIER GENERAL GREGG C. POTTER
BRIGADIER GENERAL NANCY LEE S. PRICE
BRIGADIER GENERAL JEFFOREY A. SMITH
BRIGADIER GENERAL JEFFREY J. SNOW
BRIGADIER GENERAL KENNETH E. TOVO
BRIGADIER GENERAL STEPHEN J. TOWNSEND
BRIGADIER GENERAL THOMAS S. VANDAL
BRIGADIER GENERAL MARK W. YENTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PETER M. VANGJEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. GILL P. BECK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE ARMY AND APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

GEN. LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JANET L. COBB

THE FOLLOWING NAMED OFFICER FOR REAPPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM B. CALDWELL IV

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DIRECTOR, ARMY NATIONAL GUARD AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 10506 AND 601:

To be lieutenant general

MAJ. GEN. WILLIAM E. INGRAM, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. RAYMOND A. THOMAS III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE ARMY'S VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 3064 AND 3084:

To be brigadier general

COL. JOHN L. POPPE

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF THE BUREAU OF MEDICINE AND SURGERY AND SURGEON GENERAL AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5137:

To be vice admiral

REAR ADM. MATTHEW L. NATHAN

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) EARL L. GAY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY M. GIARDINA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM D. FRENCH

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL W. AAMOLD AND ENDING WITH JEFFREY T. ZURICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 9, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH JESSE ACEVEDO AND ENDING WITH JESSE B. ZYDALLIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 20, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID S. CHOI AND ENDING WITH MUHANNAD KASSAWAT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 18, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH KRISTINE M. AUTORINO AND ENDING WITH JASON S. WRACHFORD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL J. APOL AND ENDING WITH DAWN M. K. ZOLDI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

IN THE ARMY

ARMY NOMINATION OF KARI L. CRAWFORD, TO BE CAPTAIN.

ARMY NOMINATION OF KENT T. CRITCHLOW, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH CARLETON W. BIRCH AND ENDING WITH JERRY M. WOODBERY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 5, 2011.

ARMY NOMINATIONS BEGINNING WITH SCOTT D. STEWART AND ENDING WITH SUSUMU UCHIYAMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

ARMY NOMINATIONS BEGINNING WITH RALPH M. CRUM AND ENDING WITH JAMES E. LOWERY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

ARMY NOMINATION OF AMANDA E. HARRINGTON, TO BE MAJOR.

ARMY NOMINATION OF RAMON M. ANGELUCCI, TO BE MAJOR.

ARMY NOMINATION OF CHARLES S. MOORE, TO BE MAJOR.

ARMY NOMINATION OF STEVEN GANDIA, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ADAM R. LIEBERMAN AND ENDING WITH KENNETH J. ZENKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

ARMY NOMINATIONS BEGINNING WITH BRONSON B. WHITE AND ENDING WITH MICHAEL K. DONEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

ARMY NOMINATIONS BEGINNING WITH GARY R. ALLEN AND ENDING WITH ORAN L. ROBERTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2011.

ARMY NOMINATIONS BEGINNING WITH PATRICK A. BARNETT AND ENDING WITH JEFFREY P. VAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2011.

ARMY NOMINATION OF RUSSEL E. PERRY, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH SHERRY L. GRAHAM AND ENDING WITH NOREEN A. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATIONS BEGINNING WITH JONATHAN H. JAFFIN AND ENDING WITH CHARLES E. MCQUEEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATIONS BEGINNING WITH JOHN P. GERBER AND ENDING WITH GREGORY A. WEAVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATIONS BEGINNING WITH LLOYNETTA H. ARTIS AND ENDING WITH EDWARD E. YACKEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATIONS BEGINNING WITH MARK R. BAGGETT AND ENDING WITH JAMES E. TUTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATIONS BEGINNING WITH SUSAN K. ARNOLD AND ENDING WITH RANDOLPH SWANSIGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 31, 2011.

ARMY NOMINATION OF SERAFINA SAUIA, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH TERRY L. CLARK AND ENDING WITH DARRON T. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

ARMY NOMINATIONS BEGINNING WITH DAVID BUTLER AND ENDING WITH TIMOTHY W. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

ARMY NOMINATIONS BEGINNING WITH RANDALL D. ISOM AND ENDING WITH MICHAEL A. MITCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

ARMY NOMINATIONS BEGINNING WITH JOSEPH C. BARKER AND ENDING WITH JAMES W. RING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2011.

IN THE NAVY

NAVY NOMINATION OF PAUL E. WARE, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF STEPHEN A. TANKERSLEY, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF WILLIAM B. CARTER, TO BE CAPTAIN.

NAVY NOMINATION OF JUDITH A. CIESLA, TO BE COMMANDER.

NAVY NOMINATIONS BEGINNING WITH BEN D. RAMALEY AND ENDING WITH BERNHARD ZUNKELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 2011.

NAVY NOMINATION OF DAVID S. FUCHS, JR., TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH DANIEL J. TRAUB AND ENDING WITH WILLIAM N. SOLOMON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 12, 2011.

NAVY NOMINATION OF MATTHEW J. POWERS, TO BE LIEUTENANT COMMANDER.

WITHDRAWAL

Executive message transmitted by the President to the Senate on November 10, 2011 withdrawing from further Senate consideration the following nomination:

EDWARD CARROLL DUMONT, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FEDERAL CIRCUIT, VICE PAUL R. MICHEL, RETIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 5, 2011.